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Protecting the environment for wildlife in support of the natural world that sustains us all.

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Department of Energy Resources

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Electronic submission via email

BEAT Comments for Massachusetts Department of Energy Resources Draft Bylaws for Solar and Battery Energy Storage Systems

Please accept these comments from Berkshire Environmental Action Team (BEAT) on the Draft Bylaws for Solar and Battery Energy Storage Systems. BEAT is a 501(c)(3) non-profit whose mission is to protect the environment for wildlife in support of the natural world that sustains us all.

We would like to address the questions posed by the Departments:

• Are the classes and tiers for solar facilities and BESS appropriate breakpoints for the sizes? Should there be new classes or should any classes be combined?

The designation of solar facilities between 1,000kW and 25,000kW as one class feels appropriate, given that the US Energy Information Administration defines any solar installation of 1MW or more as a utility-scale project. However, as home-scale solar is generally considered to be in the 5 to 15kW range, it may be appropriate to consider anything above 15kW in the “medium” category. A 15kW system requires anywhere from 35 to 60 panels depending on efficiency, and can nearly triple the energy needs of the average home according to the EIA. It might also help inform any needs to upgrade grid capacity in the region of the project.

• Are there additional types of common zoning districts that should be added to the use table?

Planned growth areas or planned business districts might be a useful zoning district to include in the table.

Setbacks

- **With the understanding that the setbacks for solar facilities and BESS are suggested values, should they be larger, smaller, or remain the same? Why?**

Given that setbacks for solar facilities and BESS are suggested values in this document, setbacks of 20 ft. (front and side) and 25 ft. (rear) or 50 ft. for residential districts could be slightly increased to provide a standard for municipalities that might choose to adopt large parts of the two bylaws. Perhaps a slightly larger suggested default setback of 30 ft. for all non-residential zoning districts could be considered with flexibility for municipalities to determine how they would like to implement safe setback standards for solar and BESS given their specific contexts.

- **Are there other abutting uses that should command larger setbacks? (Please note that solar facilities and BESS would also be regulated by other state and local regulations that may require setbacks, such as wetland buffer zones.)**

Educational and day care facilities could also benefit from larger setbacks, particularly those in zoning districts that are less residential. Additionally, hospitals and nursing homes should also command larger setbacks, as evacuation times from those facilities would be longer in the event of an emergency

Other

- **Are there topics that are not addressed in the bylaws that should be addressed? (Please be as specific as possible, potentially including your preferred bylaw language.)**

This is not something that is not addressed in the bylaw, but we would like to show our firm support for encouraging BESS to co-locate with electric grid substations, solar photovoltaic installations and other renewable energy sources.

Requiring BESS installations to be sited a particular distance (at least 300 or 400 feet, for example) would help protect municipal and/or individuals from contaminated water sources as a result of BESS construction and maintenance, or in the event of failure, particularly in rural areas where well water is common.

Finding some way to encourage the exploration and implementation of non-lithium BESS options as part of the bylaw would be beneficial to creating safer BESS systems in the future. Some alternatives to note include flow batteries, as well as iron-air,

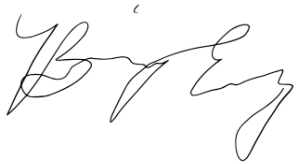
lead-acid, nickel, sodium, and nickel-chloride batteries. Several non-lithium batteries have notably longer duration as well and could help serve growing winter-peak demand.

Local control over cumulative impacts of multiple large facilities.

One concern that remains is the lack of local control over the number of large facilities in any one municipality. These are under state purview with municipalities only serving a consulting role. There should be provisions in the new regulations that allow a municipality to say they already host enough facilities and won't accept any more. It would need to stop short of a total ban. That's been ruled out in the courts already, but some towns that are facing 3 or more proposals, should be able to say no to more. The rural nature of these towns is usually the main driver of their economy, so the impacts to rural character could be devastating.

Thank you for the opportunity to comment on these draft bylaws. We look forward to reviewing the final version.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brit E', with a stylized flourish at the end.

Brittany Ebeling, *Executive Director*
Berkshire Environmental Action Team

A handwritten signature in black ink, appearing to read 'Rosemary Wessel', with a stylized flourish at the end.

Rosemary Wessel, *Program Director*
No Fracked Gas in Mass, A Program of Berkshire Environmental Action Team