

**TOWN OF EASTON
COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR SPECIAL TOWN MEETING
November 9, 2026**

BRISTOL, SS.

To either of the Constables of the Town of Easton in the County of Bristol:
GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Easton qualified to vote in elections and Town affairs to meet in the Oliver Ames High School Auditorium in said Easton on Monday, the 9th day of November, next, at 7:00 P.M., then and there to act upon the following articles:

ARTICLE 1. TRANSFER TO STABILIZATION FUND

To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds, a sum of money to be placed into the Stabilization Fund, or take any other action relative thereto.

Submitted by Select Board

Explanation: This article moves approximately twenty-five percent of available free cash to the stabilization fund in accordance with the Town's financial management guidelines.

Select Board Recommendation:

RECOMMENDED

Finance Committee Recommendation:

RECOMMENDED

ARTICLE 2. PAYMENT OF BILL(S) FROM A PRIOR FISCAL YEAR

To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds, a sum of money to pay the cost of bills incurred in a prior fiscal year, or take any other action relative thereto.

Submitted by Select Board

Explanation: This article allows for the payment of prior-year bills discovered after the close of the fiscal year, should any arise. If no bills arise, this article will be dismissed.

Select Board Recommendation:

RECOMMENDED

Finance Committee Recommendation:

ARTICLE 3. TRANSFER TO INJURED ON DUTY INDEMNITY FUND

To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to be placed into the Injured on Duty Indemnity Fund, or take any other action relative thereto.

Submitted by Town Administrator

Explanation: The Town self-insures for injured on duty medical coverage, however, payroll costs associated with long-term injury absences for Police and Firefighters are typically borne out of existing payroll budgets for those departments. The amount of overtime required for shift coverage resulting from an injury in the line of duty varies widely and cannot be reasonably anticipated during the routine budget cycle. This fund, previously established by Town Meeting, provides a relief option as staffing reductions and cuts to budgets in recent years leave little to no flexibility to absorb these costs. The transfer amount will be \$200,000.

Select Board Recommendation:

RECOMMENDED

Finance Committee Recommendation:

RECOMMENDED

ARTICLE 4. STORMWATER UTILITY ENTERPRISE BUDGET

To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds, the sum of \$250,000 for the purpose of funding the Stormwater Utility Enterprise Fund operating budget for fiscal year 2027; or take any other action relative thereto.

Submitted by Board of Stormwater Commissioners

Explanation: This article establishes the FY2027 operating budget for the Town's Stormwater Utility Enterprise Fund. The fund was authorized at the May Annual Town Meeting; however, the budget was deferred pending approval of the related Stormwater Utility Bylaw by the Massachusetts Attorney General. The bylaw has now been approved, allowing the Town to establish its first operating budget. The proposed \$250,000 appropriation represents a conservative first-year budget intended to address the Town's most critical stormwater needs while establishing reserves and a sustainable financial foundation for FY2028 and beyond.

Select Board Recommendation:

RECOMMENDED

Finance Committee Recommendation:

RECOMMENDED

Board of Stormwater Commissioners Recommendation:

RECOMMENDED

ARTICLE 5. AMEND FY2027 BUDGET

To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds, a sum not to exceed \$490,262, to amend the following fiscal year 2027 departmental budgets, including cost items for collective bargaining agreements as follows:

FD-DPT	DEPARTMENT NAME	AMOUNT
01.120	SELECT BOARD	\$ 3,582
01.135	ACCOUNTANT	7,600
01.140	ASSESSORS	5,751
01.145	TOWN COLLECTOR/TREASURER	4,569
01.152	HUMAN RESOURCES	1,257
01.155	INFORMATION TECHNOLOGY	3,443
01.160	TOWN CLERK	5,635
01.175	PLANNING & COMMUNITY DEVELOPMENT	8,579
01.210	POLICE	159,501
01.211	PUBLIC SAFETY DISPATCH	15,000
01.220	FIRE AND RESCUE	88,720
01.240	INSPECTIONAL SERVICES	8,481
01.400	DPW ADMINISTRATION	14,110
01.500	HEALTH & COMMUNITY SERVICES	13,311
01.700	MATURING DEBT & INTEREST	34,444
61.450	WATER DIVISION ENTERPRISE	116,279
	TOTAL FY 2027 BUDGET	<u>\$490,262</u>

or take any other action relative thereto.

Submitted by Town Administrator

Explanation: This article requests a supplemental appropriation of \$490,262 to fund FY2027 expenses, including obligations under collective bargaining agreements for five unions, Fire Department retirement buybacks and overtime, an increase in the SEMRECC public safety dispatch assessment, additional new debt service, Water Enterprise contractual obligations, and water meter expenses. These appropriations will provide funding for contractual obligations and other anticipated expenses not included in the original FY2027 budget.

Select Board Recommendation:

RECOMMENDED

Finance Committee Recommendation:

RECOMMENDED

ARTICLE 6. SUPPLEMENT FY2027 CAPITAL BUDGET

To see if the Town will vote to raise and appropriate, appropriate by borrowing, or appropriate by transfer from available funds, a sum of money to supplement the capital budget needs of the Town for fiscal year 2027 as follows:

Cyclical Computer Replacement	\$36,429
School Technology, Computers & Equipment	250,000
Inspectional Services Replacement Vehicle	60,000
DPW Hooklift	218,000
Phone System Replacement	24,964
Water Enterprise - Utility Vehicle #42 Replacement	77,000
Total	<u>\$666,393</u>

or take any other action relative thereto.

Submitted by Town Administrator

Explanation: This article addresses additional capital needs for fiscal year 2027 that were not funded at the Annual Town Meeting in May. Anticipated funding sources are free cash \$371,393, borrowing \$218,000 and water surplus \$77,000.

Select Board Recommendation:

RECOMMENDED

Finance Committee Recommendation:

RECOMMENDED

ARTICLE 7. RESCIND BORROWING AUTHORIZATION

To see if the Town will vote to rescind \$178,110 of the borrowing authorized under Article 7 of the May 15, 2023 Annual Town Meeting, said funding originally appropriated for the purchase of portable radio replacements for the Police Department, but no longer needed as the project is complete, or take any other action relative thereto.

Submitted by Select Board

Explanation: This housekeeping article removes the original \$178,110 borrowing authorization for the replacement of portable radios because the purchase was ultimately funded with federal American Rescue Plan Act (ARPA) funds and no borrowing was needed.

Select Board Recommendation:

RECOMMENDED

Finance Committee Recommendation:

RECOMMENDED

ARTICLE 8. CONSERVATION RESTRICTION ENDOWMENT FUNDS

To see if the Town will vote in accordance with the recommendation of the Community Preservation Committee to appropriate the sum of \$53,300 from the fiscal year 2027 Community Preservation Annual Budgeted Reserve to endow Conservation Restrictions on four CPA funded conservation properties at 130 Dean Street; 6, 10, 14 & 18 Mayflower Lane; 524 Depot Street; and 57R Randall Street, so as to facilitate the administration of such restrictions by the holders thereof, or take any other action relative thereto.

Submitted by Community Preservation Committee

Explanation: This article would provide \$53,300 to endow Conservation Restrictions (CRs) on Town-owned conservation properties. The State enabling legislation for the Community Preservation Act requires that conservation land acquired with CPA funds be additionally protected with a Conservation Restriction held by a qualified third party. The Town is working with Wildlands Trust Inc. to finalize the required CRs on Easton's four CPA-acquired conservation properties at 130 Dean Street; 6, 10, 14 & 18 Mayflower Lane; 524 Depot Street; and 57R Randall Street. In accordance with nationwide land trust accreditation standards, Wildlands Trust requires endowment fund contributions to ensure the organization has the resources to monitor and enforce the Conservation Restrictions it holds in perpetuity.

Select Board Recommendation:	RECOMMENDED
Finance Committee Recommendation:	RECOMMENDED
Community Preservation Committee Recommendation:	RECOMMENDED

ARTICLE 9. AUTHORIZE HOME RULE PETITION TO ESTABLISH PERMANENT CELEBRATIONS FUND

To see if the Town will vote to authorize the Select Board, on behalf of the Town, to petition the General Court for passage of a special law substantially as provided below. The Legislature may make clerical or editorial changes in form only to the bill, unless the Select Board approves material amendments to the bill before enactment by the Legislature, provided that such amendments shall be within the scope of the general public objectives of this petition;

AN ACT AUTHORIZING THE TOWN OF EASTON TO ESTABLISH AND MAINTAIN A PERMANENT CELEBRATIONS FUND

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Establishment of Fund.

Notwithstanding section 53 or section 53I of chapter 44 of the General Laws, or any other general or special law to the contrary, the Town of Easton may establish and maintain in its treasury a separate, permanent fund to be known as the Town of Easton Celebrations Fund, hereinafter referred to as the Fund.

The Fund shall be used for the purpose of supporting, promoting, and funding celebrations, commemorations, festivals, and other special events sponsored, authorized, or supported by the Town for the benefit, enjoyment, and edification of its residents and visitors, including events recognizing the history, traditions, arts, culture, and community life of the Town.

SECTION 2. Receipts and Deposits.

The Fund shall consist of:

- (a) such sums as may be appropriated by the Town for the purposes of the Fund;
- (b) voluntary gifts, donations, bequests, grants, sponsorships, and other contributions received for the purposes of the Fund;
- (c) proceeds from fundraising activities, including the sale of commemorative merchandise, publications, and other items, and from admission charges, ticket sales, and other revenues associated with celebrations and special events;
- (d) interest and other investment income earned on monies held in the Fund; and
- (e) any other monies lawfully received for the purposes of the Fund.

All monies received for deposit in the Fund shall be paid to the Town Treasurer and credited to the Fund, and shall be kept separate from other monies of the Town and accounted for separately by the Town Accountant in accordance with applicable law and municipal accounting practices.

SECTION 3. Retention of Fund Balance; No Reversion.

Notwithstanding section 53 or section 53I of chapter 44 of the General Laws, or any other general or special law to the contrary, all monies credited to the Fund, including all unexpended balances and interest and other income earned thereon, shall remain in the Fund and its balance shall remain available for authorized expenditures in subsequent fiscal years without further appropriation.

SECTION 4. Expenditures from the Fund.

Monies in the Fund may be expended solely for the purposes set forth in section 1, including expenses associated with the planning, preparation, promotion, administration, and conduct of Town celebrations and special events.

Expenditures from the Fund shall be authorized by the Select Board or by such other Town officer or board as may be authorized by the Select Board, subject to applicable law, the terms and conditions of any gift, grant, or other contribution, and applicable Town financial policies and procedures.

No expenditure shall be made from the Fund except in accordance with applicable Massachusetts General Laws and Town financial policies.

SECTION 5. Separate Anniversary and Event Funds.

Nothing in this act shall prohibit the Town from establishing or maintaining separate funds for particular celebrations, commemorations, anniversaries, or special events as authorized by law.

Monies received that are specifically designated by the donor or grantor for a particular celebration, anniversary, or special event shall be separately accounted for and used only for the designated purpose, subject to the terms of the gift or grant and applicable law.

The Town may establish and maintain a separate Town of Easton 325th Anniversary Fund for the celebration of the 325th anniversary of the Town in 2050, and separate funds for subsequent anniversary celebrations.

Monies designated for the 325th Anniversary or any subsequent anniversary shall not be transferred to or expended from the general Celebrations Fund for other purposes, except as expressly authorized by the terms of the gift or grant and applicable law.

SECTION 6. Administration and Financial Oversight.

The Town Treasurer shall have custody of the monies in the Fund, and the Town Accountant shall maintain the accounts and financial records of the Fund, in accordance with applicable law and generally accepted municipal accounting practices.

The Select Board may establish policies and procedures governing the administration and use of the Fund, consistent with this act and other applicable laws.

Nothing in this act shall alter the existing charge, membership, appointment process, or authority of the Easton Celebrations Committee as established by the Select Board.

SECTION 7. Effective Date.

This act shall take effect upon its passage.

or take any other action with respect thereto.

Submitted by Select Board

Explanation: This Article would authorize the Select Board to submit a Home Rule Petition to the General Court of the Commonwealth to enact a special law establishing a permanent Town of Easton Celebrations Fund. A special law is required because Massachusetts General Laws currently only allow for the establishment of separate funds for specific anniversary celebrations or a specific celebration event, after which any unexpended balance will revert to the general fund. A permanent celebrations fund would enable the unexpended balance to be retained and used to support future celebrations and events, subject to applicable law and Town financial controls.

Select Board Recommendation:

RECOMMENDED

Finance Committee Recommendation:

RECOMMENDED

ARTICLE 10. ZONING AMENDMENTS RELATED TO DATA CENTERS

To see if the Town will vote pursuant to M.G.L. c. 40 A to amend the Zoning Bylaw of the Town of Easton, adopted at Town Meeting March 27, 1973 and amended through November 18, 2025, by making the following changes thereto, by inserting text shown in underlined italics and deleting text shown in ~~striketrough~~:

§ 235-60. Definitions

The following definition shall be added to §235-60 (Definitions), in alphabetical order:

DATA CENTER

A facility, or portion thereof, primarily designed or used to house computer servers and related information technology infrastructure for the storage, processing, management, or transmission of electronic data. A data center may include, but is not limited to, server racks, data storage systems, cooling systems, power conditioning equipment, substations, uninterruptible power supplies, backup generators, telecommunications equipment, security systems, and associated mechanical and electrical infrastructure.

A use shall be classified as a Data Center where either:

- A. more than twenty-five percent (25%) of the gross floor area is devoted to server racks, stationary computing equipment, or associated mechanical or electrical infrastructure; or
- B. the primary purpose of the facility, as determined by the Planning & Zoning Board, is the housing and operation of computer servers and related infrastructure, regardless of floor area allocation.

For purposes of this Bylaw, a Data Center shall not be considered a business or professional office use.

§235-13(D) Appendix A-1 Traditional Zoning Districts – Table of Use Regulations shall be amended to include the following new uses as follows:

H. Other Principal Uses	R	R1	B	BN	I	E	M
<i>11. <u>Data Centers</u></i>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

§235-13(D) Appendix A-2 Special Zoning Districts – Table of Use Regulations shall be amended to include the following new uses as follows:

H. Other Principal Uses	QCD A	QCD B	QCD C	VBD	FVD Eastman	FVD Depot	FVD Bus	FVD Res
<i>10. <u>Data Centers</u></i>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

or take any other action with respect thereto.

Submitted by Planning & Zoning Board

Explanation: The Town is updating the language of the Zoning Bylaw to prohibit the construction of Data Centers in the Town of Easton.

Select Board Recommendation:

RECOMMENDED

Finance Committee Recommendation:

Planning & Zoning Board Recommendation:

RECOMMENDED

The Planning & Zoning Board met on September 28, 2026 and voted 3-2 in favor to recommend Article Number 10.

ARTICLE 11. ZONING AMENDMENTS RELATED TO BATTERY ENERGY STORAGE SYSTEMS (BESS)

To see if the Town will vote to amend Section 235 Zoning of the Town’s Bylaws by adding the following new section 235-37 under Article VII and renumbering the remaining subsections under Section 235 accordingly; and amending Appendix A1 and A2 Table of Use Regulations as printed in the supplement titled **ZONING AMENDMENTS RELATED TO BATTERY ENERGY STORAGE SYSTEMS (BESS)**.

or take any other action with respect thereto.

Submitted by Planning & Zoning Board

Explanation: The Town is updating the language of the Zoning Bylaw to provide standards for the placement, design, construction, operation, monitoring, and removal of Battery Energy Storage Systems (BESS) that address public safety, minimize impacts on scenic, natural, and historic resources, and provide adequate decommissioning financial assurances for such installations. This Amendment is intended to align and be consistent with the consolidated siting and permitting process for small clean energy infrastructure facilities established under Chapter 239 of the Acts of 2024 and 225 CMR 29.00.

Select Board Recommendation:

RECOMMENDED

Finance Committee Recommendation:

RECOMMENDED

Planning & Zoning Board Recommendation:

RECOMMENDED

The Planning & Zoning Board met on September 28, 2026 and voted 5-0 in favor to recommend Article Number 11.

ARTICLE 12. GENERAL ZONING BYLAW AMENDMENTS

To see if the Town will vote pursuant to M.G.L. c. 40A to amend the Zoning Bylaw of the Town of Easton, adopted at Town Meeting March 27, 1973 and amended through November 18, 2025, by making the following changes thereto, by inserting text shown in underlined italics and deleting text shown in ~~striketrough~~:

All references to the "Zoning Board of Appeals" or "ZBA" shall be replaced with "Board of Appeals" or "BOA"

§ 235-4(A) Applicability; Nonconformities, as follows:

Except as herein after provided, this chapter shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit ~~issued~~ or other entitlement applied for under this chapter before the first publication of notice of the public hearing on this chapter or any amendments thereto, but shall apply to any change or substantial extension of such use, to a building permit or special permit issued after the first notice or said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or a structural change to a single or two family residential structure does not increase the nonconforming nature of said structure.

§ 235-4(B) Commencement of Construction or Operation, as follows:

Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this chapter, unless the use or construction is commenced ~~within a period of not more than six~~ twenty-four (24) months after the issuance of the last permit necessary for construction and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. The 24-month period shall be tolled during any time the applicant is actively seeking or obtaining other necessary permits.

§ 235-19 Applicability, as follows:

This chapter shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit ~~issued~~ or other entitlement applied for under this chapter before the first publication of notice of the public hearing required by M.G.L. c. 40 A, § 5 at which this chapter, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

§ 235-20 Nonconforming uses as follows:

The ~~Zoning~~ Board of Appeals may award a special permit to change a nonconforming use in accordance with this Section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood provided, however, notwithstanding the foregoing, pre-existing nonconforming residential uses that do not conform to zoning because of lot size or shape, frontage, lot coverage, or floor area ratio requirements may be extended or altered as of right, without the need for a finding by the special permit granting authority under this paragraph, if such extension or alteration complies with the current dimensional regulations regarding height, stories, and setbacks.

A. Permissible Changes. The following types of changes to nonconforming uses may be considered by the ~~Zoning~~ Board of Appeals:

(1) Change or substantial extension of the use;

(2) Change from one nonconforming use to another, less detrimental, nonconforming use.

§ 235-21 Nonconforming structures as follows:

The ~~Zoning~~ Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this Section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more

detrimental than the existing nonconforming structure to the neighborhood provided, however, notwithstanding the foregoing, pre-existing nonconforming structures that do not conform to zoning because of lot size or shape, frontage, lot coverage, or floor area ratio requirements may be reconstructed, extended, altered, or changed as of right, without the need for a finding by the special permit granting authority under this paragraph, if such reconstruction, extension, alteration, or change complies with the current dimensional regulations regarding height, stories, and setbacks.

A. Permissible Changes. The following types of changes to nonconforming structures may be considered by the ~~Zoning~~ Board of Appeals:

(1) Reconstructed, extended or structurally changed;

(2) Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

§ 235-24 Abandonment or non-use as follows:

A nonconforming use or structure which has been abandoned, or not used for a period of ~~two~~ four (4) years, shall lose its protected status and be subject to all of the provisions of this zoning by-law; provided, however, that by special permit the ~~Zoning~~ Board of Appeals may reestablish a nonconforming use or structure otherwise abandoned or not used.

§ 235-56(G) Lapse as follows:

Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue *other entitlements necessary to construct the project authorized by the special permit* or await the determination of an appeal referred to in M.G.L. c. 40A, § 17, from the grant thereof) with the Town Clerk.

§ 235-57(J) Lapse as follows:

Site Plan approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the decision (plus such time required to pursue *other entitlements necessary to construct the project authorized by the decision* or await the determination of an appeal referred to in M.G.L. c. 40A, § 17, from the grant thereof) with the Town Clerk.

or take any other action with respect thereto.

Submitted by Planning & Zoning Board

Explanation: The Town is updating the language of the Zoning Bylaw to be compliant with changes to the State Zoning Act incorporated in the State's Fiscal Year 2027 Budget.

Select Board Recommendation: **RECOMMENDED**

Finance Committee Recommendation: **RECOMMENDED**

Planning & Zoning Board Recommendation: **RECOMMENDED**

The Planning & Zoning Board met on September 28, 2026 and voted 5-0 in favor to recommend Article Number 12.

ARTICLE 13.

To transact any other business that may legally come before said meeting.

ADA ADVISORY

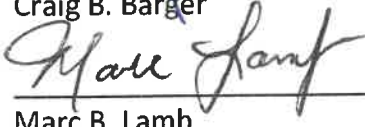
Anyone in need of special accommodations for the Special Town Meeting, please contact the Office of the Select Board at 508-230-0501 by November 2, 2026 in order that reasonable accommodations may be made.

You are directed to serve this Warrant by posting attested copies thereof one at each meeting house and post office and one at the Oliver Ames High School Auditorium and one at the Town Offices, fourteen days at least before the time of holding said meeting.

Given under our hands this 19th day of October the year Two Thousand Twenty Six.


Dottie A. Fulginiti


Craig B. Barger


Marc B. Lamb

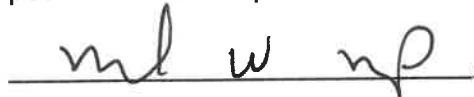
Jennifer Stacy

Jamie A. Stebbins

EASTON SELECT BOARD

Easton, Mass Oct 22 26

By virtue hereof and as within directed, I have this day posted attested copies of this Warrant.

 Constable of Easton

OFFICIAL PROCEDURES TO BE USED AT TOWN MEETING

Approved: Town Meeting - May 1978

1. Main Motion:

Debatable

When a motion has been made, seconded and stated by the Chair, the assembly is not at liberty to consider any other main motion until this motion has been disposed of.

2. Motion to Amend:

Majority Vote Required

Debatable

This motion is to change, add, or omit words in the original main motions.

3. Motion to Amend the Amendment

Majority Vote Required

Debatable

This is a motion to change, add, or omit words in the first amendment.

Method of Vote: The first vote is on changing words of second amendment. If the first vote adopts the change, the second vote is on the first amendment as changed or amended. The third vote is on adopting the main motion as changed or amended.

4. Motion to Commit or Refer:

Majority Vote Required

Debatable, Amendable

When a motion becomes involved through amendments or when it is wise to investigate a question more carefully, it may be moved to commit or refer the motion to a committee for further consideration.

5. Motion to Close Debate

2/3 Vote Required

Not Debatable

When debate does not seem to be shedding additional light on a question, you may move to end it by calling the question: "Mr. Moderator, I call the question." You must be recognized by the Chair before making this motion. As soon as this Motion is made, debate ceases and a vote on closing debate is taken. If the motion is carried, a vote is immediately taken on the question under consideration.

6. Motion to Reconsider:

Majority Vote Required

Debatable

This motion must be made the same day as the original motion was carried or defeated. "A vote can be reconsidered only once."

7. Motion to Adjourn:

Majority Vote Required

Debatable

This motion is always in order except (a) when a speaker has the floor, (b) when a vote is being taken, (c) after it has just been voted down (d) when the assembly is in the middle of some business which cannot be abruptly stopped. A definite time and place must be set.

MISCELLANEOUS MOTIONS

These motions (or questions) are not necessarily related to the Main Motion and do not fall within the order of precedence. They may be made as appropriate or necessary.

1. **Question of Privilege:** A motion unrelated to the business taking place, e.g. "Question of privilege, please! It is too noisy. I request that the Chair ask that all talking be stopped."

2. **Point of Information:** Motion used to ask a question or obtain clarification of facts pertaining to the motion at hand. "Point of information, please! What would be the cost to repair this piece of machinery rather than replace it?" There is no vote or debate. The Chair provides the information sought.

3. **Point of Order:** This motion is always in order but can be used only to present an objection to some method of parliamentary procedure. "Mr. Moderator, I rise to a point of order!" Then the objection is stated. There is no vote or debate and the Chair immediately rules on the point of order.

4. **Point of No Quorum:** This motion requires no second and is not debatable. No other motion may be applied to it. It may not be used to interrupt a speaker. When the point is properly raised, the Moderator must then ascertain whether or not a quorum exists.

5. **Secret Ballot:** At any Annual or Special Town Meeting when any article is put to the meeting for a vote, if a voter stands to request a secret ballot, he shall be promptly recognized by the Moderator and if on inquiry by the Moderator such voter is joined by at least 29 other standing voters, the Moderator shall automatically order a secret ballot without a debate.

ARTICLE 11 SUPPLEMENT

ZONING AMENDMENTS RELATED TO BATTERY ENERGY STORAGE SYSTEMS (BESS)

ARTICLE 11. ZONING AMENDMENTS RELATED TO BATTERY ENERGY STORAGE SYSTEMS (BESS)

To see if the Town will vote to amend Section 235 Zoning of the Town's Bylaws by adding the following new section 235-37 under Article VII and renumbering the remaining subsections under Section 235 accordingly; and amending Appendix A1 and A2 Table of Use Regulations as shown below:

§ 235-37 Battery Energy Storage Systems (BESS)

- A. Purpose. The purpose of this Bylaw is to promote the development and installation of new Battery Energy Storage Systems (BESS) by providing standards for placement, design, construction, operation, monitoring, modification, and removal of such systems that address public safety, minimize the impacts on the scenic, natural, and historic resources, and to provide adequate financial assurance for the eventual decommissioning of such installations. This Bylaw is intended to align with the consolidated siting and permitting process for small clean energy infrastructure facilities established under Chapter 239 of the Acts of 2024. In the event of any inconsistency, the provisions of Chapter 239, or subsequent regulation, shall govern.
- B. Definitions
 - (1) Accessory Use: A BESS Installation is considered an accessory use when it is secondary to the use of the premises for other lawful purposes. An accessory use cannot exist without a primary / principal use on the same lot. A BESS Installation co-located with solar photovoltaic facilities may be treated as an accessory use to the solar facility.
 - (2) As-of-Right or By-Right Siting: As-of-right or by-right siting shall mean that development may proceed without the need for a Special Permit, variance, amendment, waiver, or other discretionary approval. By-right development may be subject to Site Plan Review to determine conformance with the Zoning Bylaw. Projects allowed by-right, including those subject to Site Plan Review, cannot be prohibited except as provided by 225 CMR 29.00, but can be reasonably regulated by the Planning & Zoning Board.
 - (3) Aggregate Energy Capacity: Total amount of energy stored that can be stored in all batteries that are part of the BESS measured in kilowatt-hours (kWh) or megawatt-hours (MWh).

- (4) Battery or Batteries: A single cell or group of cells connected electrically in series, in parallel, or 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.
- (5) Battery Energy Storage System (BESS): A system consisting of one (1) or more battery modules for storing electrical energy, any equipment needed to support the safe and proper function or usage of the battery modules, and one (1) or more physical containers providing secondary containment to any of the above. It may be a primary / principal use or an accessory use to a solar generating facility, power generation facility, electrical substation, or other similar uses. BESS are classified as Tier 1, Tier 2, and Tier 3, as follows:
 - (a) Tier 1 BESS Installations include systems with an aggregate energy capacity of less than 50 kWh. The facility must comply with the State's Electrical Code (527 CMR. 12.00), the State's Fire Code (527 CMR 1.00), and National Fire Protection Association (NFPA) 855 or subsequent standard.
 - (b) Tier 2 BESS Installations include systems with an aggregate energy capacity of 50 kWh, but less than 10 MWh. The facility must comply with the State's Electrical Code (527 CMR. 12.00), the State's Fire Code (527 CMR 1.00), and NFPA 855 or subsequent standard.
 - (c) Tier 3 BESS Installations include systems with an aggregate energy capacity of 10 MWh or more and less than 100 MWh. The facility must comply with the State's Electrical Code (527 CMR. 12.00), the State's Fire Code (527 CMR 1.00), and NFPA 855 or subsequent standard.
- (6) Brownfield: A disposal site that has received a release tracking number from MassDEP pursuant to 310 CMR 40.0000: Massachusetts Contingency Plan, the redevelopment or reuse of which is hindered by the presence of oil or hazardous materials, as determined by the Department, in consultation with MassDEP. The terms "disposal site," "release tracking number," "oil," and "hazardous materials" shall have the meanings given to such terms in 310 CMR 40.0006: Terminology, Definitions and Acronyms. No disposal site that otherwise meets this definition shall be excluded from consideration as a Brownfield because its cleanup is also regulated by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601-9675, the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921 - 6939g, or any other federal program.
- (7) Building Inspector: The Building Inspector, acting as the Zoning Enforcement Officer, charged with the enforcement of the Zoning Bylaw.
- (8) Building-Integrated BESS: A BESS facility that is installed within, on, or directly adjacent to the building or structure the BESS will serve. This does not include a

building constructed for the primary purpose of housing a BESS Installation.

- (9) Co-located BESS: A BESS Installation developed within or directly adjacent to the boundaries of an existing or proposed solar photovoltaic installation, power generating station, electrical substation, or similar facility.
- (10) Community Benefits Agreement (CBA): A legally binding, negotiated agreement between a project applicant and a community, often represented by a coalition of community groups or a local government body, which outlines benefits the communities will receive and is prepared in accordance with the standards and guidelines developed by the Office of Environmental Justice and Equity, pursuant to MGL c. 21A, §29.
- (11) Community Benefits Plan (CBP): A non-legally binding document that outlines how a project will engage with and benefit local communities during development and operation of a Solar Photovoltaic Installation and is developed in accordance with the standards and guidance developed by the Office of Environmental Justice and Equity, pursuant to MGL c.21A, §29.
- (12) DOER: The Massachusetts Department of Energy Resources.
- (13) kWDC: Kilowatt Direct Current.
- (14) kWhDC: Kilowatt-hour Direct Current.
- (15) National Fire Protection Association (NFPA): Association of fire safety professionals that provides safety standards for the aid in the development of local and state fire codes.
- (16) PFAS (Per And Polyflouroalkyl Substances): Any organic chemical with at least one fully fluorinated carbon.
- (17) Site Plan Review: Review by the Planning & Zoning Board to determine conformance with the Zoning Bylaw as further described in §235-57 of this Zoning bylaw. Site Plan Review for by-right projects may reasonably condition, but not unconditionally deny, the project applications.
- (18) Site Plan Review Authority: For the purposes of this Section, the Site Plan Review Authority shall be the Planning & Zoning Board as defined in §235-55 of this Zoning Bylaw.
- (19) Stand-Alone Primary-Use BESS Installation: A BESS facility that is the Primary Use of the parcel and is not co-located with solar photovoltaic installations, power generating stations, and electrical substation, and is not an accessory use to the primary / principal use of the parcel.

- C. Applicability. This Bylaw applies to all new BESS Installations proposed to be constructed after the effective date of this Bylaw. This Bylaw also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. This section is intended to align with the consolidated siting and permitting process for small clean energy infrastructure facilities established under Chapter 239 of the Acts of 2024. In the event of any inconsistency, the provisions of Chapter 239 shall govern.
- (1) BESS Installation Tiers. This section applies to all Tier 1, Tier 2, and Tier 3 BESS defined as follows:
- (a) Building-Integrated or Accessory Use BESS
- (1) BESS that are Building-Integrated, whether with a residential or commercial building, shall not be erected, constructed, installed, or modified as provided in this section without obtaining a building permit from the Building Inspector.
- (2) Building-Integrated or Accessory Use BESS may be coupled with rooftop solar or behind the meter applications for peak shaving.
- (3) Building-Integrated or Accessory Use Tier 1 BESS may be located in any zoning district.
- (b) Co-located BESS
- (1) BESS are encouraged to be co-located with solar photovoltaic installations, power generation stations, and electrical substations, or similar facilities.
- (2) BESS associated with solar power generation shall be permitted in all districts where solar photovoltaic installations are allowed as established in the Table of Use Regulations.
- (c) BESS that are not co-located with solar photovoltaic installations, power generation stations, and electrical substations are permitted as shown in Appendix A1 and A2 Table of Use Regulations.
- (2) The Table of Use Regulations found in Appendix 1 and Appendix 2 of §235-13(D) of this Chapter defines classes of BESS Installations, characterized by a combination of size and use case, with differentiated zoning district and permitting requirements.
- (3) For projects categorized as By Right, only §§235-37(D) and §§235-37(E) below apply. For projects categorized as Site Plan Review, §§235-37(D)-(F) apply. For

projects categorized as Special Permit, §§235-37(D)-(G) apply.

- (4) Tier 2 and Tier 3 BESS Installations shall not be constructed in Zone I and Zone II (MassDEP Wellhead Protection Areas) Aquifer Protection Districts.
- D. General Requirements. The following requirements shall apply to all BESS Installations to be sited in designated locations.
- (1) Compliance with Laws, Bylaws, & Regulations. The construction and operation of all BESS Installations shall be consistent with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, electrical, environmental, and communications requirements. All buildings and fixtures forming part of a BESS Installation shall be constructed in accordance with the State Building Code. Other applicable requirements may include but are not limited to DOER's Regulations and Guidance for Small Clean Energy Infrastructure Facility Siting and Permitting, Department of Environmental Protection (MassDEP) noise standards, the State Fire Code, the Massachusetts Environmental Policy Act (MEPA), and other applicable local Bylaws.
- E. Pre-Filing Requirements. As applicable per 225 CMR 29.08: Pre-Filing Requirements and the DOER Guideline on Pre-Filing Stakeholder Engagement, Applicants shall complete several pre-filing steps including, but not limited to, filing a Notice of Intent to File Application, meeting Public Notice Requirements, and submitting a Pre-Filing Engagement Completion Checklist.
- (1) Building Permit & Inspection. No BESS Installation shall be constructed, installed, or modified as provided in this section without first obtaining building and/or electrical permits.
 - (2) Fees. The application for a building permit for a BESS Installation shall be accompanied by the fee required for a building permit. Applications for BESS Installations requiring Site Plan Review shall be accompanied by the fee for Site Plan Review specified in §235-57(I). Likewise, applications for BESS Installations requiring a Special Permit shall be accompanied by the fee listed in §235-57(F). BESS Installations are subject to permitting fee requirements pursuant to 225 CMR 29.09: Consolidated Local Permit Application.
- F. Site Plan Review. All Primary Use BESS that require Site Plan Review, as specified in the Table of Use Regulations found in §235-13(D) of this Bylaw, shall undergo Site Plan Review by the Planning & Zoning Board prior to construction, installation, or modification. Any project that requires Site Plan Review shall also comply with the applicable provisions of 225 CMR 29.09: Consolidated Local Permit Application, DOER's Guideline on Public Health, Safety, and Environmental Standards and Guideline on Common Conditions.

- (1) General. All plans shall be prepared, stamped, and signed by a Professional Engineer and Professional Land Surveyor licensed to practice in the Commonwealth of Massachusetts.
- (2) Required Documents. Pursuant to the Site Plan Review process, the project owner or operator shall provide the following documents:
 - (a) A Site Plan showing:
 - (1) Property lines and physical features, including topography, roads, characteristics of vegetation (mature trees, old growth, shrubs, open field, etc.), wetlands, streams, etc. for the project site;
 - (2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures, snow storage, and stormwater management systems;
 - (3) Contact information and signature of the project owner or operator, as well as all co-proponents, if any, and all other owners;
 - (4) Contact information and signature of any agents representing the owner or operator, if any;
 - (5) Contact information for the person(s) responsible for public inquiries throughout the life of the BESS;
 - (6) Zoning district of project site and adjacent parcels;
 - (7) Blueprints or drawings of the BESS Installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system;
 - (8) One- or three-line electrical diagrams detailing the BESS, associated components, and electrical interconnection methods, with all National Electric Code compliant overcurrent devices;
 - (9) Documentation of major system components including the batteries, inverters, fire detection and suppression systems, and foundations or mounting;
 - (10) Total limit of disturbance;
 - (11) Total area of vegetation clearing, not including mowed field;
 - (12) Contour lines with an interval of no more than 2 feet;

- (13) Property lines of parcels within 30 feet;
- (14) Location, dimension, and types of existing structures on the property;
- (15) Location of noise producing equipment;
- (16) Trees with a diameter at breast height (DBH) of 20 inches or greater within the project site;
- (17) Diseased or hazard trees that will be removed as part of the project;
- (18) The right-of-way of any public road that is contiguous with the property;
- (19) Overhead and underground utilities;
- (20) Locations of floodplains as shown on the FEMA Flood Insurance Rate Map (FIRM);
- (21) Locations of inundation areas for moderate or high hazard dams;
- (22) Locations of local or National Historic districts and properties;
- (23) Stormwater Best Management Practices;
- (24) Erosion and sediment control;
- (b) Proof of notification to owners of record for all abutting properties and properties within 300 feet of the subject parcel's boundary;
- (c) A Site Suitability Report, if applicable, as prescribed by 225 CMR 29.06(2); and,
- (d) Other materials necessary for Site Plan Review, if required by the Planning & Zoning Board, including other applicable information required by 225 CMR 29.00 or associated guidance.
- (e) A detailed description of the proposed project, including the proposed Site Footprint and the surrounding area with relevant maps, figures, drawings, anticipated permits, any proposed Community Benefits Plan if applicable, a description of any proposed Payment in Lieu of Taxes (PILOT) payment, or other attachments specified by 225 CMR 29.00 or associated Guidance;
- (f) Documentation of actual or prospective access and control of the project

site;

- (g) An Operation & Maintenance Plan;
- (h) An Emergency Response Plan;
- (i) A preliminary equipment specification sheet that documents the proposed BESS components and other associated electrical equipment that are to be installed, including the manufacturer and model. A final equipment specification sheet shall be submitted prior to issuance of a building permit;
- (j) Proof of liability insurance; and
- (k) Documentation that the project has complied with all applicable pre-filing requirements in 225 CMR 29.08.

The Planning & Zoning Board may waive document requirements as it deems appropriate.

- (3) Site Control. The project owner or operator shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed BESS Installation.
- (4) Operation & Maintenance Plan. The project owner or operator shall submit a plan for the operation and maintenance of the BESS, which shall include measures for maintaining safe access to the installation, stormwater controls, and general procedures for operational maintenance of the installation. Operations and Maintenance plans for Solar Photovoltaic Installations must comply with the standards in the DOER Guideline on Public Health, Safety, and Environmental Standards, and Guideline on Common Conditions.
- (5) Emergency Response Plan. For all BESS Installations requiring Site Plan Review or a Special Permit, the proponent shall submit an Emergency Response Plan. The Emergency Response Plan shall be approved by the Fire Department prior to system commissioning. A copy of the Emergency Response Plan shall be given to the Fire Department. 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 Response Plan shall include the following information:
 - (a) 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 start-up following cessation of emergency conditions.

- (b) Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - (c) Procedures to be followed in response to notifications from the BESS 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.
 - (d) 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.
 - (e) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
 - (f) Procedures for dealing with BESS 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.
 - (g) Other procedures as determined necessary to provide for the safety of occupants, neighboring properties, and emergency responders.
 - (h) 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.
- (6) Utility Notification. No BESS Installation requiring Site Plan Review shall be constructed until evidence has been given to the Planning & Zoning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the BESS owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (7) Dimensional & Density Standards
- (a) Setbacks. Co-located BESS Installations shall comply with all solar energy system setbacks for the zoning district where they are located.
 - (1) Tier 1 Principal BESS Installations shall follow the dimensional and density regulations for solar energy systems, Small Scale, Ground Mount, Accessory Use as outlined in Appendix B.

- (2) Tier 2 Principal BESS Installations shall follow the dimensional and density regulations for solar energy systems, Medium Scale, Ground Mount, Accessory Use as outlined in Appendix B.
 - (3) Tier 3 Principal BESS Installations shall follow the dimensional and density regulations for solar energy systems, Large Scale, Ground Mount, SPOD as outlined in Appendix B.
 - (b) Appurtenant Structures. All appurtenant structures to BESS Installations that require Site Plan Review shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking, and building coverage requirements. All such appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.
- (8) Design Standards. All BESS Installations requiring Site Plan Review shall be subject to the following design standards:
- (a) Lighting. Lighting of BESS Installations shall be consistent with local, state and federal laws, and the DOER Guideline on Common Conditions and Guideline on Public Health, Safety, and Environmental Standards. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the BESS Installation shall be DarkSky Approved, directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
 - (b) Signage. Signage for BESS Installations shall be in compliance with American National Standards Institute (ANSI) Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number. Signage shall be updated to reflect any changes to contact information within ninety (90) days of any changes.
 - (c) Screening. Visual screening practices for BESS Installations shall comply with the DOER Guideline on Public Health, Safety, and Environmental Standards and Guideline on Common Conditions. BESS Installations which require Site Plan Review shall include year-round screening. Screening may consist of vegetation, berms, fencing, or a combination thereof. Project owners are responsible for maintaining screening throughout the life of the installation. For smaller projects below a designated capacity or acreage threshold, screening may be reduced or waived at the discretion of the

Planning & Zoning Board.

- (d) Fencing. BESS Installations which require Site Plan Review shall be, at a minimum, completely enclosed by chain-link with privacy slats or comparable vinyl or wood fencing with discreet coloring to prevent entry by unauthorized persons. If applicable, fencing for all BESS Installations shall comply with standards established by the electric utility to which the BESS connects. Fencing shall neither inhibit native wildlife migration nor block flood waters.
 - (e) PFAS. The applicant shall certify that non-PFAS fire-suppression foams shall be employed to the extent that they are commercially available, efficacious, and compliant with federal and state fire codes.
 - (f) Containment of Liquid Hazardous Materials. Liquid hazardous materials shall be stored in a containment area that, in the case of leaks, is capable of containing 110% of the largest volume stored in the containment area.
 - (g) Noise. BESS Installations shall comply with all state noise regulations (310 CMR 7.10) and §235-30(B) of the Zoning Bylaw. To the extent practicable, noise producing equipment shall be located at the maximum distance possible from residences and other sensitive noise receptors. The Planning & Zoning Board may require a noise study to demonstrate compliance.
 - (h) Post Installation Site Stabilization. BESS Installations shall have a fully-stabilized ground cover, which shall be approved by the Planning & Zoning Board as to type and suitability.
- (9) Safety & Emergency Services
- (a) Safety
 - (1) BESS and associated equipment shall be certified by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for BESS); approved equivalent standard, or subsequent standard. All subcomponents shall meet the following standards as applicable:
 - a. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail)
 - b. UL standards for the battery technology used in the BESS Installation (e.g., UL 1642, Standard for Lithium Batteries)
 - c. UL 1741 (Inverters and Power Converters)

- (2) For all Tier 2 and Tier 3 systems, the UL9540A test report for the product shall be made available to the Fire Marshal and Building Inspector. If Site Plan Review is required, it shall also be provided to the Planning & Zoning Board.
 - (3) The BESS shall be maintained in good working order and in accordance with industry standards.
 - (4) Site access shall be maintained, including snow removal, at a level acceptable to the local Fire Department.
- (b) Emergency Services. The BESS owner or operator shall provide a copy of the project summary, electrical schematics, and approved Site Plan to the Fire Chief and Building Inspector. All means of shutting down the BESS shall be clearly marked. The owner or operator shall identify a person responsible for public inquiries throughout the life of the installation. Site specific procedures for handling emergencies shall be established in the Emergency Response Plan.

(10) Land Clearing & Erosion Control

- (a) Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the BESS Installation and shall be in accordance with the provisions of ECB §503-25. All combustible vegetation shall be removed for a minimum distance of ten (10) feet from the BESS modules.

(11) Monitoring & Maintenance

- (a) BESS Installation Conditions. The BESS Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained at a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the BESS Installation and any access road(s), unless accepted as a public way.
- (b) Modifications. All material modifications to BESS installations which require a Site Plan Review made after the issuance of the required building permit shall require approval by the Planning & Zoning Board. Any increase in Site Footprint or capacity in kWDC or kWhDC, or significant alterations to project configuration shall constitute a material modification.
- (c) Change of Ownership. The BESS Installation owner or operator shall provide written notification to the municipality within thirty (30) days if there is any change of project ownership. Notifications shall include name,

business address, phone number, email address, and emergency phone number of the new owner.

(12) Abandonment or Decommissioning

- (a) Removal Requirements. The BESS Installation owner or operator shall comply with all decommissioning and abandonment standards set forth in the DOER's Guideline on Public Health, Safety, and Environmental Standards and Guideline on Common Conditions. Any Tier 2 BESS Installation or Tier 3 BESS Installation which has reached the end of its useful life or has been abandoned consistent with §235-37(F)(12)(b) of this Bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Fire Chief and the Planning & Zoning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - (1) Physical removal of all BESS Installations, structures, equipment, security barriers, and distribution and/or transmission lines from the site.
 - (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - (3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning & Zoning Board may allow the owner or operator to leave landscaping to minimize erosion and disruption to vegetation.
- (b) Abandonment. The BESS 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 and/or Fire Chief as to the continued validity and operation of the system. If the owner or operator fails to comply with decommissioning upon any abandonment, the municipality shall have the right, to the extent it is otherwise duly authorized by law, to enter the property and physically remove the installation at the expense of the owner of the installation and the owner(s) of the site on which the installation is located. The Town may use the financial surety as described in §235-37(F)(12)(c) of this Bylaw for this purpose.
- (c) Decommissioning Fund. Prior to construction, the project owner shall provide to the Town, in cash, bond, letter of credit, escrow, or another form reasonably acceptable to the Planning & Zoning Board, a performance

guarantee to cover the cost of removal in the event the Town must remove the BESS Installation and remediate the landscape. The amount of the performance guarantee shall be 125 percent of a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The project owner shall provide an updated estimate after ten (10) years of project operation and subsequent updates in five-year intervals after that date, for the remainder of the project's lifetime. The project owner shall provide additional surety in the amount of 125 percent of the most recent estimated cost of decommissioning.

(d) This surety will not be required for municipally or state-owned facilities.

G. Special Permit. Prior to construction, installation, or modification, Primary-use Tier 2 BESS Installations in the Residential District and Tier 3 BESS Installations in the Residential, Commercial, or Agricultural Districts and Accessory Use Tier 3 BESS Installations in a Residential or Commercial district require a Special Permit as provided in §235-56. Any BESS Installation that requires a Special Permit shall also acquire a Building Permit and undergo Site Plan Review and comply with the applicable provisions thereof and shall also comply with 225 CMR 29.00 and any associated Guidance. The Special Permit Granting Authority for the development of a BESS Installation shall be the Planning & Zoning Board.

(1) Waivers. Upon written request by the Petitioner, the Planning & Zoning Board may waive or reduce any of the special permit requirements of this Section by the same vote required for the permit itself upon written findings of:

(a) Special circumstances of the site, its surroundings, or the proposal design that negate the need for imposition of the requirement, or the objectives of this section may be met in an alternative manner, and

(b) That such a waiver or reduction will not result in a BESS that is less protective of the environment and public health, safety, and welfare than if the waiver were not granted.

(c) In the case of a Special Permit, such requests shall be made by the Petitioner no later than the opening of the Public Hearing. An affirmative or negative vote under this paragraph shall not be construed as an approval or disapproval of the Special Permit sought.

H. Administration. The Consolidated Permitting process and definitions under DOER Regulations 225 CMR 29.00, Small Clean Energy Infrastructure Facility Siting and Permitting, shall be incorporated into the Town of Easton's Zoning Bylaws by reference. The Director of Planning & Community Development shall be the designated Local Government Representative for purposes of processing and administering Consolidated Permit Applications. An Applicant who files for a

Consolidated Permit, shall schedule a Pre-Filing Municipal Meeting and fulfill all pre-filing requirements prior to submitting an application with the Town in accordance with 225 CMR 29.08.

§ 235-13(D) Appendix A-1 Traditional Zoning Districts – Table of Use Regulations shall be amended to include the following new uses as follows:

H. Other Principal Uses	R	R1	B	BN	I	E	M
12. <u>Battery Energy Storage System, Tier 1</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
13. <u>Battery Energy Storage System, Tier 2</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>Y</u>	<u>SPR</u>	<u>SPR</u>
14. <u>Battery Energy Storage System, Tier 3</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>SPR</u>	<u>PZB</u>	<u>PZB</u>

I. Accessory Uses	R	R1	B	BN	I	E	M
19. <u>Battery Energy Storage System Tier 1</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
20. <u>Battery Energy Storage System Tier 2</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
21. <u>Battery Energy Storage System Tier 3</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>

§ 235-13(D) Appendix A-2 Special Zoning Districts – Table of Use Regulations shall be amended to include the following new uses as follows:

H. Other Principal Uses	QCD A	QCD B	QC D C	VB D	FVD Eastman	FVD Depot	FV D Bus	FV D Res
10. <u>Battery Energy Storage Systems Tier 1</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
11. <u>Battery Energy Storage Systems Tier 2</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>PZB</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>PZB</u>
12. <u>Battery Energy Storage Systems Tier 3</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>

I. Accessory Uses	QCD A	QCD B	QC D C	VB D	FVD Eastman	FVD Depot	FV D Bus	FV D Res
18. <u>Battery Energy Storage</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

	<u>Systems</u> <u>Tier 1</u>								
19.	<u>Battery Energy Storage</u> <u>Systems</u> <u>Tier 2</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>
20.	<u>Battery Energy Storage</u> <u>Systems</u> <u>Tier 3</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>	<u>PZB</u>

Explanation: The Town is updating the language of the Zoning Bylaw to provide standards for the placement, design, construction, operation, monitoring, and removal of Battery Energy Storage Systems (BESS) that address public safety, minimize impacts on scenic, natural, and historic resources, and provide adequate decommissioning financial assurances for such installations. This Amendment is intended to align and be consistent with the consolidated siting and permitting process for small clean energy infrastructure facilities established under Chapter 239 of the Acts of 2024 and 225 CMR 29.00.