

# **Proposed Changes to Gill Zoning Bylaws; Building-Integrated Energy Storage Systems (BESS) and Data Centers**

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## **Section 18: BUILDING-INTEGRATED ENERGY STORAGE SYSTEMS (BESS) AND DATA CENTERS**

A one-year moratorium on Building-Integrated Energy Storage Systems (BESS) and Data Centers.

The purpose of the moratorium is to provide the Gill Planning Board with sufficient time to study, consider, and adopt zoning regulations governing the siting, permitting, construction, installation, operation, and maintenance of Building-Integrated Energy Storage Systems (BESS) and Data Centers so that reasonable regulations can be developed for consideration at a spring 2027 Town Meeting. While the Town recognizes An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers (the “2024 Climate Act”), the Massachusetts Department of Energy Resources, (DOER), has yet to promulgate final regulations governing Building-Integrated Energy Storage Systems, a land use not presently addressed by Gill’s Zoning Bylaws. Data Centers are an emerging form of land use with unique impacts on energy and noise and is currently undefined in Gill’s Zoning Bylaws.

Since such regulations and land uses must be known and duly considered in order to effectively evaluate and establish local zoning regulations for such novel and evolving uses in regard to public health, safety and welfare, this interim restriction is hereby established.

For purposes of this section, a Building-Integrated Energy Storage System (BESS) is one or more devices, assembled together, capable of storing energy in order to supply and distribute electrical energy at a future time, including any standalone/principal such use of land, and any accessory system (supporting a non-BESS principal use) having an aggregate energy capacity of 250 kWh or more. Excluded from this definition is any large (100 MWh capacity or more) BESS solely under the jurisdiction of the Commonwealth’s Energy Facilities Siting Board as specified by the Act and its regulations. A Data Center shall mean a facility primarily used for the storage, management, processing, or transmission of digital data, including but not limited to servers, networking equipment, cooling systems, and associated infrastructure.

During the term of this moratorium, no special permit, site plan approval, building permit, zoning permit, certificate of occupancy, or other discretionary or ministerial approval shall be issued for: Building-Integrated Energy Storage Systems (BESS); or Data Centers.

The moratorium will be in effect starting on May 4, 2026, upon adoption at Town Meeting. The moratorium will be in place until May 3, 2027, or such time prior when zoning regulations superseding any provision of this section are duly adopted.

If any subsection, sentence, clause, phrase, or other portion of this Section 18 is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be severed and all other provisions of this Section 18 shall continue in full force and effect.

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