



## **Town of Whately Planning Board**

4 Sandy Lane  
South Deerfield, MA 01373

November 10, 2025

Massachusetts Department of Energy Resources (DOER)  
100 Cambridge Street, Suite 1020  
Boston, MA 02114

Re: Comments on DOER Draft Model Bylaw for Battery Energy Storage Systems  
(October 2025)

Dear DOER Staff,

The Whately Planning Board appreciates the opportunity to provide comments on the Draft Model Zoning Bylaw for Battery Energy Storage Systems (BESS) issued in October 2025. We support DOER's intent to provide clear, consistent standards for siting BESS facilities while preserving local authority to protect public health, safety, and welfare. The following represent Whately's principal concerns and recommendations, keyed where possible to specific sections of the model bylaw.

### **1. Protection of Public Water Supplies**

Relevant sections: § 6.9 (Safety and Environmental Standards), § 6.10 (Monitoring and Maintenance).

Approximately 60 percent of Whately residents are served by public water supplies dependent on underground aquifers. Our zoning bylaws delineate aquifer protection zones where land use is restricted to protect recharge areas. We recommend that § 6.9 or § 6.10 explicitly authorize municipalities to prohibit Tier 2 and higher BESS installations within delineated aquifer protection zones, consistent with the "reasonably necessary" standard under 225 CMR 29.00 and M.G.L. c. 40A § 3.

### **2. Protection of Private Wells**

Relevant sections: § 6.7.1 (Setbacks) and § 6.8 (Design Standards).

Roughly 40 percent of Whately households rely on private wells. We recommend that § 6.7.1 acknowledge municipal discretion to establish setbacks from private wells proportionate to local hydrogeologic conditions and fire-safety needs. The model could also clarify that such setbacks are considered “reasonable regulations” under the Dover Amendment.

### **3. Adequate Access to Water for Operations and Fire Suppression**

Relevant sections: § 6.5 (Emergency Response Plan) and § 6.9.2 (Emergency Services).

Sections 6.5 and 6.9.2 appropriately require emergency response planning but do not address baseline water-supply adequacy. We recommend adding a requirement that applicants provide data on expected water use during normal operation and in fire-suppression scenarios, and demonstrate that adequate public or private water resources are available to meet those needs.

### **4. Financial Assurance for Accident Response and Remediation**

Relevant sections: § 6.11.3 (Decommissioning Fund).

While § 6.11.3 provides decommissioning surety, the model is silent on financial assurance for accident remediation. We recommend extending § 6.11.3 to require bonding or insurance sufficient to cover cleanup of fire-related contamination of groundwater, soils, or prime farmland, and to protect municipalities from costs associated with major BESS incidents.

### **5. Ongoing Inspection and Oversight Authority**

Relevant sections: § 6.10 (Monitoring and Maintenance).

Section 6.10 requires maintenance but does not address municipal authority for periodic inspection. We recommend adding a provision authorizing towns to perform regular technical or safety inspections—at the operator’s expense—to verify continuing compliance with NFPA 855 and UL 9540A standards. Such a mechanism would avoid reliance solely on operator self-certification.

### **6. Public Education and Data Transparency**

The model would benefit from additional explanatory material on BESS risks and thresholds. Specifically, DOER could supplement the bylaw or guidance with:

- Training modules or reference materials for local boards and emergency responders;
- Data explaining the empirical basis for the 250 kWh and 10 MWh tier thresholds;
- Case-study summaries comparing risk profiles across scales of BESS installation.

Such materials would help communities communicate balanced, evidence-based information about both risks and benefits of BESS deployment.

The Whately Planning Board thanks DOER for its leadership in advancing clean-energy infrastructure while supporting thoughtful local implementation. We respectfully request that these recommendations be considered as part of the finalization of the model bylaw.

Sincerely yours,

A handwritten signature in black ink, reading "Brant A. Cheikes". The signature is fluid and cursive, with the first name "Brant" being the most prominent.

Brant Cheikes

Chair, Whately Planning Board

CC:    Whately Agriculture Commission  
       Whately Fire Department  
       Whately Conservation Commission  
       Whately Select Board  
       Whately Water Department  
       Whately Zoning Board of Appeals  
       Franklin County Community Inspection Program  
       Senator Comerford  
       Senator Mark  
       Representative Blais  
       Western Regional Siting Coordinator Alison Gage