

[View this email in your browser](#)



**FOR IMMEDIATE RELEASE:**

**CONTACT: AMIE O'HEARN**

[aohearn@sloweymcmanus.com](mailto:aohearn@sloweymcmanus.com)

**IN MAJOR DEVELOPMENT IMPACTING STATE CLEAN ENERGY TRANSITION, SITING BOARD RULES UNANIMOUSLY IT LACKS JURISDICTION OVER CARVER CRANBERRY POINT AND MEDWAY GRID BATTERY STORAGE FACILITIES**

*Cites need to update laws to address challenges of siting new energy facilities while ensuring community and environmental concerns are addressed*

**May 10, 2023 (Boston, Mass.)** - A major decision by the state Energy Facility Siting Board ("EFSB") on petitions by two corporations to Battery Energy Storage Facility ("BESS") facilities in Carver and Medway signals a new direction for siting energy projects in the state. Today the EFSB voted unanimously to reject the [petition of Power Plus of Texas](#) for 150 megawatts of BESS in Carver and of Medway Grid for [250 megawatts](#) in Medway.

EFSB ruled its statute does not give it jurisdiction over these projects because the jurisdiction is limited to "energy generating facilities" over 100 megawatts. It ruled the BESS are storage, not energy generators. The EFSB commented that the energy laws from the 1980s were for a different time when such BESS was not contemplated.

This was a win for Save the Pine Barrens, a Southeastern Massachusetts group that made this legal argument to the EFSB when it intervened in May 2021, joining residents in the neighborhood where the Cranberry Point project is proposed.

Bryan Betram, counsel for Save the Pine Barrens in the EFSB proceeding stated, "The EFSB's decision shows thoughtful consideration about the new and novel issues posed by battery energy storage facilities. As the EFSB recognized, the Legislature must carefully consider those issues and enact legislation before State agencies have authority to approve their siting. This decision should spur an important public discussion about how to site and regulate these facilities in a way that balances the Commonwealth's need to reduce greenhouse gas emissions with the public's need to ensure these facilities are safely sited and their impacts on communities are minimized and mitigated."

In discussing the state's outdated energy siting laws, the EFSB Commissioners recognized that siting large energy projects needs to take into account the voices of community members who have traditionally been marginalized in the process. The proposed residential site for the Carver project has been burdened with a new high voltage transmission corridor and regional substation with no opportunity for those impacted by noise, emissions of electromagnetic fields and light impacts to be consulted. The BESS would be a third project, making the neighborhood an energy sacrifice zone.

The two BESS projects now go before the [Department of Public Utilities \("DPU"\)](#) on the companies' requests to exempt them from all local zoning. The [Carver Select Board](#) and Planning Board have asked the DPU to deny the zoning exemption.

The [Carver Planning Board](#) recently voted to extend and modify local zoning approvals. The decision is not final.

For more information about Save the Pine Barrens and its project Community Land and Water Coalition, see <https://savethepinebarrens.org/>

\*\*\*\*\*



Want to change how you receive these emails?  
You can [update your preferences](#) or [unsubscribe from this list](#).

This email was sent to <<Email Address>>  
[why did I get this?](#) [unsubscribe from this list](#) [update subscription preferences](#)  
Save the Pine Barrens · PO Box 1699 · Plymouth, MA 02362 · USA

