

**By-Law Review Committee  
Meeting Minutes  
March 7, 2024**

**Committee Members Present:**

Richard Cutler, Jeffrey Costa, Mary McCann, Mark Wellington

**6:00 PM Meeting Called to Order by Chairman Richard Cutler**

**Minutes:**

- Motion made by Jeffrey Costa to approve Meeting Minutes of January 4, 2024. Seconded by Mark Wellington. Motion passed 4-0.
- Motion made by Jeffrey Costa to approve Meeting Minutes of February 1, 2024. Seconded by Mark Wellington. Motion passed 4-0.

**Discussions:**

- Battery Energy Storage Systems:

Eric Weinstein of New Leaf was present at the meeting and is a developer for the company. New Leaf focuses on battery energy storage systems for sustainable energy. He began by explaining what BESS is and how it would be incorporated with the existing energy supply methods. He explained that traditional methods of energy come from fossil fuels and oils and those are considered “dirty” methods which is why the Commonwealth has incentives for cleaner energy and has projects such as solar and wind turbines. The issue with these methods of obtaining energy is that if there are days with a lack of sun or wind, the energy received is intermittent. This is where BESS comes in to assist with storing the energy so that there is a steady source and enough on days where the energy systems may be overloaded (i.e. very hot days when many households are using A/C). Mr. Weinstein also explained that these battery Energy Storage Systems, can also assist more traditional electrical systems with storing energy. This large battery system would be placed in reliable areas. He further explained that the Commonwealth has a Clean Peak incentive program to install such battery systems instead of continuing to use fossil fuel generators. Mr. Weinstein also clarified that he is not an engineer but was more than willing to have an engineer for New Leaf speak, at another meeting, to the By-Law Review Committee for further clarification.

Chairman Cutler paraphrased what Mr. Weinstein had described in order to clarify the process in simpler terms. Solar power generates DC power which is then converted to AC power. This energy goes into the grid and then from the grid to these stand-alone battery sources. Ms. McCann asked the difference between AC and DC, which several members stated was Direct Current and Alternating Current. Mr. Cutler asked Mr. Weinstein how big the battery system is. Mr. Weinstein stated that there are different sizes depending on the need. But as an example, a 5-megawatt battery system would need about a quarter of an acre, but this includes a base and a protective fence around the perimeter. He further stated that there are two system designs. Vice Chair Costa requested that Mr. Weinstein send the committee’s administrator plans that show the system specifications including its structure and components, for both designs.

Chairman Cutler asked if the batteries would be made from lithium. Mr. Weinstein confirmed this and stated that lithium has the best attributes needed. Ms. McCann inquired as to whether these storage stations would be above or below ground. Mr. Weinstein stated that they would be above ground but on

top on a concrete platform or piers with a protective fence around the entire site. Chairman Cutler asked about risk of fire, and it was confirmed that it has happened but not common. Mr. Weinstein went on to explain that there are multiple layers within each cell that contains multiple batteries for storage. Each segment can be shut down individually and immediately if a fire is detected. This would be detected with 24/7 surveillance and technology within each cell that can detect even a slight change in temperature. Mr. Weinstein stated that putting out any fire completely would mean removing any oxygen from that location. Each section is equipped with a substance that is sprayed immediately, if a fire is detected, that removes the oxygen.

The discussion then turned to how long the batteries last and what is done once they no longer work. Some committee members asked that since each station has a number of separate compartments that hold batteries, can they be swapped out. Mr. Weinstein said that it depends, but the battery life is around 20 years. Vice Chair Costa asked him what the abandonment plan was for that. Mr. Weinstein stated that, depending on the situation (i.e. the land is leased, or the company owns it) the unit would be decommissioned. In doing this, they would not only remove the system itself, but all the perimeter fence and the concrete platform. The question of renewing a contract for the battery storage would depend on demand.

Vice Chairman Costa asked where the materials used for these systems is sourced. Mr. Weinstein stated that there are Acts in place to try and maintain a domestic supply but the vast majority (80%) of lithium comes from China or Southeast Asia. Mr. Wellington asked if there were other communities that had by-laws in place dealing with BESS and Chairman Cutler stated yes. Mr. Cutler also asked about what some of the benefits are to a community with these storage systems. Mr. Weinstein stated that the owner of the project would have to pay taxes to the town, or they could have a PILOT system which means payment in lieu of taxes. Another benefit would be to offset the need for fossil fuel generators. There was a brief discussion on Environmental Impact Reports and that Rochester will likely require this.

With nothing further, the committee thanked Mr. Weinstein for the plethora of information he presented to them and advised them they would like to see the plans for the systems and would likely want further discussion in the future.

#### ➤ Multi-Family/Accessory Apartment

Each member of the committee was given a packet with proposed by-law amendments regarding multi-family/accessory apartments. One such proposal was drafted by Chairman Cutler and another by the Building Commissioner. Mr. Cutler stated that the desire is to combine the two into one cohesive by-law. However, the Building Commissioner's draft of the proposed by-law change states that the Planning Board would be the board that would approve such a petition. Chairman Cutler disagreed and had asked Town Counsel, prior to the meeting, to confirm the Special Permit Granting Authority. The committee's administrator read the response email from Town Counsel which confirmed that the Zoning Board of Appeals, in relation to Special Permits and Variances, is the granting authority as it is written into the by-laws which were passed at Town Meeting.

The discussion continued with Mr. Wellington presenting his comments on the proposed accessory apartment by-law. He stated that the by-laws should make it clear that the owner of the property lives in either the main house or the accessory unit. There need to be clear by-laws written. Chairman Cutler stated that he wanted each member to read each draft and make comments and then send those comments to the administrator so that the two can be merged into one cohesive by-law. The committee agreed they would discuss this further with the newly drafted proposal at the next BLRC meeting on April 4, 2024.

Vice Chairman Costa made a motion to adjourn the meeting which was seconded by Ms. McCann.  
Meeting adjourned at 7:30 pm.