



Town of Leicester PLANNING BOARD

3 Washburn Square
Leicester, Massachusetts, 01524-1333
Phone: 508-892-7007 Fax: 508-892-7070
www.leicesterma.org

PLANNING BOARD AGENDA

Wednesday, April 3, 2024, 7 PM
Meeting Room 3

- **New Business**
 - Recommendations to Board of Selectmen for appointments to the Master Plan Committee:
 - Dianna Proventure
 - Elizabeth Barrett
- **Administrative**
 - Approval of minutes from March 26, 2024
- **Town Planner Report/General Discussion**
 - HB-1 and mixed use warrant Article 21
 - Battery Energy Storage Systems (BESS) Bylaw warrant Article 22
- **Adjourn**

RECEIVED
2024 APR - 1 AM 10:46
TOWN CLERK'S OFFICE
LEICESTER, MASS.

**Note: Agenda times for items that are not public hearings may be taken out of order.*

“The listings of matters are those reasonably anticipated by the Chair 48 hours before said meeting, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

RECOMMENDATIONS TO BOARD OF
SELECTMEN FOR APPOINTMENTS TO
THE MASTER PLAN COMMITTEE



TOWN OF LEICESTER CITIZEN VOLUNTEER FORM

From time to time vacancies/resignations occur on various town boards and committees. Should you be interested in volunteering to serve the Town in any capacity, please complete this form. Information received will be made available to boards, committees, and departments for their reference in filling vacancies.

NAME: Danina Povercher HOME TEL. _____

ADDRESS: _____ WORK TEL. _____

EMAIL ADDRESS: _____

Are you a citizen? ☒ Yes ☐ No Are you a registered voter? ☒ Yes ☐ No

- | | |
|---|--|
| <input type="checkbox"/> Advisory/Finance Committee | <input type="checkbox"/> Economic Development Committee |
| <input type="checkbox"/> Agricultural Commission | <input type="checkbox"/> Historical Commission |
| <input type="checkbox"/> Arts Council | <input type="checkbox"/> Memorial Day Committee |
| <input type="checkbox"/> Bandstand Committee | <input type="checkbox"/> Parks and Recreation Committee |
| <input type="checkbox"/> Burncoat Park Planning Committee | <input type="checkbox"/> Recycling Committee |
| <input type="checkbox"/> Bylaw Committee | <input type="checkbox"/> Road Conversion Committee |
| <input type="checkbox"/> Capital Improvement Planning Comm. | <input type="checkbox"/> Stormwater Committee |
| <input type="checkbox"/> Commission on Disabilities | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Conservation Commission | <input checked="" type="checkbox"/> Other <u>MASTER PLAN</u> |

AVAILABILITY FOR MEETINGS

How many times per month are you available for meetings?

☐ Four ☐ Two ☐ One ☐ Less than one

Are you available for evening meetings?

☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday

Are you available throughout the year for committee meetings?

☐ Yes ☐ No

If not, when are you **NOT** available?

☐ Winter ☐ Spring ☐ Summer ☐ Autumn

EDUCATION: _____

(Please complete reverse side)

EMPLOYMENT EXPERIENCE:

Town of Leicester: Are you currently or have you ever been employed by the Town? ☐ Yes ☐ No

If yes, state position(s) and date(s): _____

Other Experience: Start with present or last job (include title) and military service assignments.
Exclude organizations' names which indicate race, religion, sex, or national origin.

COMMENTS: Please tell us why you are interested in serving on the committees noted and any additional comments you may have: _____

Sometimes there is a short-term need for special background skills.

Please indicate your field(s) of training or experience below, as appropriate. Your application will be added to the list of residents who have expressed an interest in serving in similar capacities.

I possess the following training or experience:

- | | | |
|---|--|---|
| <input type="checkbox"/> Architecture | <input type="checkbox"/> Communications | <input type="checkbox"/> Computer Technology |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Economics | <input type="checkbox"/> Education |
| <input type="checkbox"/> Engineering, Civil | <input type="checkbox"/> Engineering, Electronic | <input type="checkbox"/> Engineering, Mechanical |
| <input type="checkbox"/> Financial Administration | <input type="checkbox"/> Fine Arts | <input type="checkbox"/> Government Contracts |
| <input type="checkbox"/> Health Care | <input type="checkbox"/> Historic Activities | <input type="checkbox"/> Human Services |
| <input type="checkbox"/> Insurance | <input type="checkbox"/> Land Use Planning | <input type="checkbox"/> Grant Writing |
| <input type="checkbox"/> Law | <input type="checkbox"/> Management | <input type="checkbox"/> Personnel Administration |
| <input type="checkbox"/> Property Appraisal | <input type="checkbox"/> Public Relations | <input type="checkbox"/> Real Estate |
| <input type="checkbox"/> Science | <input type="checkbox"/> Statistics | <input type="checkbox"/> Survey Research |
| <input type="checkbox"/> Systems Analysis | <input type="checkbox"/> Transportation | |

Other Skills & Interests: _____

Government or Community Volunteer Experience (Leicester or Elsewhere)

Position/Activity

Date(s)

City or Town

_____	_____	_____
_____	_____	_____
_____	_____	_____



Signature of Applicant



Date

Thank you for your interest in serving the Town of Leicester



TOWN OF LEICESTER CITIZEN VOLUNTEER FORM

From time to time vacancies/resignations occur on various town boards and committees. Should you be interested in volunteering to serve the Town in any capacity, please complete this form. Information received will be made available to boards, committees, and departments for their reference in filling vacancies.

NAME Elizabeth Barrett HOME TEL. [REDACTED]

ADDRESS: 405 Pine St WORK TEL.

Leicester MA

EMAIL ADDRESS: [REDACTED]

Are you a citizen? ☒ Yes ☐ No Are you a registered voter? ☒ Yes ☐ No

- | | |
|--|--|
| <input type="checkbox"/> Advisory/Finance Committee | <input type="checkbox"/> Economic Development Committee |
| <input type="checkbox"/> Agricultural Commission | <input type="checkbox"/> Historical Commission |
| <input checked="" type="checkbox"/> Arts Council | <input type="checkbox"/> Memorial Day Committee |
| <input type="checkbox"/> Bandstand Committee | <input checked="" type="checkbox"/> Parks and Recreation Committee |
| <input type="checkbox"/> Burncoat Park Planning Committee | <input type="checkbox"/> Recycling Committee |
| <input type="checkbox"/> Bylaw Committee | <input type="checkbox"/> Road Conversion Committee |
| <input type="checkbox"/> Capital Improvement Planning Comm. | <input type="checkbox"/> Stormwater Committee |
| <input checked="" type="checkbox"/> Commission on Disabilities | <input type="checkbox"/> Zoning Board of Appeals |
| <input checked="" type="checkbox"/> Conservation Commission | <input checked="" type="checkbox"/> Other <u>master plan</u> |

AVAILABILITY FOR MEETINGS

How many times per month are you available for meetings?
☐ Four ☒ Two ☐ One ☐ Less than one

Are you available for evening meetings?
☐ Monday ☐ Tuesday ☒ Wednesday ☒ Thursday

Are you available throughout the year for committee meetings?
☒ Yes ☐ No

If not, when are you **NOT** available?
☐ Winter ☐ Spring ☐ Summer ☐ Autumn

EDUCATION: Bachelors of science in Nursing (RN) 2015
associates of general studies (mostly science) 2013

(Please complete reverse side)

EMPLOYMENT EXPERIENCE:

Town of Leicester: Are you currently or have you ever been employed by the Town? ☐ Yes ☒ No

If yes, state position(s) and date(s): _____

Other Experience: Start with present or last job (include title) and military service assignments.

Exclude organizations' names which indicate race, religion, sex, or national origin.

RN @ Charles River Center 2022-present working with adults w/disabilities
RN @ Overlook Homecare 2021-2022 Case Manager
RN @ Advocate (ABI Manager) 2020-2021
RN @ WCI 2017-2021 Case Manager / interim DOW

COMMENTS: Please tell us why you are interested in serving on the committees noted and any

additional comments you may have: I want to be more involved in my community and help progress the town into the future generations

Sometimes there is a short-term need for special background skills.


Please indicate your field(s) of training or experience below, as appropriate. Your application will be added to the list of residents who have expressed an interest in serving in similar capacities.

I possess the following training or experience:

- | | | |
|---|--|--|
| <input type="checkbox"/> Architecture | <input type="checkbox"/> Communications | <input type="checkbox"/> Computer Technology |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Economics | <input type="checkbox"/> Education |
| <input type="checkbox"/> Engineering, Civil | <input type="checkbox"/> Engineering, Electronic | <input type="checkbox"/> Engineering, Mechanical |
| <input type="checkbox"/> Financial Administration | <input type="checkbox"/> Fine Arts | <input type="checkbox"/> Government Contracts |
| <input checked="" type="checkbox"/> Health Care | <input type="checkbox"/> Historic Activities | <input checked="" type="checkbox"/> Human Services |
| <input type="checkbox"/> Insurance | <input type="checkbox"/> Land Use Planning | <input type="checkbox"/> Grant Writing |
| <input type="checkbox"/> Law | <input checked="" type="checkbox"/> Management | <input type="checkbox"/> Personnel Administration |
| <input type="checkbox"/> Property Appraisal | <input type="checkbox"/> Public Relations | <input type="checkbox"/> Real Estate |
| <input type="checkbox"/> Science | <input type="checkbox"/> Statistics | <input type="checkbox"/> Survey Research |
| <input type="checkbox"/> Systems Analysis | <input type="checkbox"/> Transportation | |

Other Skills & Interests: hiking, nature/conservation

Government or Community Volunteer Experience (Leicester or Elsewhere)

Position/Activity	Date(s)	City or Town
<u>Community Service Chair</u>	<u>2022-present</u>	<u>soccer supporters group for New England Revolution</u>
		
Signature of Applicant		<u>3/30/24</u> Date

Thank you for your interest in serving the Town of Leicester

MINUTES

Leicester Planning Board Meeting Minutes March 26, 2024

Location: Leicester Town Hall, Meeting Room 3

Member Present: Joshua Campbell, James Reinke, Sharon Nist, Lee Dykas, Chris Clark (Alternate)

Members Absent: Anthony Escobar

Staff Members Present: Kristen Jacobsen, Town Planner, Lisa Westwell, Administrative Assistant to the Planning Department

Members of the Public in Attendance: See attached Sign-In Sheet

Call to Order: Chairman Campbell called the meeting to order at 7:04 PM

Request for Modification of Site Plan – SPR2023-10-MOD

1621 Main St. (Starbucks). Map 18A, Parcel 13. Zone: HB-1. To allow the reconfiguration of the drive-through and exit lane on-site and traffic signal access all at the request of MassDOT.

Mr. Thomas Reidy, Esq. was present for the project. Mr. Reidy said they went to MassDOT with the plan the Planning Board approved and MassDOT required them to make amendments to the plan. The changes include moving the queue line back at that traffic light and to make sure that the entrance is right turn only and not go left into the parking field. This is to prevent queuing into the right of way and the exit has been pulled further back to avoid conflicts with the adjacent property that is being redeveloped. Mr. Reidy is asking for Planning Board approval of these changes to send back to MassDOT. He said if they sent back the same plan, MassDOT won't approve it but if they send the revised plan, MassDOT will approve it.

Mr. Reidy described the changes:

- The arrow showing left and right now only shows right
- The other arrows showing left and right have been eliminated
- In order to get the queue length, there is a new divider
- There was in and out areas but that has been pushed back so they can only go one way
- Parking spaces were added behind the drive-thru lane because they lost 2 when they had to revise the plan

Ms. Nist asked if they enter the drive-thru they can go through drive-thru or go all the way around and exit, and if they want to go in, they have to go through the traffic light and go in and to exit they have to go around the building. Mr. Reidy said yes that's correct.

Mr. Reinke said MassDOT really limited Starbucks on east bound traffic and Mr. Reidy said yes, but the geometry at the entrance hasn't changed. Ms. Nist asked if someone comes west and goes through the drive-thru, they have to merge into the line. Mr. Reidy said yes but queue length has not changed and is still 13 cars lengths. Ms. Nist asked Mr. Reidy to remind her where the order window is located and he showed her on the plan. Mr. Reinke confirmed that the additional waste units were added.

Motion: Motion to approve request for application to modify the site plan for SPR2023-01-Mod for 1621 Main Street, Starbucks, Map 18A, Parcel 1, Zone HB-1 zone.

Second: Ms. Nist

Discussion: Ms. Nist asked for clarification on the entrance to getting into Starbucks from the west and whether drivers would be able to get to the other parcel and Mr. Reidy said yes. Mr. Reinke asked about crosswalks on Route 9 and Mr. Reidy said yes there will be a crosswalk over to Walmart.

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Absent
Lee Dykas	Aye
Four (4) in Favor. None (0) Opposed. One (1) Absent Approved 4 to 0	

Mr. Reinke asked Mr. Hussein Yatem when they might open. Mr. Yatem said things are moving quickly and they have a tenant for the third pad and hopes to have the plans submitted soon. Mr. Reinke asked if they were interested in any other sites in Leicester and Mr. Yatem said they are looking. Mr. Yatem was invited to meet with Ms. Jacobsen and Mr. Reinke Thursday at 10 to discuss further.

New Business:

Recommendations to Board of Selectmen for appointments to the Master Plan Committee

- Sharon Nist. Ms. Nist said she has served on the committee before and is willing to serve again.
- Kurt Parliment. Mr. Parliment was not present.
- Janice Parke. Ms. Parke said she offers a balanced perspective and knows lots of places in Town. Ms. Parke said she gave a tour to CMRPC representatives and enjoyed it very much and she feels she'd be an asset to the Town.

Mr. Dykas asked Ms. Parke about the weeds in Greenville Pond. Ms. Parke said she and the Town's grant writer have been working on funding for the weeds. She said the Town owns the dam and the water, and Common Ground Land Trust (CGLT) owns the sliver of land that is the public access to the pond. The CGLT wants to make it more accessible to the Town.

Motion: Mr. Reinke made a motion to appoint Christopher Clark as a voting member out of necessity for the purpose of making recommendations to the Board of Selectmen for the Master Plan Committee.

Second: Ms. Nist

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Absent
Lee Dykas	Aye
Four (4) in Favor. None (0) Opposed. One (1) Absent Approved 4 to 0	

Motion: Mr. Reinke made a motion to recommend to the Board of Selectmen the appointment of Sharon Nist to the Master Plan Committee.

Second: Mr. Clark

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Abstain
Anthony Escobar	Absent
Lee Dykas	Aye
Christopher Clarke	Aye
Four (4) in Favor. None (0) Opposed. One (1) Absent. One (1) Abstained. Approved 4 to 0	

Motion: Mr. Reinke made a motion to recommend to the Board of Selectmen the appointment of Kurt Parliment to the Master Plan Committee.

Second: Mr. Clark

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Abstain
Anthony Escobar	Absent
Lee Dykas	Aye
Christopher Clarke	Aye
Four (4) in Favor. None (0) Opposed. One (1) Absent. One (1) Abstained. Approved 4 to 0	

Motion: Mr. Reinke made a motion to recommend to the Board of Selectmen the appointment of Janice Parke to the Master Plan Committee.

Second: Mr. Clark

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Absent
Lee Dykas	Aye
Christopher Clarke	Aye
Five (5) in Favor. None (0) Opposed. One (1) Absent. Approved 5 to 0	

Motion: Ms. Nist moved to approve the minutes of March 12, 2024.

Second: Mr. Reinke

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Absent
Lee Dykas	Aye
Four (4) in Favor. None (0) Opposed. One (1) Absent. Approved 4 to 0	

Town Planner Report/General Discussion

- **Discussion HB-1 mixed use, horizontal mixed use.**

Ms. Jacobsen said she reached out to Kevin Quinn (Quinn Engineering) and asked him to review the proposed changes to HB-1 particularly with regard to the design guidelines and he said everything looked good. Ms. Jacobsen said she got a call from John Pazzoni, the developer for Maria Joseph's drive-in, asking about the lack of affordability, and the possibility for a single family or town home component to the HB-1 zone. She asked if the Board wanted to consider amending the HB-1 bylaw to add any of this. Ms. Jacobsen said single family homes are not allowed in HB-1. Ms. Jacobsen suggested maybe adding a density bonus and Mr. Reinke agreed. Mr. Reinke said he is opposed to single family but may consider town houses. Mr. Reinke said they want to be careful with the residential component in the HB-1 zone because they don't want more single family homes. Ms. Jacobsen said there is a potential for town homes with the MBTA and that they chose horizontal over vertical mixed use because they don't want an urban feel.

Mr. Dykas asked about minimum vs maximum size. Ms. Jacobsen said that will ensure that the commercial component will be built in the mixed use zone. Mr. Dykas said he didn't like the minimum and maximum. Ms. Jacobsen said there is no maximum, only minimum and it was only for the HB-1 zone.

Ms. Parke asked about having OSRD (Open Space Residential Development) in HB-1. Mr. Reinke said the goal is to create a commercial area but if its mixed use, it's the model developers want. Mr. Reinke said OSRD is not allowed in the HB-1. Ms. Parke said there is a large parcel for sale in the Burncoat area that might be good for business in the front and OSRD in the back. Ms. Jacobsen said the developers are looking for more density, not more single family, and that the amended HB-1 zone would have an open space component for mixed use. Mr. Reinke said he still wants to review Charlton's open space flexible business bylaw.

88 Huntoon Memorial - Vangarden

Ms. Jacobsen said that the Town is in discussion with Vangarden regarding the noise and decibel levels from the chillers becoming a nuisance to the neighboring Clark St. She said they are supposed to be getting them a plan by end of next week. Ms. Jacobsen said they are considering dampening blankets or a sound wall to block the sound.

Battery Energy Storage Bylaw

Mr. Reinke said the battery storage is good and has a proven track record in other communities.

Mr. Dykas asked why the Town needs this Bylaw. Ms. Jacobsen said we want the units to go in appropriate places in Town. Mr. Dykas said it's already regulated by state law and state building codes. Mr. Reinke said is provides protections to abutters and is not meant to prevent their construction. Ms. Jacobsen said the bylaw would protect surrounding properties, especially residential homes, and that it exempts residential solar. It also allows for decommissioning and requires a level of responsibility by the companies for these units long term. Ms. Jacobsen said this is a multi-regional push to put in these bylaws. Mr. Reinke asked if there was a bond and Ms. Jacobsen said yes, a bond is required. Mr. Reinke said the municipalities should be in control. Ms. Jacobsen said it's better to keep them in industrial type zones.

She also said she spoke with Tom Corbett with Zero-Point, he said he is familiar with this bylaw and would be happy to come speak with the Board. Mr. Dykas is concerned that businesses that have solar could not have battery storage. Ms. Jacobsen said that this does not regular solar. It's meant to collect solar energy and store it in the battery until high usage and release it directly into the grid. It's not for personal use; it's stand-alone battery storage.

Motion by Ms. Nist to adjourn.

Second: Mr. Reinke

Discussion: None

Record of Vote:

Joshua Campbell	Aye
James Reinke	Aye
Sharon Nist	Aye
Anthony Escobar	Absent
Lee Dykas	Aye
Five (5) in Favor. None (0) Opposed. Approved 5 to 0	

Meeting adjourned at 7:49 p.m.

Respectfully Submitted by:
Lisa Westwell, Administrative Assistant
to the Planning Department

Date Approved: _____

Planning Board Signatures

Joshua Campbell, Chair

Anthony Escobar

James Reinke, Vice Chair

Lee Dykas

Sharon Nist, Clerk

Chris Clark, Alternate Member

HB-1 AND MIXED USE WARRANT ARTICLE 21

5.5 Highway Business Industrial District 1 (HB-1 & H)

5.5.01.2: HB-1 Mixed Use– (Horizontal Mix) - Mixed use developments shall have both a residential and a commercial component, regardless of the composition of uses, all mixed use projects shall be scaled to ensure consistency with the surrounding neighborhoods. Mixed use projects can utilize “horizontal “mixed use where commercial, office, and residential uses are designed as a single project, yet constructed in separate and distinct building footprints.

5.5.01.3 HB-1 Mixed Use, Horizontal Mix Density Requirements

Residential Density	
Units/Acre (Max)	20
Units/Acre (Min)	5

Minimum Commercial Requirements ^{1,2}	
Overall Project Size	Minumim Commercial Building Area Required
Up to 3 Acres	1,500 square feet
3-5 Acres	2,500 square feet
5-7.5 Acres	3,500 square feet
7.5-10 Acres	4,500 square feet
10-15 Acres	5,500 square feet
15-20 Acres	6,500 square feet
20+ Acres	7,500 square feet

¹The Planning Board may authorize a reduction in the amount of minimum commercial building area if the Board can make findings supported by substantial evidence, including market analysis submitted by the applicant, demonstrating that the goals and intent of the HB-1 zone are being achieved with the project as designed.

²The Planning Board may authorize a reduction in the minimum amount of commercial building area if the amount of mandatory land set aside 20% Open Space and 10% useable outdoor space.

5.5.01. 4 Design standards for Mixed Use, Horizontal Mix

1. Newly constructed buildings should not overwhelm or disregard the adjacent context with regard to building location, scale, bulk, massing, material, color, texture and fenestration.
2. Contemporary designs should respect the traditional character of their context and maintain the front setback established by neighboring buildings.
3. Distinguishing features, historic elements and examples of craftsmanship should not be removed or covered during the alteration of existing older structures. Where damaged, they should be restored or recreated.
4. Signage, awnings, light fixtures and other applied elements should not cover architectural details and should be in scale with the building facade and its immediate context. Generally, materials that have been applied to cover older traditional facade elements should be removed and not replaced.
5. Materials used should be of high quality and durability and should complement existing contextual materials.
6. Consider the effect of small-scale details on visual appeal for pedestrians.

7. Consider the effect of overall forms, materials and colors on visual appeal for drivers.
8. All service entrances, dumpsters and loading facilities should be located at the rear of buildings. They should be screened from view with solid wood fencing, a masonry wall and/ or landscaping from public streets and parking areas.
9. Equipment (such as air conditioner units or exhaust fans) should be screened from view and located either in the rear of the building or on the roof. No equipment should be mounted on street facade(s) or be visible from the street or customer parking areas.
10. Break up long expanses of blank wall with pilasters to suggest structural bays or vary massing and/ or roofline to provide visual interest.
11. Break up vertical massing with materials or trim that define a distinct base, middle and top
12. Colors should be complementary and harmonic, and not clash on any given facade. Developer should not use the entire building as a brand identity package in such a way that it becomes an "attractive nuisance."
13. Applied elements - Such as railings, awnings, signage, and light fixtures - Should coordinate with, rather than overwhelm the proportions of the building.
14. If equipment is mounted behind louvered panels or other visual screen, screening should be oriented to conceal the equipment from view from any public way or private residence and finished to obscure.
15. Visible roof vents, and other roof elements and penetrations, should be finished to match adjacent roof color
16. Windows and Doors should reflect the style of the building itself in scale, proportion, and construction. Storefront windows and doors can utilize modern framing systems, but it is preferred that glazing not extend to the ground.
17. Appropriately scaled lighting fixtures are recommended.
18. Free-standing fixtures should be coordinated in appearance with building-mounted light fixtures
19. Landscape lighting is encouraged
20. Expanses of blank wall should be softened through the use of landscape treatments such as foundation plantings or trellises.
21. Chain link fencing is discouraged.
22. Landscaping should be designed with consideration of nearby building, walkways, and parking areas.
23. Parking lots should be designed with landscaped islands, and islands between buildings, roads and walkways should be abundantly planned to create a strong horticulture character throughout the year
24. All landscaping shall be scaled appropriately for pedestrian traffic and properly maintained in a

healthy condition.

BATTERY ENERGY STORAGE SYSTEMS
(BESS) BYLAW
WARRANT ARTICLE 22

Battery Energy Storage Systems (BESS)- Town of

Energy & Utility	SA	R1	R2	B	CB	I	BI-A	HB-1	HB-2	BR-1	RIB	NB
Tier 3 and Tier 4 Battery Energy Storage Systems (stand alone)	N	N	N	SP	N	SP	SP	SP	SP	N	N	N
Tier 1 Residential Battery Energy Storage System	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Tier 2 Battery Energy Storage System	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

Definitions to be added to Section 1.3

Battery(ies): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this bylaw, batteries utilized in consumer products are excluded from these requirements.

Battery Energy Storage Management System: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

Battery Energy Storage System (BESS): One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A Battery Energy Storage System is classified a Tier 1, Tier 2, Tier 3, or Tier 4 BESS as follows:

1. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity equal to 250KWh or less and, whose purpose is to store energy from residential solar energy systems if in a room or enclosed structure, consisting of only a single energy storage system technology.
2. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity equal to 250KWh or less and, whose purpose is to store energy from commercial solar energy systems if in a room or enclosed structure, consisting of only a single energy storage system technology.
3. Tier 3 Battery Energy Storage Systems are defined as those that are interconnected to high voltage transmission lines and have an aggregate energy capacity greater 250 KWh but less than or equal to 10 MWh.
4. Tier 4 Battery Energy Storage Systems are defined as those that are interconnected to high voltage transmission lines and have an aggregate energy capacity greater than 10 MWh. The facility must comply with the State's most current electrical code (527 CMR. 12.00) and the State's most current Fire Code (527 CMR 1.00)

Cell: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

Commissioning: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

Dedicated-Use Building: A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

1. The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.

2. No other occupancy types are permitted in the building.
3. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
4. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
 - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
 - b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

Section 5.20

Battery Energy Storage Systems (BESS)

A. Purpose.

The purpose of this bylaw is to provide for the construction and operation of Battery Energy Storage Systems (BESS) and to provide standards for the placement, design, construction, monitoring, modification and removal of energy storage systems that address public safety, protection of the Town and private drinking water supply, minimize impacts on scenic, natural and historic resources of the Town of Leicester, and provide adequate financial assurance for decommissioning. The provisions set forth in this section shall take precedence over all other sections when considering applications related to the construction, operation, and/or repair of Battery Energy Storage Systems.

B. Definitions – Refer to definitions in Section 1.3

C. Applicability

1. Building-integrated Battery Energy Storage Systems

- a. Battery Energy Storage Systems that are building-integrated, whether a residential or commercial building, energy storage systems shall not be erected, constructed, installed, or modified as provided in this section without first obtaining a building permit from the Building Inspector.
- b. Building-integrated energy storage systems may be coupled with rooftop solar or behind the meter applications for peak shaving.
- c. Building-integrated battery energy storage systems may be located in any zoning district of the Town of Leicester.

2. Co-located Battery Energy Storage Systems

- a. Battery Energy Storage Facilities are encouraged to co-locate with solar photovoltaic installations, energy, power generation stations, and electrical substations. Ware Zoning
- b. Battery Energy Storage Systems associated with on-site solar power generation shall be permitted in the same districts as Large-Scale Solar Arrays by Special Permit and Site Plan Review.
- c. If co-located with a solar photovoltaic installation, the BESS shall not exceed the necessary capacity and size generated by the output of the co-located solar photovoltaic installation.

3. Battery Energy Storage systems not associated with on-site solar generation shall only be permitted in the Business (B), Industrial (I), Business-Industrial A (BI-A), Highway Business-Industrial District 1, and Highway-Business-Industrial District 2, districts, and shall require a Special Permit and Site Plan Review from the Planning Board. Battery Energy Storage Systems not associated with on-site solar generation are prohibited in the Water Resource Protection Overlay District

- a. The nameplate capacity of an Energy Storage system shall not exceed the total kw of renewable energy being produced on the 3-phase distribution line that the energy storage system will be interconnected to.
- b. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this bylaw.

D. General Requirements

- 1. In accordance with Section C above, all Tier 2, Tier 3 and Tier 4 battery energy storage systems shall require a special permit and site plan approval by the Planning Board prior to construction, installation, or modification as provided in this bylaw.
- 2. The construction, operation, and decommissioning of all battery storage energy storage systems shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable environmental, safety, construction, fire, and electrical requirements.
- 3. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.

E. Application Materials

1) In addition to requirements of Section 6.12 Site Plan Review the application for a Special Permit under this Section 5.20 shall include the following:

- a. A site plan prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts, that shows the following:

- b. An existing condition plan with property lines and physical features, including topography and roads, characteristics of vegetation (trees mature, old growth, shrubs, open field, etc.), wetlands, streams, ledge, for the project site;

- 1) Proposed changes to the landscape of the site, including grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures, driveways, snow storage, and storm water management systems; including total acreage of disturbed area, total vegetation cleared, not including mowed fields;
- 2) Trees with a DBH of 20" or greater within project parcel(s) shall be identified to determine tree loss, along with inventorying of diseased or hazard trees slated to be removed due to proposed development;
- 3) Property lines and physical dimensions of the subject property with contour intervals of no more than 10 feet;
- 4) Property lines of adjacent parcels within 300 feet.
- 5) Location, dimensions, and types of existing major structures on the property;
- 6) Location of the proposed battery energy storage structures, foundations, and associated equipment;
- 7) The right-of-way of any public road that is contiguous with the property;
- 8) Any overhead or underground utilities;
- 9) At least one color photograph of the existing site, measuring eight (8) inches by ten (10) inches;
- 10) Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP;
- 11) Locations of floodplains or inundation areas for moderate or high hazard dams;
- 12) Locations of local or National Historic Districts; and
- 13) Stormwater management and erosion and sediment control.
 - a. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that

are to be installed, including manufacturer and model. A final equipment specification sheet shall be submitted prior to the issuance of building permit;

- b. One- or three-line electrical diagram showing associated components, and electrical interconnection methods, with all NEC compliant disconnects and overcurrent devices;
- c. Contact information and signature of the project proponent, as well as all co-proponents, if any, and all property owners;
- d. Contact information and signature of agents representing the project proponent, if any;
- e. Contact information for the person(s) responsible for public inquiries throughout the life of the system;
- f. An operations and maintenance plan for Battery Energy Storage System. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information;
 - i) Energy Storage System technical specifications, including manufacturer and model;
- g. Electrical schematic;
- h. Documentation that shows the owner of the Energy Storage System has site control, which shall include easements and access roads;
- i. Documentation that shows the owner of the Energy Storage System has notified the electric utility of this installation.
- j. Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 - 1. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe startup following cessation of emergency conditions.
 - 2. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - i. This includes hazmat appliances for conducting atmospheric monitoring with a scientific officer to support.
 - 3. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - 4. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

5. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
6. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
7. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
8. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.
 - i. Trainings must be provided and organized by the applicant.
- k. Proof of liability insurance: The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and property caused by the failure of the system.
- l. A noise study, prepared by a qualified individual with experience in environmental acoustics, to assess the impact of all noise sources generated from the project to abutting properties, and determine the appropriate layout, design, and control measures. The report should include details of assessment methods, summarize the results, and recommend the required outdoor as well as any indoor control measures.

F. Design and Site Standards

1. In addition to the standards for Special Permit and Site Plan Review in the Zoning Bylaw, the applicant shall adhere to the following standards and provide such information on the site plan:
 - a. **Utility Lines.** All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility.
 - b. **Signage.** The signage shall include the type of technology associated with the systems, any special hazards associated, the type of suppression system installed, and 24-hour emergency contact information. All information shall be clearly displayed on a light reflective surface. Clearly visible warning signs concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
 - c. **Lighting.** Lighting of the systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

- d. **Setbacks.** Battery Energy Storage Systems not co-located with solar photovoltaic installations shall adhere to a fifty (50) foot setback from the front, side, and rear property lines and shall adhere to a one hundred fifty (150) foot setback from any residential buildings. BESS's shall also adhere to a one hundred (100) foot setback from water wells (both private and public) located either on-site or on abutting properties.
- e. **Fire protection.** Battery Energy Storage Systems not co-located with solar photovoltaic installations shall be located on properties serviced by the public water system or by a water supply acceptable to the Planning Board and Ware Fire Department.
- f. **Vegetation and Tree-Cutting.** Areas within ten (10) feet on each side of a system shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees or shrubbery and cultivated ground covers such as green grass, ivy, succulents, or similar plants shall be exempt provided that they do not form a means of readily transmitting fire. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the system and that which is otherwise prescribed by applicable bylaws and regulations.
- g. **Noise.** The 1-hour average noise generated from the systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the property line.

G. Safety System Certification.

Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

- a. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
- b. UL 1642 (Standard for Lithium Batteries),
- c. UL 1741 or UL 62109 (Inverters and Power Converters),
- d. Certified under the applicable electrical, building, and fire prevention codes as required.
- e. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

H. Special Permit Criteria

1. The Planning Board may approve an application if the Board finds that the system complies with the Site Plan Review and Approval criteria and with the conditions for granting Special Permits. Battery energy storage systems shall also satisfy the following additional criteria:

- a. Environmental features of the site are protected, and surface runoff will not cause damage to surrounding properties or increase soil erosion and sedimentation of nearby streams and ponds.
- b. The Planning Board may also impose conditions as it finds reasonably appropriate to safeguard the town or neighborhood including, but not limited to, screening, lighting, noise, fences, modification of the exterior appearance of electrical cabinets, battery storage systems, or other structures, limitation upon system size, and means of vehicular access or traffic features.
- c. No occupancy permit shall be granted by the Building Commissioner, nor shall the site be energized or interconnected to the utility until the Planning Board has received, reviewed, and approved an as-built plan that demonstrates that the work proposed on the approved site plan, including all stormwater management components and associated offsite improvements, have been completed in accordance with the approved plan and certified same to the Building Commissioner.
- d. The Planning Board may, in its discretion, approve an as-built plan upon provision of a type of surety as determined by the SPGA, to secure incomplete work where such work is not immediately necessary for lawful operation of the system without negative effect on public health and safety and surrounding properties.
- e. The applicant shall make every effort to coordinate necessary surveying and finalization of the as-built plans and submission of required construction control documents prior to the conclusion of construction. Notwithstanding the above, a temporary occupancy permit may be granted with the approval of the Planning Board subject to conditions for completion of work imposed by the Board.

I. Decommissioning

1. As part of the applicant's submission to the Board, the applicant shall submit a decommissioning plan, to be implemented upon abandonment or in conjunction with removal from property. The plan shall include:

- a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the property.
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal regulations.
- c) The anticipated life of the battery energy storage systems.
- c. The estimated decommissioning costs and how said estimate was determined.
- d. The method of ensuring that funds will be available for decommissioning and restoration.
- f) The method by which the decommissioning cost will be kept current.
- e. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.
- f. A listing of any contingencies for removing an intact operational battery energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

1. Decommissioning Fund.

- a. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the Town, in an approved form for the removal of the battery energy storage system, in an amount to be determined by the SPGA for the period of the life of the facility.
- b. All costs of the financial security shall be borne by the applicant. The amount shall include a mechanism for calculating increased removal costs due to inflation.
- c. An inspection of the completed decommissioned area shall be reviewed by a consultant hired by the Planning Board before approving the decommissioning work in accordance with the Decommissioning Plan.
- d. The owner and/or operator shall pay for the cost of this review with such payment being provided by the owner and/or operator prior to the consultant undertaking said review, in accordance with MGL Chapter 44, Section 53G.

J. Abandonment.

The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than twelve (12) months. The system shall be presumed abandoned if the owner and/or operator fails to respond affirmatively within thirty (30) days to a written inquiry from the Building Inspector as to the continued validity and operation of the system.

If the owner or operator fails to comply with decommissioning upon any abandonment, the Town, may, at its discretion, and utilize the 88 for the removal of a system and restore the site in accordance with the decommissioning plan.

K. Severability.

If any provision of this By-Law is found to be invalid by a court of competent jurisdiction, the remainder of this By-Law shall not be affected but remain in full force. The invalidity of any provision of this By-Law shall not affect the validity of the remainder of the Leicester Zoning By-Law.