

Section 18 - Electric Energy Storage Systems

Definition

Electric Energy Storage System: a physical container providing secondary containment to one or more electric energy unit(s) for storing electrical energy that is equipped with cooling, ventilation, fire suppression, and an electric energy management system. It may be a primary use or accessory to a solar energy facility, power generation facility, an electrical substation or other similar use. Electric Energy Storage Systems shall not constitute a Public Utility for the purposes of this bylaw.

1. Use Regulations

Electric energy storage systems shall only be erected, constructed, installed or materially modified after site plan approval by the Planning Board and the subsequent issuance of a special permit by the Select Board in accordance with this section in all zoning districts.

Battery Storage Systems constructed in conjunction with solar power generation systems may be permitted as a single project.

2. Compliance

The construction and operation of all electric energy storage systems shall comply with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of an electric energy storage system shall be constructed in accordance with the State Building Code.

3. Site Control

The applicant shall submit documentation to the Planning Board of actual or prospective access and control of the proposed project site sufficient to allow for the construction and operation of the electric energy storage system.

4. Utility Provider Conditional Approval

No electric energy storage system shall be constructed until the applicant demonstrates to the Planning Board that the utility company that operates the electrical grid where

the installation is to be located has been notified of the applicant's intent to install an interconnected customer-owned generator.

Off-grid installations are exempt from this requirement.

5. Operation & Maintenance

The owner/operator of the electric energy storage system shall maintain the electric energy storage system and the site in good condition. This includes but shall not be limited to the maintenance of access roads, storm water control measures, security measures and vegetation screening. Site access shall be maintained to a level acceptable to the local Fire Chief, Emergency Management Director, and Emergency Medical Services.

6. Liability Insurance

Prior to commencing operation, the owner/operator of an electric energy storage system shall provide a certificate of liability insurance in an amount and form acceptable to the Planning Board showing that the Town is an additional named insured thereon. Such insurance shall be maintained until the electric energy storage system has been removed by the owners/operators, their successors, and/or assigns. Such certificate shall be supplied to the Building Inspector on an annual basis upon the renewal of said insurance policy.

7. Financial Surety

a. Applicants seeking to construct or modify an electric energy storage system shall provide a form of surety to cover the cost of removal and restoration of the site in the event the town must remove the installation and remediate the landscape. The amount and form of surety which may be an escrow account, bond or otherwise, shall be determined by the Planning Board, but in no event shall the amount exceed one-hundred twenty-five (125%) percent of the prevailing wage cost of removal, site restoration, and compliance with the additional requirements set forth herein, and shall be provided prior to construction or modification. Such surety shall not be required for municipally or state-owned facilities. Applicants shall submit a fully inclusive cost estimate, which shall account for inflation of the costs associated with the removal of the electric energy storage system prepared by a qualified engineer.

b. No less than ninety (90) days prior to the expiration of any financial surety required by this bylaw, the current operator of the electric energy storage system shall provide the Building Inspector with renewed, extended or replacement financial surety in an amount and form determined by the Planning Board in accordance with

this bylaw. Such surety shall include oblige notification clause. Lapse of surety shall be a violation of this bylaw and the Town may take appropriate enforcement action. It shall be a condition of every special permit that the Planning Board may, at intervals of no less than five (5) years, request the owner or operator to provide an updated estimate of the cost of removal, and to increase the amount of security accordingly.

8. Design Requirements

- a. Height – Electric energy storage systems shall not exceed twelve feet (12’) in height.
- b. Electric Energy Storage System Gross Square footage – the total square footage of any given electric energy storage container shall not exceed 1,600 square feet. Electric energy storage systems shall be clustered together to the extent practicable.
- c. Setbacks – Electric energy storage systems shall comply with the setback requirements set forth in the Hinsdale Zoning Bylaws, Section 5, *and Table 5-A - Minimums*.
- d. Lighting – Lighting of electric energy storage systems shall be consistent with local, state and federal laws. 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. Where feasible, lighting of the electric energy storage system shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- e. Screening – The electric energy storage systems shall be screened year-round with dense native vegetation from all adjoining properties and public and private ways.
- f. Vegetation Clearing – The clearing of vegetation shall be limited to that which is necessary for the construction, operation, maintenance, modification and removal of the electric energy storage system or otherwise prescribed by applicable laws, regulations, and bylaws. Plans must be reviewed by the Hinsdale Conservation Commission.
- g. Habitat Fragmentation – All electric energy storage systems and accessory containers shall to the fullest extent practicable be clustered and located in or adjacent to areas of the site where the land has already been cleared to avoid habitat

fragmentation. Plans must be reviewed by the Hinsdale Conservation Commission.

- h. Security Measures – Electric energy storage systems shall be secured with a six (6) foot high fence constructed to prevent unauthorized persons from accessing the electric energy storage systems. Said fencing shall be constructed with materials consistent with the vegetation colors/patterns of the area.
- i. Signs – The owner/operator shall comply with requirements of all applicable sign regulations and bylaws and shall install signs at the electric energy storage system as determined by the Planning Board to protect public safety.
- j. Emergency Access – Electric energy storage systems and access roads shall be constructed and maintained to allow for safe access by emergency vehicles.
- k. Emergency Response Plan – Upon the request of the fire chief or police chief, the owner/operator of the electric energy storage system shall cooperate with all local public safety officials to develop and occasionally update an emergency response plan which may include ensuring that emergency personnel have twenty-four (24) hour access to the facility. All means of properly shutting down the electric energy storage system shall be clearly marked. The owner/operator shall identify a responsible person for public inquiries throughout the life of the electric energy storage system.
- l. Underground Utilities – Reasonable efforts, as determined by the Planning Board, shall be made to place all on-site utility connections from the electric energy storage system underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.
- m. Maximum % Coverage – All impervious surfaces of the electric energy storage system, including self-contained shipping containers shall be included in the maximum % lot coverage requirement in the Hinsdale Zoning Bylaws, Section 5, Table 5-A – Minimums, unless the electric energy storage system or part thereof is installed over impervious surface that is already included in the calculation.

9. Site Plan Filing Requirements

Applicants seeking to construct or modify an electric energy storage system shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section and shall submit the following information to the Planning Board. All plans and maps to be submitted shall be drawn at appropriate

scales and shall be prepared, stamped and signed by a registered professional engineer or licensed surveyor. The Planning Board may require additional information, data or evidence as it deems necessary pursuant to the Site Plan Review process, or may, in its discretion, waive any of the filing requirements as it deems appropriate.

- a. Contact Information – Provide the applicant’s and property owner’s name, address, phone number, email address, and signature.
- b. Site Identification – Provide the address and the map, lot and block number of the proposed site.
- c. Site Plans – Provide site plans showing the following:
 - i. Property lines of the proposed site.
 - ii. Elevation contour lines at two-foot vertical intervals.
 - iii. Outlines of all existing and proposed buildings and structures on the proposed site, including distances from the proposed electric energy storage system.
 - iv. Existing and proposed access roads, driveways, public ways, private ways, and recreational trails on the proposed site.
 - v. Detailed layout of the proposed electric energy storage system, including but not limited to storage container locations, foundations, appurtenant equipment and fencing.
 - vi. Electrical diagrams with detailed layout of the electric infrastructure to connect the electric energy storage system to the electric grid or net metering equipment.
 - vii. Delineation of all wetland resources and associated buffer areas (copy to Hinsdale Conservation Commission).
 - viii. Locations of rare, threatened or endangered species existing on the site.
 - ix. Proposed changes to the site, including grading, cut and fill, landscaping, native vegetation for screening and vegetation to be removed or altered.
 - x. Engineering controls at the site and on the access road to control erosion and sedimentation both during construction and after construction as a permanent measure. Such engineering controls shall conform to the Massachusetts Department Environmental Protection’s Storm water Policy and reviewed by the Hinsdale Conservation Commission.
- d. Technical Information – Provide the following information:

- i. Blueprints or drawings of the electric energy storage system signed by a professional engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the installation.
- ii. One or three line electrical diagram detailing the electric energy storage system, appurtenant equipment such as storage containers and electrical interconnection methods with all National Electric Code compliant devices.
- iii. Documentation of the major electric energy storage system components to be used.

10. Technical Review

Upon receipt of an application for a electric energy storage system, the Planning Board may engage professional and technical consultants, at the applicant's expense, including, but not limited to, legal counsel to assist the Planning Board with its review of the application in accordance with the requirements of M.G.L. Chapter 44 § 53G. The Planning Board may direct the applicant to deposit funds with the Planning Board for such review at the time the application is accepted and to add additional funds as needed upon notice. Failure to comply with this section shall be grounds for denying the special permit application. Upon the approval or denial of the application, any excess amounts in the account attributable to the application process, including any interest accrued shall be refunded to the applicant.

11. Discontinuance & Removal

- a. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, an electric energy storage system shall be deemed discontinued when the electric energy storage system has not been in operation for a period of twelve (12) months or more without written permission from the Planning Board or when it has reached the end of its useful life.
- b. After twelve (12) months of non-operation without written permission from the Planning Board, the Building Inspector shall provide written notification to the owner/operator that such electric energy storage system is presumed to be discontinued. Upon written request from the Building Inspector addressed to the contact address provided and maintained by the owner/operator, the owner/operator shall provide evidence to the Building Inspector, within thirty (30) days, demonstrating continued use of the electric energy storage system.
- c. If the owner/operator does not respond within the thirty (30) day appeal period or

does not submit evidence that, in the discretion of the Building Inspector, demonstrates that the electric energy storage system has been in operation for the relevant twelve (12) month period, then the electric energy storage system shall be deemed discontinued. The Building Inspector shall provide written notification of discontinuance to the owner/operator.

- d. The owner/operator of the electric energy storage system shall remove the electric energy storage system and restore the site within one-hundred eighty (180) days of the date of the written notification of discontinuance. If the owner/operator fails to remove the electric energy storage system within one-hundred eighty (180) days, the Town shall have the right, to the extent it is duly authorized by law, to enter onto the proposed site and physically remove the electric energy storage system and restore the site at the sole expense of the owner/operator. Such entry shall be preceded by the issuance of a court order.

Lapse of Approval

Expiration of Special Permit - A permit shall lapse in one (2) year unless a substantial use or construction has begun under the permit by such date and in cases involving construction the work is carried through to completion as continuously and expeditiously as is reasonable.