A Plea to Governor Healey

Governor Healey,

We are writing to express our grave concerns about how Massachusetts' interpretation of M.G.L. c. 40A, § 3, and related policies have left small rural communities vulnerable to industrial-scale energy development without adequate consideration of their infrastructure, finances, or emergency response capabilities.

In addition to failing to consider these criteria, State policies have left small towns powerless against large corporate interests. We would go so far as to call the current power imbalance predatory. State policy allows well-financed, profit-driven corporations to identify rural land for industrial energy development, negotiate favorable arrangements, and invoke state laws that sharply constrain a municipality's ability to challenge whether a project is appropriate for its community.

Developers have attorneys, engineers, consultants, and regulatory expertise. Towns like ours rely on volunteers, limited budgets, and residents trying to protect the places they call home.

This imbalance extends to financial compensation. Solar developers often negotiate Payments in Lieu of Taxes (PILOTs) with reference to property valuations and projected tax obligations. Western Massachusetts has historically had dramatically lower property values than many other parts of the Commonwealth. When those valuations influence negotiations, host communities receive relatively modest payments for industrial infrastructure.

Meanwhile, developers may benefit from tax incentives and subsidies that do not flow to the host communities. It is patently unjust that corporations can profit from developing our land, supported by taxpayer-funded incentives, while the communities bearing the greatest burdens see little to no reduction in their own energy costs. Residents bear visual impacts, environmental risks, and emergency response obligations without any guarantee of lower electricity rates or a meaningful share of project benefits. The costs of providing adequate firefighting capacity, water supplies, technical review, and emergency planning may far exceed the compensation offered. Rural communities shouldn't be forced to assume those burdens without proportionate benefits.

The Commonwealth has compounded this imbalance through legislation that provides developers with significant protection against local zoning restrictions. The solar provisions of the Dover Amendment, along with regulations adopted by various executive offices, allow private companies to challenge municipal decisions. Meanwhile, towns defending those decisions must contend with the potentially devastating costs of litigation. The result is a system in which the threat of a legal challenge can influence local decisions before a lawsuit is ever filed.

Massachusetts has not merely disadvantaged small towns in their dealings with large corporations; it has weakened their position so profoundly that many cannot even afford to defend their own interests. Meaningful local authority becomes nearly impossible to exercise when the cost exceeds what a small town can reasonably bear.

We do not believe every renewable energy developer acts in bad faith, nor do we oppose clean energy. But a framework that allows private corporations to capitalize on the financial and legal vulnerabilities of rural communities demands reform. The people of Franklin County should not have to choose between protecting their community and risking an expensive legal battle. We should not be expected to accept financial arrangements that fail to reflect the true responsibilities, costs, and risks of hosting industrial infrastructure. We should not be made to feel that the future of our town is something to be negotiated between a private developer and the Commonwealth with no meaningful input from our communities.

The Commonwealth should stand beside its municipalities, not create conditions that leave them vulnerable to corporate interests.

The accompanying letter outlines our concerns surrounding industrial solar proposals and the reforms we believe your administration must consider. We ask you to recognize that the issue is larger than one developer, one solar installation, or one small town. Ultimately, it is about whether Massachusetts intends to give its rural communities a meaningful voice in their own future, or to continue letting that future be determined by those with the greatest financial and legal resources.

Respectfully,



Chris Waldo
Conway Selectboard Chair

November 18, 2026

The Honorable Maura Healey
Governor of the Commonwealth of Massachusetts
Massachusetts State House
24 Beacon Street
Boston, MA 02133

Dear Governor Healey,

We are writing as concerned residents and Selectboard members of Conway, Massachusetts, regarding BlueWave Solar's proposed industrial-scale solar and battery energy storage project on Roaring Brook Road. The proposal illustrates a larger problem with Massachusetts' renewable energy policies: private developers largely select sites, while municipalities have limited authority and resources to determine whether those locations are appropriate or safe.

We support the Commonwealth's transition toward renewable energy. However, we strongly oppose a regulatory framework that allows corporate profitability to take precedence over environmental protection, public safety, responsible land use, and the rights of local communities. Your administration has described the new regulations' pre-filing requirements as a robust framework for community engagement. But engagement is not the same as empowerment. Allowing communities to voice their concerns while denying them meaningful authority to act on those concerns is not local control; it is merely the appearance of participation. This raises a fundamental question that deserves your administration's attention: Why are private developers, rather than comprehensive state planning and meaningful municipal input, deciding where large-scale energy infrastructure is placed?

Solar Siting Should Be Determined by Suitability, Not Profitability

Under the current system, developers identify properties based on landowner willingness, acquisition or leasing costs, proximity to electrical infrastructure, and anticipated financial returns. Often, these locations are forested land, farmland, or land in rural communities served by private wells and volunteer fire departments and personnel. Once a developer selects a site, local officials and residents are left to evaluate a proposal they had no meaningful role in identifying as reasonable. This is not comprehensive energy planning. It is a developer-driven process supported by state policy, resulting in the development of farmland and forested land in communities with private wells, volunteer fire departments, and limited infrastructure. The development of MILUS may establish a clearer vision for how Massachusetts should use and protect its land, but a vision without enforceable requirements does little to change developer behavior. As long as private companies remain free to select sites based primarily on cost, convenience, and profitability, statewide land-use priorities risk becoming little more than recommendations that developers can disregard when more profitable opportunities arise.

Forests and agricultural lands are frequently more economical to develop than rooftops, parking areas, brownfields, and previously disturbed sites. These landscapes provide essential environmental services, including carbon storage, wildlife habitat, stormwater absorption, erosion control, and aquifer protection for private wells and agricultural productivity.

The Massachusetts Department of Energy Resources' 2023 *Technical Potential of Solar in Massachusetts* study evaluated solar development suitability using environmental, agricultural, infrastructure, and topographical criteria. The Commonwealth has already invested in identifying the most appropriate locations for solar development; this information should be the starting point for a more meaningful requirement for determining where projects are approved and which receive state incentives. While the March 2026 Department of Energy Resources regulations and guidelines begin to address location suitability, they still fail to adequately address many vulnerabilities in rural communities. In addition, developers are choosing to permit these locations through the local special permit process rather than the statutory process for siting small-scale solar facilities to avoid the site suitability assessment.

Prioritize Land Already Dedicated to Infrastructure

If Massachusetts is serious about expanding renewable energy while protecting its forests, farmland, and rural communities, the Commonwealth should do more to use land already cleared or dedicated to infrastructure.

Consider the extensive network of electrical transmission corridors running throughout the Commonwealth. These rights-of-way are already maintained to keep trees and vegetation from interfering with power lines. We should be exploring opportunities to install solar panels in suitable portions of these corridors, allowing the land to serve two purposes: generating renewable electricity and maintaining the necessary clearance beneath existing power lines.

Similarly, Massachusetts has miles of state highways with wide, open medians and other maintained rights-of-way. These areas should be systematically evaluated for solar installations. Much of this land is already disturbed, regularly maintained, and unsuitable for residential or agricultural development.

Not every corridor or median is appropriate: electrical clearances, utility access, traffic safety, environmental conditions, and ongoing maintenance must be evaluated. But these practical constraints call for coordinated planning, not overlooking such sites entirely.

The most profitable location for a private developer should not take precedence over the most environmentally responsible location for the Commonwealth.

We urge the Commonwealth to work with utilities, MassDOT, and relevant agencies to inventory viable transmission corridors, highway rights-of-way, rooftops, parking areas, brownfields, and other previously disturbed sites. Incentives should favor suitable locations that make these locations financially attractive to developers. Proposals involving forests or agricultural land should clearly explain why less disruptive alternatives are not feasible. Renewable energy development should use our resources more intelligently, rather than simply seeking the cheapest available land. If we are going to transform Massachusetts' energy infrastructure, we should be doing so in a way that protects the natural resources and rural communities that make our Commonwealth worth preserving.

The Solar Provisions of Chapter 40A, Section 3 Create an Unacceptable Imbalance

The solar protections in M.G.L. c. 40A, § 3, limit municipalities' ability to prohibit or reasonably regulate solar energy systems, subject to protections for public health, safety, and welfare.

These provisions originated in 1985, when solar technology and its applications were vastly different from today's. At the time, solar energy was almost exclusively associated with small-scale residential applications, particularly solar hot water systems, rather than the sprawling commercial photovoltaic installations and battery storage facilities now being developed across the Commonwealth. Yet these provisions have been interpreted to extend substantial zoning protections to industrial-scale developments. The Commonwealth should reexamine whether applying this decades-old statute to modern industrial-scale solar development remains consistent with its original purpose.

Developers can invoke the statute to challenge local decisions, potentially forcing small communities to choose between accepting a contested project or defending their regulations through costly litigation.

The July 2026 Supreme Judicial Court decision in *Sunpin Energy Services, LLC v. Zoning Board of Appeals of Petersham* illustrates the problem. The Court reaffirmed the limitations on municipal authority and the need for specific, legally sufficient findings when denying solar projects.

A town may have legitimate concerns about forest preservation, agricultural land conversion, erosion, drinking water contamination, inadequate emergency response resources, and loss of rural character, yet still face major legal obstacles when attempting to enforce its locally adopted protections.

Massachusetts cannot claim to support local environmental stewardship, including water resources, while maintaining laws that prevent municipalities from protecting the very landscapes and resources they have worked to preserve.

The Dover Amendment should not function as a legal advantage for well-financed private developers at the expense of small towns.

We respectfully urge your administration to pursue legislative reforms that distinguish between reasonable protections for renewable energy and excessive restrictions on municipal land-use authority.

Conway's BlueWave Proposal Illustrates the Consequences

BlueWave's Roaring Brook Road project was originally proposed as a 4.99-megawatt solar installation with associated battery storage. The site is situated on agricultural land near residential properties with private wells, Conway's elementary school, and Route 116, a key roadway serving our town.

Conway's solar bylaw restricts installations on slopes of 15% or greater, averaged over 50 horizontal feet, while allowing limited waivers up to 18% based on site-specific conditions. BlueWave had sought such a waiver, raising questions about the effectiveness of locally adopted environmental protections when developers seek exceptions to accommodate their projects.

We recognize that the Planning Board must evaluate applications under existing law and appreciate the difficult work our local boards and committees undertake. Our concern is the legal and financial framework within which these decisions must be made. The town should not face disproportionate litigation risk for applying reasonable protections for residents, volunteer emergency responders, and natural resources.

Volunteer Emergency Response and Lack of Municipal Water Infrastructure

Conway's Fire Department is composed entirely of volunteers, many of whom work full-time jobs outside the community during the day and serve as town EMTs. Their service is invaluable, but daytime availability, staffing, response times, and the capacity to sustain a prolonged incident are genuine constraints.

A significant battery or inverter fire requires specialized equipment, hazardous materials support, air monitoring, substantial firefighting water supplies, and extended operations beyond what a small volunteer department can provide. Conway relies on private wells and

septic systems rather than a municipal water and sewer network; it has no conventional municipal hydrant system capable of supplying large, sustained flows at the proposed site.

An independent, site-specific assessment must establish the adequacy of water delivery, mutual aid, staffing, and specialized training. Training Conway's volunteers alone would not meet the needs of mutual-aid responders or ensure sufficient personnel and resources are available during a major incident without compromising coverage elsewhere to the other 26 communities in Franklin County.

The Elementary School Is Also Conway's Emergency Shelter

The proposed facility's proximity to Conway's elementary school is especially concerning because the school also serves as the town's designated emergency shelter. A serious incident involving smoke or hazardous emissions could affect school operations and potentially compromise access to the shelter. Route 116, a major route into and out of town, could also be affected by an emergency response or evacuation.

The likelihood of a serious incident must be considered alongside its potential consequences, including what happens if the school is already sheltering residents during a storm or power outage. A credible plan must identify alternative shelter arrangements, evacuation and shelter-in-place criteria, traffic management, and procedures for timely public notification.

Allowing a Battery Fire to Burn Is Not a Complete Emergency Plan

During project discussions, statements suggested allowing an affected battery unit to burn rather than extinguishing it directly. We recognize that a defensive strategy, including controlled burning of an affected unit while protecting nearby exposures, may be appropriate under some circumstances. But it is not, by itself, a complete plan for protecting nearby residents, responders, drinking water, or the school. It is a mitigating practice to avoid thermal runaway, not to extinguish a fire.

The recent solar inverter fire in Shutesbury has revealed an alarming flaw in the Commonwealth's regulatory framework. State intervention depends on proof of environmental contamination, yet municipalities lack the authority to enter a privately owned facility to conduct the testing needed to establish that proof. The result is a regulatory catch-22: without evidence of contamination, the state may not act, but without the authority to investigate, the municipality cannot obtain that evidence.

Massachusetts has focused so heavily on approving renewable energy facilities that it has neglected the equally important responsibility of overseeing them once they are operational. Permitting a facility should not end the Commonwealth's responsibility to protect public health, safety, and the environment.

Lithium iron phosphate batteries can undergo thermal runaway and release hazardous gases. Depending on the incident, battery or inverter failures may produce smoke and contaminants, potentially including hydrogen fluoride, carbon monoxide, and other decomposition products. If a fire continues to burn, wind and weather could carry those emissions toward the school, residences, and Route 116. Air quality would need to be monitored from the outset, particularly near the elementary school and nearby homes. Emergency responders would have to determine whether residents should shelter in place or evacuate. Travel on Route 116 could be affected and become hazardous.

Contaminated fire-suppression water and other incident runoff will flow through the stormwater management system directly into the surrounding surface water and groundwater, threatening soil and drinking water. Because residents depend on private wells, the developer should provide an independently reviewed analysis of drainage pathways, available containment capacity, monitoring protocols, remediation responsibilities, and financial assurance for potential well impacts, which could cost millions. These risks must be evaluated, not assumed away. It is unacceptable to suggest that allowing a battery fire to burn is a sufficient safety strategy without also explaining how the community will be protected from smoke, hazardous gases, runoff, and potential environmental contamination.

Conway's taxpayers and volunteer responders should not bear open-ended costs associated with emergency preparedness, a prolonged incident, environmental testing, or cleanup of a privately developed industrial facility.

Rural Communities Must Not Become the Path of Least Resistance

Conway and neighboring towns have spent generations preserving agricultural landscapes, natural resources, and rural character. These are community assets, not merely inexpensive sites for industrial infrastructure. Under the current system, rural towns can become particularly attractive to developers because they offer available land, relatively low development costs, and limited municipal resources to challenge complicated projects. Developers and participating landowners may receive substantial financial benefits, while neighboring residents and the broader community are left to manage the long-term consequences and costs not reflected in private agreements.

These concerns extend beyond solar development to battery storage facilities, data centers, and other large-scale infrastructure increasingly seeking locations in rural Massachusetts.

We do not believe our communities should become easy targets for corporations simply because they have land available and lack the financial resources to defend themselves against well-funded development interests.

We Ask Your Administration to Take Action

We respectfully request that your administration:

1. **Pursue legislative reform of the Dover Amendment's solar provisions** to restore meaningful municipal authority over the siting of large commercial solar and associated battery storage facilities, while maintaining reasonable opportunities for renewable energy development.
2. **Require meaningful consideration of the state's 2023 Technical Potential of Solar study** in renewable energy permitting and incentive decisions, including transparent explanations when developers select environmentally less suitable sites.
3. **Reform financial incentives** to prioritize rooftops, parking canopies, brownfields, previously disturbed land, and other environmentally preferable locations rather than rewarding development primarily because rural land is cheaper.
4. **Establish stronger statewide siting and safety standards for battery energy storage systems**, particularly near schools, residential neighborhoods, designated emergency shelters, and environmentally sensitive areas such as private drinking wells.
5. **Require independent emergency response capability assessments** before approving battery storage facilities in communities served by volunteer fire departments or lacking municipal water infrastructure. These assessments should evaluate staffing, response times, mutual-aid capabilities, water availability, specialized equipment, training requirements, and the feasibility of prolonged emergency operations.
6. **Require comprehensive air, soil, surface water, and groundwater risk assessments** for battery storage facilities, including plans for notice of any emergency event at the facility, hazardous gas monitoring, contaminated runoff containment or cleanup, environmental testing, and post-incident remediation.
7. **Protect designated emergency shelters** by requiring evaluations of whether proposed energy infrastructure could compromise a community's ability to shelter residents during an emergency, including consideration of alternative shelter arrangements.
8. **Allow towns to fully leverage assessment-consulting fees to the developer to provide municipalities with independent technical and legal resources**, so small towns are not at a disadvantage when reviewing applications from well-financed energy developers.
9. **Require developers to demonstrate and provide financial responsibility** for emergency preparedness, specialized firefighting resources, environmental remediation for private citizens, and long-term decommissioning, rather than transferring these potential costs to local taxpayers.
10. **Direct the appropriate state agencies to review BlueWave's Roaring Brook Road proposal**, with particular attention to Conway's volunteer fire department, lack of municipal firefighting water infrastructure, proximity to the elementary school and emergency shelter, and potential air and groundwater impacts.

Governor Healey, Massachusetts should not have to choose between achieving its climate goals and protecting its communities.

The Commonwealth's own research demonstrates that renewable energy development can be guided toward more appropriate locations. What is missing is a regulatory system that ensures environmental suitability, community safety, and local input are given appropriate weight rather than allowing private profitability to dominate siting decisions.

The central question is not whether Massachusetts should develop renewable energy. It is whether the Commonwealth will continue allowing private corporations to decide where that development occurs while local communities bear the consequences.

In Conway, the consequences of this imbalance are not abstract. We have an entirely volunteer fire department, no municipal water supply, homes dependent on private wells, and an elementary school that also serves as our emergency shelter. These are fundamental limitations that must be addressed before placing industrial-scale battery storage infrastructure in our community.

We urge your administration to reform the laws and policies that leave rural municipalities financially and legally disadvantaged when confronting well-funded developers. Our communities deserve more than the opportunity to react to projects already selected for us. We deserve a meaningful voice in determining what development is appropriate, where it belongs, and how our residents and natural resources will be protected.

We respectfully request a substantive response outlining whether your administration supports reforming the Dover Amendment's solar provisions and what steps it will take to ensure that renewable energy development is driven by environmental suitability, public safety, and the public interest rather than private financial gain.

Thank you for your time and consideration.

Respectfully,

Chris Waldo, Selectboard Chair
Erica Goleman, Selectboard Vice Chair
Elaine Campbell, Selectboard Member