



TOWN OF WARE

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To: Town Meeting
From: Richard Starodaj, *Planning Board Chairman*
Robert Watchilla, *Director of Planning & Community Development*
Date: May 9, 2022

Proposed Moratorium on Large-Scale Solar Battery Storage and Large-Scale Battery Storage

In accordance with M.G.L. Chapter 40A §5, you are being presented with a proposed amendment to the Town of Ware Solar Bylaws (Section 4.8.3 of the Zoning Bylaws).

At a Public Hearing held before the Planning Board on April 28, 2022, the proposed moratorium and addition to the Solar Bylaw was approved by a vote of 5/0/0 and recommended to Annual Town Meeting:

- **The addition of §4.8.3.H: The temporary moratorium on the use of land and structures for large-scale solar battery storage and large-scale battery storage facilities for a period of 12 months.**
 - 4.8.3.H.1. *PURPOSE*

The Town of Ware recently has been the target of interest for the construction of large-scale solar and large-scale non-solar battery storage facilities. The regulation of large-scale battery storage facilities raises complex legal, planning, and public safety issues, and the Town needs time to study and consider their regulation and address these issues.

The Town intends to adopt a temporary zoning moratorium on the use of land and structures in the Town for large-scale solar battery storage and large-scale battery storage facilities so as to allow the Town to address the effects of such structures and uses in the Town, and to enact bylaws in a manner consistent with sound land use planning goals and objectives. During the moratorium, the Town will undertake a planning process to evaluate the impacts of large-scale battery storage facilities on the health, safety and welfare of Town residents and to consider appropriate amendments to its Zoning Bylaw to address said impacts, in accordance with state and federal law.

Battery storage utilized for small solar projects (and have a capacity that is complimentary to a solar array that produces no more than 100kW of electricity) are exempt from this moratorium.

4.8.3.H.2. DEFINITION

A "large-scale solar battery storage facility" shall mean a facility, including all structures and components used in connection therewith, used to store energy produced by a solar system or systems having a total rated nameplate capacity of greater than 100kW, whether such facility may be accessory to other use, including a solar system, or is a separate land use.

A "large-scale battery storage facility" shall mean a facility, including all structures and components used in connection therewith, used to store energy produced by natural gas plants, petroleum fired-generation, or other non-solar electrical systems, whether such facility may be accessory to other use, or is a separate land use.

4.8.3.H.3. TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for large-scale solar battery storage and large-scale battery storage facilities in Town. The moratorium shall be in effect through June 30, 2023, or the date on which the Town adopts amendments to the Zoning Bylaw regulating large-scale solar battery storage and large-scale battery storage facilities, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to study, review, analyze and address what revisions to the Zoning Bylaw relative to large-scale solar battery storage and large-scale battery storage facilities are needed or desirable to allow for and regulate such uses consistent with protecting the Town's natural resources and furthering its planning goals.