

# Proposed Zoning Bylaw Amendments

## Battery Energy Storage and Solar Facilities

Town of Whately • Planning Board • Spring 2026

### Background: Massachusetts Clean Energy Law

In 2024, the Massachusetts Legislature enacted the [Clean Energy Act](#) (Chapter 239 of the Acts of 2024), which significantly changed how the state and municipalities regulate clean energy facilities including Battery Energy Storage Systems (BESS) and solar installations. A key provision is that **large BESS installations (100 MWh or greater) are now approved directly by the state** under a streamlined process, and local zoning does not apply to them. For **smaller systems (under 100 MWh)**, cities and towns retain the authority to regulate siting and design — but only within guidelines set by the state. Importantly, municipalities may not outright ban these systems; they may only impose reasonable, evidence-based conditions. The Massachusetts Department of Energy Resources (DOER) published a [Model BESS Bylaw](#) in October 2025 to help municipalities craft compliant local bylaws, and the proposed Whately bylaw is largely based on that model.

### Why Battery Storage Matters for Whately

BESS systems store electricity generated by solar panels or the grid and release it when needed. For a town like Whately, BESS installations offer tangible benefits:

- **Grid resilience:** BESS can supply power during outages, reducing dependence on long transmission lines vulnerable to ice storms and high winds.
- **Grid stability:** Large storage systems help manage peak demand on the regional grid, potentially lowering electricity costs.
- **Support for local solar:** Co-locating storage with solar lets farms and other properties maximize the value of on-site generation.

At the same time, BESS facilities — particularly large lithium-ion systems — present real risks that the bylaw is designed to address.

### Permitted Uses by Zoning District

BESS Tier / System Size	Agricultural/ Residential	Agricultural/ Residential 2	Commercial	Commercial- Industrial	Industrial
<b>Tier 1 (&lt; 250 kWh)</b>	Allowed	Allowed	Allowed	Allowed	Allowed
<b>Tier 2 (250 kWh – 10 MWh)</b>	Allowed*	Allowed*	Allowed*	Allowed	Allowed
<b>Tier 3 (10 – 100 MWh)</b>	Special Permit	Special Permit	Special Permit	Allowed*	Allowed*

\* Site Plan Review required | Tier 3 in residential/commercial zones requires Special Permit from Zoning Board of Appeals

### The Three Tiers: How BESS Systems Are Classified

The proposed bylaw classifies all BESS installations into three tiers based on energy storage capacity:

- **Tier 1** (less than 250 kWh): Small residential or farm-scale systems, roughly equivalent to a few home battery units. These are allowed by right in all zoning districts with minimal additional requirements beyond standard building and electrical permits.

- **Tier 2** (250 kWh to 10 MWh): Mid-scale commercial or agricultural systems. These are allowed by right in all districts but require Site Plan Review — a technical review by the Planning Board — in residential areas to ensure proper siting, screening, fire safety, and environmental protection.
- **Tier 3** (10 MWh to 100 MWh): Large commercial or utility-scale systems. These require a Special Permit from the Zoning Board of Appeals (ZBA), in addition to Site Plan Review, in most zoning districts. Systems of 100 MWh or greater fall entirely under state jurisdiction and are not subject to local zoning.

## Key Protections in the Proposed Bylaw

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The Planning Board’s draft bylaw incorporates strict safeguards in two areas of particular concern:

### Protecting Whately’s Water Supply

- Tier 2 and Tier 3 BESS installations are prohibited within the town’s Aquifer Protection District.
- The required 100-foot property-line setback for Tier 2 and Tier 3 installations, combined with Whately’s well regulations requiring wells to be at least 50 feet from any property line, ensures at least 150 feet of separation between any BESS installation and a neighboring well.
- Fire suppression systems must use non-PFAS foams to the extent commercially available. (PFAS are toxic chemicals found in many older firefighting foams that can contaminate groundwater.)
- Liquid hazardous materials must be stored with secondary containment capable of holding 110% of the largest volume stored on site.

### Fire Safety and Emergency Response

- Tier 2 and Tier 3 applicants must demonstrate that adequate fire suppression water supply and access are available for the proposed installation.
- All significant installations must submit a detailed Emergency Response Plan reviewed by the Fire Chief, including shutdown procedures, fire response protocols, and training schedules for local first responders.
- Equipment must meet nationally recognized safety standards (UL 9540 and related standards), with test reports made available to local fire and building officials.
- All BESS runoff from emergency response must be managed to prevent contamination of soil and water.

## Complementary Changes to the Solar Bylaw

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The companion solar bylaw amendments align existing solar regulations with the new state law, clarify permitting thresholds for ground-mounted and rooftop solar, and ensure consistency with the new BESS bylaw where storage and solar are co-located. A co-located BESS (battery paired with a solar facility) is permitted wherever solar is permitted, subject to the BESS bylaw requirements.

## Next Steps

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These proposed amendments will be presented at a public hearing of the Planning Board. Residents are encouraged to review the full draft bylaws, which are available on the town website and at the Town Clerk’s office, and to attend the hearing to ask questions or provide comment.

*Questions? Contact the Planning Board at [planningboard@whately.org](mailto:planningboard@whately.org)*