

The four proposed amendments

1. Moratorium on Large Scale Ground Mounted Solar Photovoltaic Installations (LSGMSPI) and Battery Energy Storage Systems, proposed via Citizens' Petition
2. Moratorium on LSGMSPI in sensitive areas, proposed by the Planning Board
3. Definition and Moratorium on Energy Storage Systems in sensitive areas, proposed by the Planning Board
4. Revision of Site Plan Review Procedure

Zoning Bylaw changes require: a public hearing, and a **two-thirds vote of town meeting**

Citizens' Petition Moratorium

“No board, commission, or official of the Town of Worthington shall accept, process, or act upon any application for a special permit, site plan approval, building permit, or any other permit or approval related to the construction or installation of a Large-Scale Ground-Mounted Solar Photovoltaic or a Battery Energy Storage System greater than 600 kWh” until June 30, 2027, unless the moratorium is lifted or extended by a vote of Town Meeting.

Effectively a complete prohibition on solar development in Worthington, if only temporarily.



Citizens' Petition Moratorium - The Planning Board's Concern

Supreme Judicial Court : *Tracer Lane II Realty, LLC v. City of Waltham* (2022):

Waltham's "outright ban of large-scale solar energy systems in all but one to two percent of [Waltham's] land area...is impermissible under [G.L. c. 40A, § 3, ¶ 9]."

The Attorney General's Office has consistently interpreted this decision to mean a complete prohibition is impermissible, whether temporary or not.

Planning Board Approach

Two amendments:

- Large Scale Solar
- Energy Storage Systems

Identify sensitive areas

- Water
- Sensitive areas identified by the state



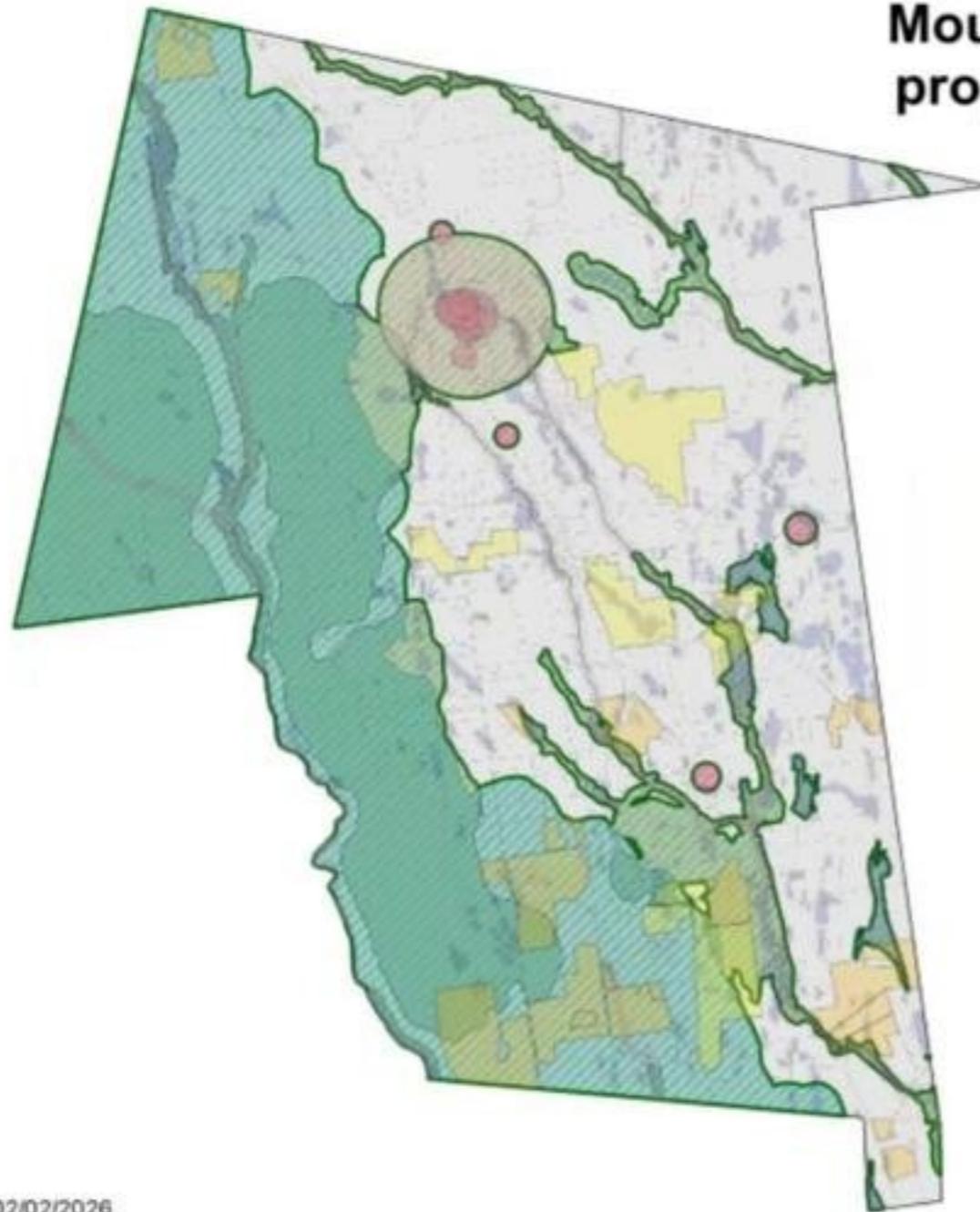
Planning Board Solar Moratorium

Add section 8.5.7:

LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS MORATORIUM IN LIMITED AREAS

- Temporary: expires June 30, 2027
- Prohibits Large Scale Solar in:
 - Worthington Water Supply District
 - Flood Plain and Westfield River Protection District
 - Westfield River Watershed (designated as Outstanding Resource Water)
 - MassWildlife BioMap3 Core Habitats
 - Interim Wellhead Protection Areas (IWPA) around all Public Water Supplies

Area protected from Large Scale Ground Mounted Solar Installations under proposed temporary moratorium.



Wellhead Protection

Water Supply Protection District (approximate)

Interim Wellhead Protection Areas
(All Public Water Supplies)

Outstanding Resource Water

BioMap3

Core Habitat

Protected / Unprotected

Features Protected by proposed moratorium
10,878 acres (52.9%)

Unprotected
9,668 acres (47.1%)

Total acres in Worthington: 20,546

Protected in Other Ways

Land Use Restrictions

Agricultural Preservation Restriction

Conservation Restriction

Wetlands

Waterways - Buffered 200'

Wetlands - Buffered 100'

Planning Board Energy Storage Moratorium

- Definition:

- Energy Storage System (ESS): A device utilized to store electrical energy by converting electrical energy into chemical energy or vice-versa. May consist of a single battery or multiple batteries or other means which accomplish this conversion. May also include any devices utilized to provide cooling to said storage device.
- Small Capacity Energy Storage System: Any energy storage system less than 150 kWh.
- Large Capacity Energy Storage System: Any energy storage system of between 150 kWh and 5MWh. Energy Storage Systems larger than 5MWh are prohibited.



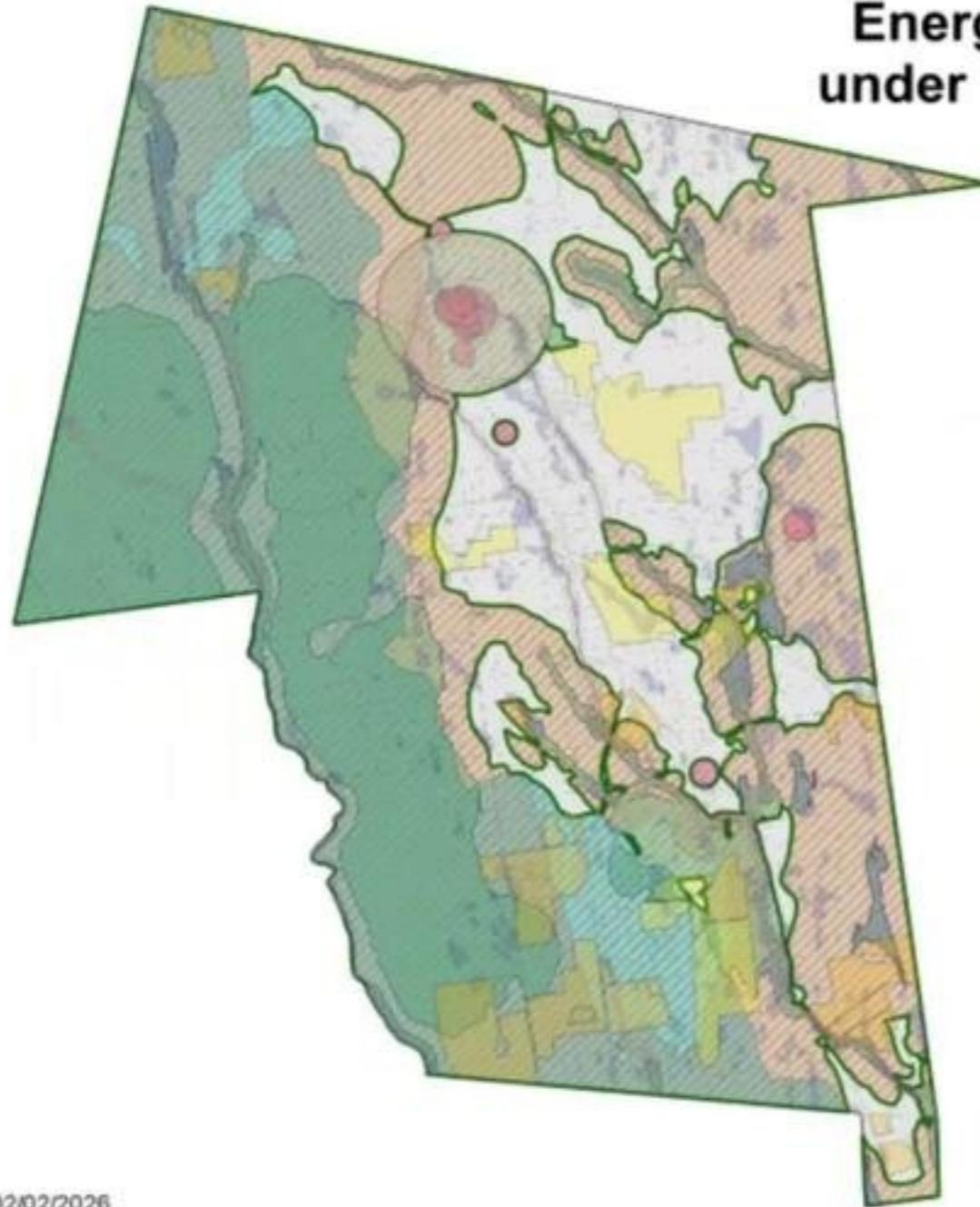
Planning Board Energy Storage Moratorium

Add section 8.8:

LARGE CAPACITY ENERGY STORAGE SYSTEMS MORATORIUM IN LIMITED AREAS

- Temporary: expires June 30, 2027
- Prohibits Large Capacity Energy Storage Systems in:
 - All the places solar was prohibited, plus:
 - MassWildlife BioMap3 Critical Natural Landscapes
 - Within 300' of “residences and structures where the public congregates”

Area protected from Large Capacity Energy Storage System Installations under proposed temporary moratorium



Wellhead Protection

- Water Supply Protection District (approximate)
- Interim Wellhead Protection Areas (All Public Water Supplies)
- Outstanding Resource Water

BioMap3

- Core Habitat
- Critical Natural Landscape

Protected / Unprotected

- Features Protected by Proposed Moratorium
16,036 acres (78.0%)
- Unprotected
4,510 acres (22.0%)

Total acres in Worthington: 20,546

Protected in Other Ways

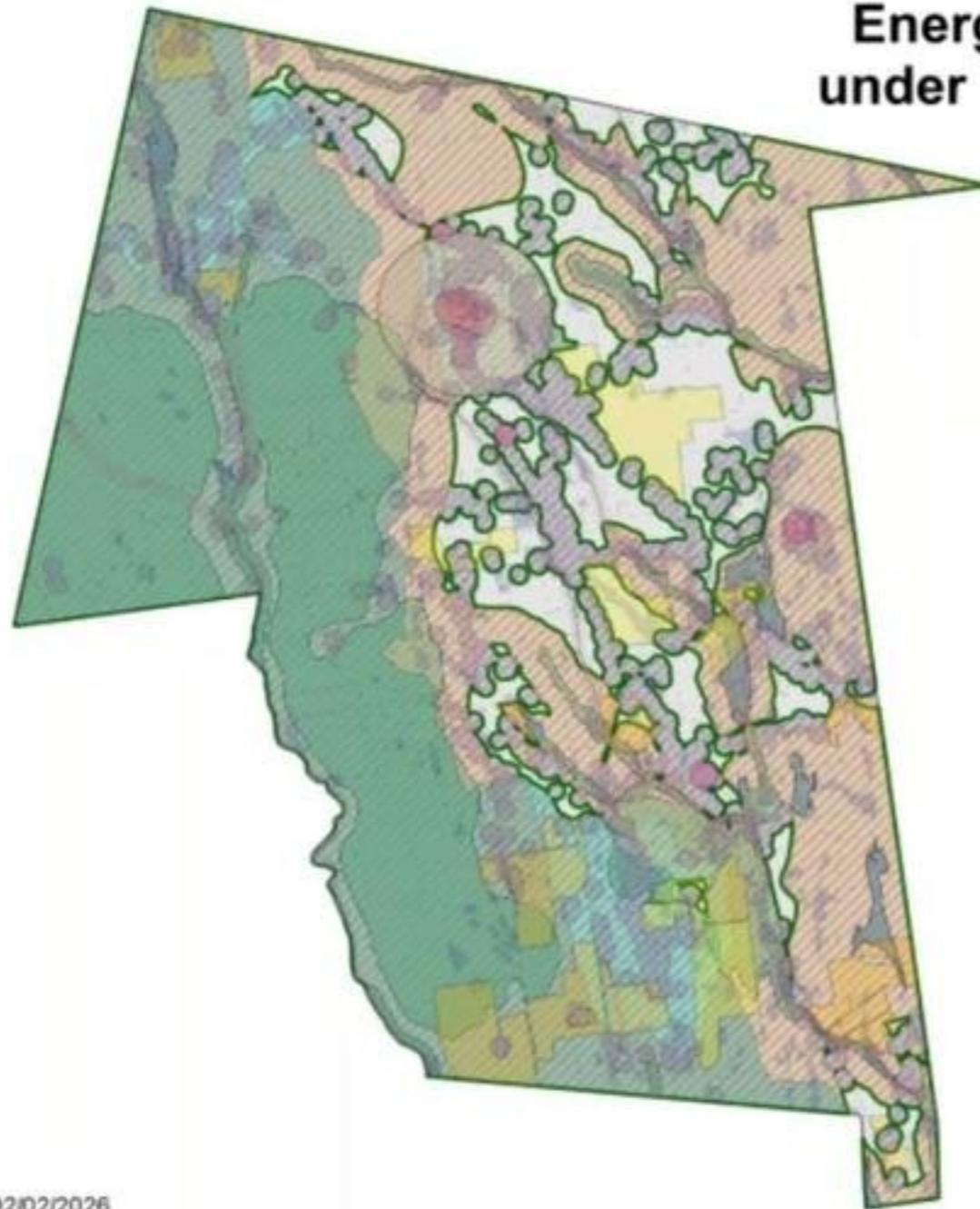
Land Use Restrictions

- Agricultural Preservation Restriction
- Conservation Restriction

Wetlands

- Waterways - Buffered 200'
- Wetlands - Buffered 100'

Area protected from Large Capacity Energy Storage System Installations under proposed temporary moratorium (including 300' setback)



Wellhead Protection

-  Water Supply Protection District (approximate)
-  Interim Wellhead Protection Areas (All Public Water Supplies)

 Outstanding Resource Water

 300' Setback from all structures

BioMap3

 Core Habitat

 Critical Natural Landscape

Protected / Unprotected

 Unprotected
2,667 acres (13%)

 Features Protected by Proposed Moratorium
17,879 acres (87%)

Total acres in Worthington: 20,546

Protected in Other Ways

Land Use Restrictions

 Agricultural Preservation Restriction

 Conservation Restriction

Wetlands

 Waterways - Buffered 200'

 Wetlands - Buffered 100'

Site Plan Review Procedure

Current procedure:

- Planning Board must “deem an application complete”
- Then issue a decision within 65 days
- If no decision issued, application is approved “constructively”

Benefits the applicant:

- if the Planning Board fails to act, the project can move forward

Strains the Planning Board

- 65 days is not enough time to evaluate a large scale solar project

Site Plan Review Procedure

Proposed procedure:

- A hearing must be opened within 65 days
- Once the hearing is closed, a decision must be issued within 90 days

Benefits the Planning Board (and Town)

- No "deeming complete" which is vague and confusing
- No explicit time limit on review (the hearing can be continued)

For the applicant

- Uses a familiar Public Hearing format
- Does not allow the project to move forward if the Planning Board is unresponsive





R. H. Corwell School

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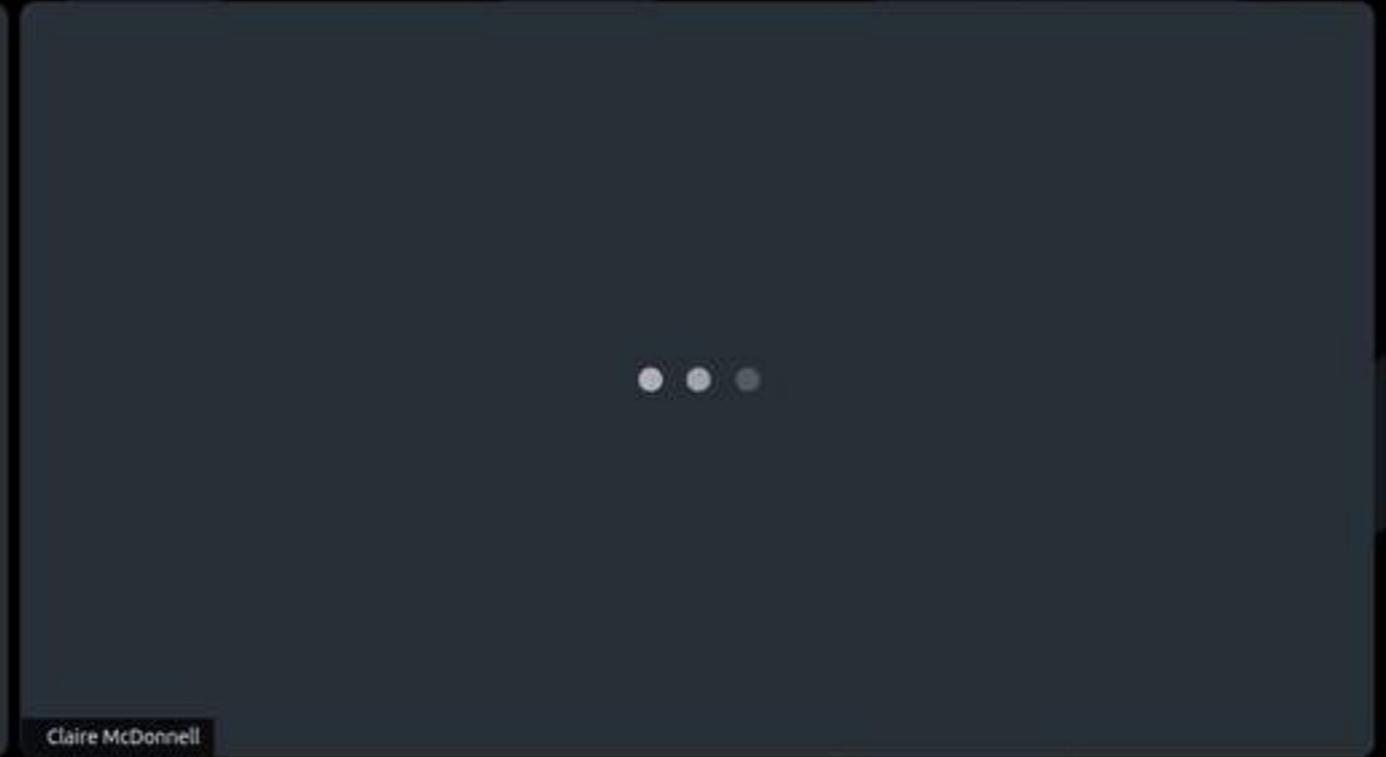
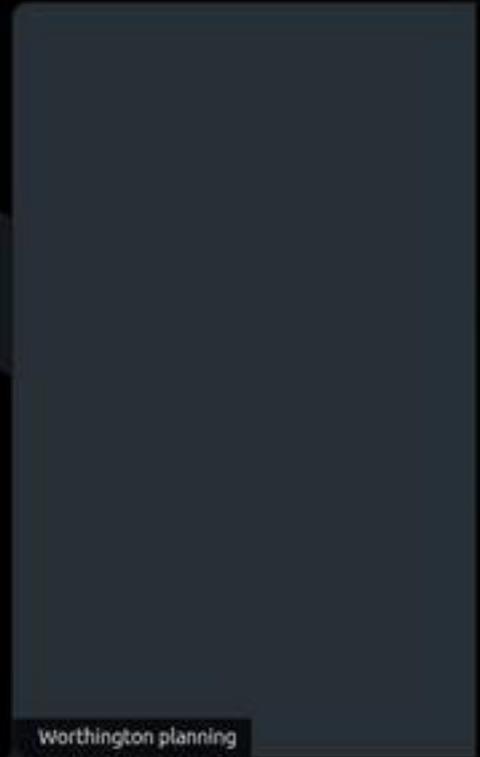
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Worthington planning

Claire McDonnell



Section XX: Temporary Moratorium on Large Capacity Battery Energy Storage Systems

XX.1 Purpose

In order to allow adequate time for the Planning Board, with input from other Town boards (including the Fire Department, Board of Health, and Emergency Response Committee) and the public, to study, hold public forums, and propose permanent zoning amendments regarding the siting, design, construction, operation, environmental safeguards, emergency response coordination, and decommissioning of Large Capacity Battery Energy Storage Systems (BESS), a temporary moratorium is hereby established.

The Planning Board finds that the scale and technical characteristics of such facilities warrant comprehensive regulatory review, particularly in light of:

- Pending Massachusetts legislation addressing BESS siting, safety standards, buffer zones, and local approval authority, including House Bills 4685, 4689, and 4690;
- Ongoing state regulatory development;
- The need to evaluate emergency response coordination, fire protection planning, infrastructure and access considerations, and acoustic performance standards appropriate to rural conditions; and
- The need to establish clear and consistent local performance standards prior to additional applications.

This moratorium is temporary and is adopted to protect public health, safety, and welfare while comprehensive local regulations are developed in alignment with state law and policy.

XX.2 Scope

For the effective period of this bylaw, no board, commission, or official of the Town of Worthington shall accept, process, or approve any application for a special permit, site plan review, building permit, or any other discretionary approval related to the construction, installation, or operation of a Battery Energy Storage System, whether standalone or co-located.

This moratorium shall apply to applications submitted on or after its effective date. Applications

XX.2 Scope

For the effective period of this bylaw, no board, commission, or official of the Town of Worthington shall accept, process, or approve any application for a special permit, site plan review, building permit, or any other discretionary approval related to the construction, installation, or operation of a Battery Energy Storage System, whether standalone or co-located.

This moratorium shall apply only to applications submitted after its effective date. Applications formally submitted and deemed complete prior to the effective date of this bylaw shall continue to be reviewed under the regulations in effect at the time of submission.

XX.3 Planning Work During Moratorium

During the moratorium period, the Planning Board shall:

- Develop siting and setback standards;
- Establish performance-based safety and environmental protection standards;
- Review emergency response coordination requirements;

- Establish decommissioning and financial assurance standards; and
- Present proposed permanent zoning amendments for Town Meeting consideration.

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For the effective period of this bylaw, no board, commission, or official of the Town of Worthington shall accept, process, or approve any application for a special permit, site plan review, building permit, or any other discretionary approval related to the construction, installation, or operation of a Battery

- Establish decommissioning and financial assurance standards; and
- Present proposed permanent zoning amendments for Town Meeting consideration.

XX.4 Term

This moratorium shall expire on June 30, 2027, unless ended earlier by vote of Town Meeting.

XX.5 Severability

If any portion of this bylaw is declared invalid, the remainder shall continue in full force and effect.

XX.6 Effective Date

This bylaw shall take effect upon approval by the Attorney General pursuant to M.G.L. c. 40, § 32, and filing with the Town Clerk.

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