

COMMONWEALTH OF MASSACHUSETTS
Energy Facilities Siting Board
EFSB 25-08
Siting Board Staff's Proposed Amendments to the Tentative Decision
June 29, 2026

Page	Line	Amendment
xii	4	Replace "a" with "an approximately"
xii	27	Replace "standards" with "Stormwater Standards"
7	Fn. 4	Add the following sentence to the end of the footnote: "In addition, residents provided a document to the Presiding Officer at the public comment hearing which stated that it contained over 2,000 signatures opposing the Project."
9	17	Insert new footnote after the phrase "during the evidentiary hearings:" with the following text: "Messrs. Nicholas and Casper adopted the prefiled written testimony of E. Paul Hayes, Vice President of Energy Infrastructure at the Hiller Companies, who was unavailable to testify when scheduled for the evidentiary hearing."
13	17	Insert new subsection B with the following text: <u>"B. Scope of Review</u> In this decision, the Siting Board is reviewing a request for zoning exemptions pursuant to its authority under G.L. c. 40A, § 3. In assessing whether the Project is reasonably necessary for the convenience or welfare of the public, the Siting Board employs its long standing standard of review enunciated in Section A, above. The Siting Board notes that as part of its review of a zoning exemption request, it is not granting specific permits that the Project might require. The Project must still obtain all required permits from the appropriate permit granting agencies. The Siting Board expects that state and local agencies (and federal agencies, as appropriate) will review the applicable permits that must be obtained for this proposed facility. At that stage in permitting, each agency may impose conditions consistent with its authority in issuing a permit. Those agencies are not precluded by a grant of zoning exemptions by the Board in this proceeding from making an independent assessment of design and mitigation issues to ensure compliance with otherwise applicable federal, state, and local law and regulations. Because review of specific permit requests with other agencies often occurs simultaneous with or after the Siting Board's zoning exemption review, project design plans for

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		energy facilities are finalized after the Siting Board’s zoning exemption decision. Advancement of detailed project design occurs during the permitting processes to follow the Board’s decision. <u>See Moraga Storage, LLC</u> , EFSB 25-07, at 15-16 (2026) (the zoning exemption case is not constrained by the timing of Moraga’s filings with other agencies).
13	17	Insert new footnote at the end of the fourth sentence of Section B. Scope of Review that begins with “The Project must still obtain...” with the following text: “The Siting Board has authority, in certain circumstances, to issue permits for BESS projects under Section 118 of the 2024 Climate Act. St. 2024, c. 238, § 118. However, this is not a certificate of environmental impact and public interest proceeding, pursuant to G.L. c. 164, § 69H, and referred to in Section 118 of the 2024 Climate Act in which the Board reviews requests for a grant of state and local permits.”
18	Fn. 16	In the first line of the footnote, replace “of” with the phrase “not less than”.
34	8	Replace “open houses” with “open house”.
62	28-29	Replace the phrase “sources that are upgradient” with “all sources within the Zone”
90	10-21	Remove the duplicative paragraph and bullet point list that starts with “The Board directs the Company to implement...” and ends with “...east of the Project.”
99	16-20	Insert new footnote after the end of the sentence that begins with “As needed, the Company would employ...” with the following text: “Old Boston Road may also be considered for repairs.”
108	21	Insert new footnote after the phrase, “one house that is located 83 feet from the nearest battery container” with the following text: “While the record shows that the nearest house is located 83 feet from the nearest battery container (Exh. HEC-1, Att. D at 14), D/S indicated that the house (at 123 Clinton Street) is located about 40 feet from the closest part of the Project boundary (D/S Brief at 28). The Project plans appear to confirm this estimation (Exh. HEC-1, Att. A at CS101).”

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111	32	Insert new footnote after the end of the sentence that begins with “The Company stressed that Project design...” with the following text: “The Siting Board notes that Annex G to NFPA 855 (2026) is advisory only (RR-EFSB-12(1)).”
124	8-10	Insert new footnote at the end of the sentence that begins with “The Company indicated that Project emergencies...” with the following text: “Note that the ERP contains a requirement for an evacuation strategy (Exh. DS-G-21(1) at 32).”
153	29-32	Add the following sentence to the end of the paragraph that begins with “Consistent with Section 12(J)...”: “As necessary, the Siting Board expects the Company to store these items in a safe and secure manner until they can be properly discarded.”
156	6-8	Replace the paragraph that begins with “In light of real-world...” with the following paragraph: “In light of record evidence regarding prior BESS fire incidents, the Siting Board finds that BESS fire emission impacts at off-site locations have not generally posed a significant threat to public health. Nevertheless, given the Project Site’s proximity to residential neighborhoods – including senior housing containing medically vulnerable individuals – the Siting Board finds that in the unlikely event of a major emergency, inclusion of evacuation and shelter-in-place protocols in the Emergency Response Plan is warranted. Accordingly, prior to Project construction, the Siting Board directs the Company to work with the Tewksbury Fire Department and Tewksbury Emergency Management Director on identifying an evacuation and shelter-in-place strategy, which considers location, Project, and incident-specific factors. This strategy shall be completed and submitted to the Town no later than 30 days prior to construction.”
165		Add a new footnote to the end of the sentence that begins with “Moreover, until the BOH...” with the following text: “The Board of Health is an intervenor in this proceeding and therefore, will receive copies with the rest of the service list of all compliance filings made in this docket with the opportunity to comment to the Board on those filings.”
192	5-7	Move unnumbered paragraph that begins with “The Board directs the Company to provide...” to the end of Condition 40.

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193	23-34	Replace the text of Condition 48 with the following: To minimize the risk of contamination to the groundwater of this Zone II Wellhead Protection Area in accordance with the intent of the MassDEP Stormwater Standards and the local Tewksbury Groundwater Protection District bylaw, the Board directs the Company to minimize runoff and comply with the Massachusetts Stormwater Management Standards in 310 CMR 10.00 and to be consistent with the associated guidance in the Massachusetts Stormwater Handbook, including, but not limited to, (1) the provision of artificial recharge as an alternative to the 15% impervious surface requirement in the Tewksbury Groundwater Protection District bylaw, as required by MassDEP's drinking water regulations at 310 CMR 22.21(2)(b)7 and (2) the development of a Construction Period Soil Erosion and Sediment Control Plan. The Board directs the Company to provide a final Land Disturbance/Stormwater Permit, a Wetlands Protection Act Order of Conditions, and a Tewksbury Wetlands Bylaw Order of Conditions to the Town and Siting Board no later than 30 days prior to construction. The Board further directs the Company to provide a compliance filing to the Town and Siting Board to demonstrate compliance with MassDEP Stormwater Standards within six months of completion of Project construction."
194	36-39	Replace the text in Condition 56 with the following" "Prior to the issuance of any building or construction permit, the Board directs the Company to submit to the Board, Tewksbury Planning Board, and the Tewksbury Conservation Commission a final stormwater management system design certified by a licensed Massachusetts Professional Engineer demonstrating, based on Estimated Seasonal High Groundwater Elevation ("ESHGW") data collected in 2025 and 2026 from on-site testing, that the bottom of the six-inch crushed stone layer beneath all Recharge Basins is at least 2.0 feet above the ESHGW at each Recharge Basin location. The certification shall address the March–April 2026 datalogger data ESHGW assessments and demonstrate, on a basin-by-basin basis, how each basin achieves the required 2.0 foot or greater vertical separation. The Board further directs the Company to provide a description of the construction practices to be employed and materials required to achieve the 2.0 foot or greater vertical clearance at each Recharge Basin. The Company shall provide this certification to the Tewksbury Planning Board, Tewksbury Conservation Commission and the Board no later than 30 days

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		prior to commencement of Recharge Basin construction actions.”
197	28-32	Replace the text of Condition 66 with the following: “Consistent with Section 6(A)(iii) of the HCA, the Board directs the Company to submit to both the Tewksbury Fire Department and the Tewksbury Emergency Management Director an Emergency Response Plan (“ERP”) for the Project prior to the Company’s commissioning of the Project and to incorporate comments from these parties in such ERP to the extent practicable.”
198	4-5	Replace the last clause of the last sentence of Condition 67 with the following: “and submit the update to the Town Manager and Tewksbury Fire Department.”
198	7, Condition 68	Replace “and” with “or”.
198	10-12	Replace the text of Condition 69 with the following: “The Board directs the Company to complete the final HMA and ERP no later than 60 days before commencement of the Project’s operation and provide the final HMA and ERP to both the Tewksbury Town Manager and Siting Board when complete.”
203	23-24	Replace the text of Condition 90 with the following: “Consistent with the HCA Appendix A(#9), per NFPA 855, the selected battery technology will require a Large-Scale Fire Test representative of the layout to be used on site. The Company shall incorporate the data from this test into the HMA and provide validation that the Project spacing between enclosures ensures that there is not propagation between enclosures during an incident.”
205	2	Add new Condition with the following text: “The Company shall maintain a publicly available complaint log regarding noise, odor, smoke, dust, vibration, glare, traffic, stormwater, runoff, alarms, emergency events, and other health or safety concerns. During construction, complaint logs shall be provided to the Siting Board and Board of Health monthly. During operation, complaint logs shall be provided quarterly and within five business days upon request by the Siting Board and Board of Health. Each log shall include the date, time, location, nature of complaint, response, corrective action, and closeout status.”

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205	2	Add new Condition with the following text: “The Siting Board directs the Company to ensure that further Site development complies with G.L. c. 21E requirements.”

Note: Where condition language has been revised in this Amendment Sheet, Staff will revise the language of the Final Decision to be consistent with the Amendment sheet language as approved by the Siting Board.