



City of Pittsfield

In the Year Two Thousand **Twenty-Four**

AN ORDINANCE

AMENDING THE CODE OF THE CITY OF PITTSFIELD
CHAPTER 23, "ZONING ORDINANCE" IN THE FOLLOWING MANNER

(Page 1 of 34)

Be it ordained by the City Council of the City of Pittsfield, as follows:

SECTION I

AN ORDINANCE AMENDING THE ZONING ORDINANCE, Article 23-2, Definitions, Article 23-3, Zoning Districts, Article 23-4, District Regulations, Article 23-9, Accessory Uses and Article 23-10, Off-Street Parking Table

TO INCLUDE
BATTERY ENERGY STORAGE SYSTEMS AND BATTERY ENERGY STORAGE SYSTEM FACILITIES

Amend ARTICLE 23-2 DEFINITIONS

By adding the following to SECTION 2.2 Glossary

ACCESSORY GROUND MOUNTED SOLAR ENERGY INSTALLATION

A solar energy installation that primarily supports on-site energy needs that is mounted on the ground, either directly or on supports which do not constitute a building under the building code.

ANSI

American National Standards Institute.

BATTERY(IES)

A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy mechanically or electrochemically. For the purposes of this article, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE SYSTEM

One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle. For the purposes of this ordinance, a battery energy storage system is classified as a

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Be it ordained by the City Council of the City of Pittsfield, as follows:

Residential Scale, Small-Scale, or Commercial/Industrial-Scale battery energy storage system as follows:

1. **Residential Scale battery energy storage systems** have an aggregate energy capacity less than or equal to 30 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
2. **Small-Scale battery energy storage systems** have an aggregate energy capacity greater than 30 kWh to 10 megawatt-hours (MWh).
3. **Commercial/Industrial-Scale battery energy storage systems** have an aggregate energy capacity greater than 10 MWh.

Such systems are equipped with cooling, ventilation, fire suppression and an electronic battery management system. It may be a primary use or an accessory use to a solar energy facility, power generation facility, an electrical substation or other similar renewable energy uses, or to a residence or business. Battery Energy Storage Systems/Facilities shall not constitute a Public Utility for the purposes of this ordinance and in accordance with Section 9.5.

BATTERY ENERGY STORAGE SYSTEM FACILITY(IES)

A Dedicated-Use Building that houses Battery Energy Storage Systems.

BUILDING CODE

The Massachusetts State Building Code as currently in effect and as hereafter amended from time to time.

BUILDING MOUNTED SOLAR ENERGY INSTALLATION

A solar energy installation that is permanently affixed to a building, as defined by the building code. This definition is inclusive of canopy structures.

CANOPY STRUCTURE

An overhead roof or else a structure over which a fabric or metal covering is attached, able to provide shade or shelter from weather conditions such as sun, hail, snow and rain.

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Be it ordained by the City Council of the City of Pittsfield, as follows:

CELL

The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

COMMISSIONING

A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DECOMMISSIONING


A systematic process that provides a narrative and plan for the removal/proper disposal and reclamation of a battery energy storage system, and its site, at the end of its useful life and/or as the result of damage by fire or other emergent event.

DEDICATED-USE BUILDING

A building that is built for the primary intention of housing Small-Scale or Commercial/Industrial Scale Battery Energy Storage Systems and/or Facilities and supporting equipment. Garages are not considered dedicated-use buildings Any dedicated-use building built to house Small-Scale or Commercial/Industrial Scale BESS shall comply with the following:

1. The building's only use is battery energy storage, energy generation, and other electrical-grid-and / or other renewable energy source storage such as solar-related operations.
2. No other occupancy types are permitted in the building.
3. Occupants in the rooms and areas containing Battery Energy Storage Systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
4. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage systems, provided the following:
 - (1) The areas do not occupy more than 10% of the building area of the story in which they are located.
 - (2) A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

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Be it ordained by the City Council of the City of Pittsfield, as follows:

ELECTRIC VEHICLE (EV)

An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans neighborhood electric vehicles, electric motorcycles, and the like, primarily powered by an electric motor that draws current from a rechargeable storage battery, fuel cell, photovoltaic array, or other source of electric current.

ELECTRIC VEHICLE (EV) CHARGING STATION

An electric vehicle charging station is equipment that connects an electric vehicle (EV) to a source of electricity to recharge electric cars, electric vehicles and plug-in hybrids. Charging stations are also called electric vehicle supply equipment (EVSE).

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE)¹

The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fitting, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between premises wiring and the electric vehicle.

ENERGY CODE

The Massachusetts State Energy Code or Stretch Energy Code as currently in effect and as hereafter amended from time to time.

FACILITIES

See Battery Energy Storage System Facility(ies)

FOREST CUTTING PLAN

Refers to M.G.L. Chapter 132 – The Forest Cutting Practices Act, 304 CMR 11.00

FIRE CODE

The Massachusetts State Fire Code as currently in effect and as hereafter amended from time to time.

¹ These are also more commonly referred to as EV charging stations, electric recharging points, or simply charging points.



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Be it ordained by the City Council of the City of Pittsfield, as follows:

FLYWHEEL MECHANICAL BATTERIES

A flywheel has a dual-function electric motor to store and generate energy. It uses electricity to spin the flywheel so that it is storing kinetic energy, and the faster it spins, the more energy it stores.

IRON-AIR BATTERIES

The basic principle of operation is reversible rusting. While discharging, the battery breathes in oxygen from the air and converts iron metal to rust. While charging, the application of an electrical current converts the rust back to iron and the battery breathes out oxygen.

LITHIUM-ION BATTERIES

A battery that uses lithium ions to charge and distribute electricity.

LOT COVERAGE

Shall include the total square footage of the perimeter of all of the dedicated-use buildings and/or structures housing a battery energy storage system, inclusive of all interior spaces between the dedicated use buildings and/or structures housing a battery energy storage system, in addition to driveways and service roads (paved or stone), and all accessory equipment, buildings and structures.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL)

U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC

National Electric Code.

NFPA

National Fire Protection Association.


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Be it ordained by the City Council of the City of Pittsfield, as follows:

NON-DEDICATED-USE BUILDING

Buildings that contain a battery energy storage system and do not need to comply with the dedicated-use building requirements; a residential garage.

OCCUPIED COMMUNITY BUILDING

Any building in the Occupancy Group as defined in the Massachusetts State Building Code, including but not limited to schools, colleges, day-care facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

OPERATION AND MAINTENANCE MANUAL

Document which describes in detail the proper Battery Energy Storage System and Facility operations, maintenance and property upkeep.

PUBLIC UTILITY

Shall include power lines, power transmission, power generation facilities, telecommunication facilities and community and/or municipal utilities. For the purposes of this Ordinance, public utilities shall exclude solar energy installations, solar energy facilities, battery energy storage systems of any size, and battery energy storage facilities. A public utility may be privately owned or jointly owned through community aggregations or through the municipality but is otherwise regulated by the Mass Department of Public Utilities, the Federal Communications Commission, the Federal Energy Regulatory Commission, or other governmental agencies.

REMEDICATION PLAN

A Remediation Plan is a document that discusses how the applicant plans on taking care of the site. The plan should discuss topics like what to do in the event of an emergency, who to call if there is a fire and how to handle events that are potentially dangerous or hazardous. Key and important aspects regarding bringing the BESS or BESS Facility online (commissioning) and taking it offline and leaving the site (decommissioning) need to be addressed as well. For the purpose of this Ordinance, the requirements for a Remediation Plan do not apply to EV charging stations in any of the districts. The Remediation Plan consists of the following sections:

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Be it ordained by the City Council of the City of Pittsfield, as follows:

DEVELOPMENT IMPACT STATEMENT

This component addresses the basics about the site - how big the BESS or BESS Facility will be, how much space it will take up, how much noise it will make, what the surrounding landscape will look like, etc.

COMMISSIONING PLAN

The Commissioning component discusses what is needed to bring the BESS and/or BESS Facility 'online'. It provides documented confirmation that the Battery Energy Storage System and / or Facility functions according to the intended design criteria and complies with applicable local, state and federal code requirements, guidelines, standards and regulations in order to receive the go-ahead to operate.

EMERGENCY PREPAREDNESS PLAN

This Emergency Preparedness Plan guides first responders regarding the protocols to follow in response to various emergent situations such as system failures or floods and fires. Developers and /or applicants are required to outline for the Fire Department and the Police Department the steps and procedures needed to begin containing any issues that could potentially arise since they are often the first to arrive at the scene of an emergency.

HAZARD MITIGATION PLAN

The Hazard Mitigation Plan indicates how the applicant and /or developer plans to address the harmful effects that could potentially result from an emergent event. The best way to think about this is first, an emergent event happens - activating the Emergency Preparedness Plan. Second, once the emergent event is contained and manageable, there must be some type of clean up involved - this is where the Hazard Mitigation Plan goes into effect. The company or developer must demonstrate they have a sound and robust plan for managing, containing and resolving issues (i.e., fluid leaking from batteries), and other risks associated with BESS and BESS Facilities as a result of emergent or catastrophic events.

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Be it ordained by the City Council of the City of Pittsfield, as follows:

DECOMMISSIONING PLAN

Of all the components of the Remediation Plan, the Decommissioning Plan might be the most important one of all. The Decommissioning Plan is Pittsfield's way of ensuring the reclamation of BESS and BESS Facility sites meet the City's standards so that other businesses can use the site.

TRANSMISSION RIGHTS OF WAY

A right-of-way is the corridor of land that allows access to construct, operate and maintain electric and other utility facilities. Rights-of-way typically contain wood or metal structures with high-voltage electric lines. Rights of way vary in width and are classified as either one zone or two zones based on voltage and the amount and location of electrical equipment within the corridor.

UTILITY CORRIDOR

A strip of land that forms a passageway through which commodities such as oil, gas, and electricity are transported.

WETLANDS

Areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants.²

Amend ARTICLE 23-3 ZONING DISTRICTS

By adding the following to SECTION 3.104 SPECIAL DISTRICTS

BESS-OD Battery Energy Storage System (BESS) Overlay District

By adding the following SECTION 3.218 BESS-OD BATTERY ENERGY STORAGE SYSTEM
OVERLAY DISTRICT


² Massachusetts Department of Environmental Protection (MADEP) delineation methodology.

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Be it ordained by the City Council of the City of Pittsfield, as follows:

This Ordinance including the BESS-OD are created to achieve the following goals:

1. To provide regulatory guidelines for the responsible and intentional location, construction and operation of Battery Energy Storage Systems and Battery Energy Storage System Facilities in the Battery Energy Storage System (BESS) Overlay District and throughout the City of Pittsfield.
2. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems.
3. To provide locations for the use of Battery Energy Storage Systems and Facilities which are compatible for placement to ensure the preservation of residential development and conservation efforts.
4. To avert the environmental impacts of battery energy storage systems on agricultural land, forests, floodplains, riparian ways, and wildlife (hereafter, "the land") and in residential zoning districts.
5. In all instances where the uses of this section are in conflict with other sections of this Zoning Ordinance, the requirements of this section shall take precedence within this overlay district.

Amend ARTICLE 23-4 DISTRICT REGULATIONS

By adding the following to SECTION 4.202 TABLE OF PRINCIPAL PERMITTED USES

NP = Not Permitted | BR = By-Right | SR = Site Plan Review | SP = Special Permit

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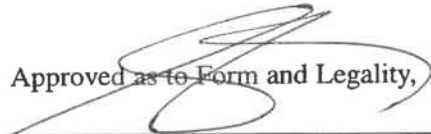
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PRINCIPAL PERMITTED USES	R-43	R-20	R-12	R-6	R-G	R-M	B-C	B-G	DCD	CWS	I-L	I-G	LDI	B-N	BESS-OD
j. Other Principal Uses															
Commercial/Industrial-Scale Battery Energy Storage System & BESS Facility (for commercial, industrial, manufacturing and/or research)	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	SP	SP	SP	NP	SP
Small-Scale Battery Energy Storage System (for retail, customer service and employee use by owner, landlord, developer OR (for commercial, industrial, manufacturing and/or research)	NP	NP	NP	NP	NP	NP	NP	NP	NP	SP	SP	SP	SP	SP	SP

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PRINCIPAL PERMITTED USES	R-43	R-20	R-12	R-6	R-G	R-M	B-C	B-G	DCD	CWS	I-L	I-G	LDI	B-N	BESS-OD
k. Accessory Uses															
Residential Scale Battery Energy Storage System (for private residential use by owner, landlord, or housing developer)	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR	BR
Small-Scale Battery Energy Storage System (for retail, customer service and employee use by owner, landlord, developer OR (for commercial, industrial, manufacturing and/or research)	NP	NP	NP	NP	NP	NP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Commercial / Industrial Scale Battery Energy Storage System & BESS Facility (for commercial, industrial, manufacturing and/or research)	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	SP	SP	SP	SP	SP

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Be it ordained by the City Council of the City of Pittsfield, as follows:

SECTION 4.331 BATTERY ENERGY STORAGE SYSTEMS, BATTERY ENERGY STORAGE SYSTEM FACILITIES, AND BATTERY ENERGY STORAGE SYSTEMS (AND FACILITIES) IN THE CITY OF PITTSFIELD AND IN THE BATTERY ENERGY STORAGE SYSTEM OVERLAY DISTRICT

- A. **PURPOSE.** The Community Development Board, (hereafter, collectively, the "Board") finds that it is necessary and beneficial for the health, safety and welfare of the community to implement regulations for the development of Battery Energy Storage Systems and Battery Energy Storage System Facilities ("Facilities") for the purposes articulated in the Siting and Design Guidelines for Battery Energy Storage Systems and Battery Energy Storage System Facilities.

- B. **ESTABLISHMENT.** The Battery Energy Storage System Overlay District is comprised of those districts, except Residential Zoning Districts, that fall within the measured one-tenth of a mile wide buffer zone measured from the boundaries of an Industrial Zoning District. A portion of the buffer zone that would otherwise fall within a Residential District is excluded from the Battery Energy Storage System Overlay District.

- C. **BOUNDARIES, TECHNOLOGY AND DELINEATION**
 - 1. The Battery Energy Storage System Overlay District is comprised of those districts that fall within the tenth of a mile wide buffer zone measured from the boundaries of an Industrial Zoning District. Excluding any portion of the buffer zone that would otherwise fall within a Residential District.
 - 2. Commercial/Industrial-Scale Battery Energy Storage System Facilities shall not be permitted in any Residential District.
 - 3. Where BESS-OD includes a residence outside of a Residential District no BESS or Facility may be located within a tenth of a mile of such residence.
 - 4. Batteries in the BESS-OD shall utilize mechanical energy, iron-air, or aluminium-air technology – for example iron-air batteries or flywheel mechanical batteries. Batteries such as lithium-ion batteries shall not be permitted.

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Be it ordained by the City Council of the City of Pittsfield, as follows:

- 5. Setback requirements for Small-Scale and Commercial/Industrial-Scale BESS Facilities in the BESS-OD are listed below:
 - a. Front setback: 10 feet from the legally accepted way
 - b. Side setback: 5 feet
 - c. Rear setback: 5 feet

D. APPLICATION.

- 1. The requirements of this article shall apply to all Battery Energy Storage Systems permitted, installed, or modified in the City of Pittsfield in accordance with the scale of use in the zoning district where the system or facility is located.
- 2. Battery energy storage systems constructed or installed prior to the effective date of this article shall be required to meet the Remediation Plan requirements of this article.
- 3. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system design, discharge, duration or power rating shall be subject to the requirements of this article and the Siting and Design Guidelines for Battery Energy Storage Systems and Battery Energy Storage System Facilities.

E. GENERAL REQUIREMENTS FOR SPECIAL PERMIT FOR COMMERCIAL/INDUSTRIAL SCALE BATTERY ENERGY STORAGE SYSTEMS AND FACILITIES

Commercial/Industrial-Scale Battery Energy Storage Systems that are used to capture and store electricity for commercial and industrial use in conjunction with but not limited to ground mounted solar, rooftop solar, electrical substations, other future sources of renewable energy, or directly from the grid are permitted as a principal or accessory use through the granting of a Special Permit from the Community Development Board in accordance with Section 4.2 (District Regulations) and Section 4.3 (Supplementary District Regulations) of the Zoning Ordinance.

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Be it ordained by the City Council of the City of Pittsfield, as follows:

Commercial/Industrial-Scale Battery Energy Storage Systems and/or Battery Energy Storage System Facilities may be located within the City of Pittsfield only within the Industrial Districts and/or the BESS Overlay District. Any Small-Scale or Commercial/Industrial-Scale proposed BESS or BESS Facility shall be subject to the following requirements. Such requirements are in addition to, or in modification of, other applicable provisions and requirements of this ordinance. The granting of a Special Permit is contingent upon meeting the following criteria:

1. Commercial/Industrial-Scale battery energy storage systems have an aggregate energy capacity greater than 10 MWh.
2. Applications for a Special Permit must meet the requirements as detailed in Section 7.3 through Section 7.703 of the Zoning Ordinance.
3. Those seeking a Special Permit from the Community Development Board shall submit a Remediation Plan as discussed in Section 4.331 E of this Ordinance.
4. The applicant shall apply for a Floodplain Special Permit from the Community Development Board where and when applicable.
5. A copy of the Remediation Plan shall be submitted to the Community Development Board when applying for a Floodplain Special Permit in accordance with Section 4.331 E.
6. Applicants shall also provide evidence as to how the BESS and BESS Facility will adhere to the Stormwater Ordinance.
7. For the purpose of this Ordinance, the requirements for a Remediation Plan do not apply to EV charging stations in any of the districts.
8. Access Ways shall be designed in accordance with the guidelines and rules of the City Code with a view to emergency vehicle access, public safety and convenience so as not to cause congestion within and about the site. Access ways shall have adequate construction and shall be in keeping with the standards of the Department of Public Works.
9. Provisions for parking shall be consistent with the parking requirements for each district as found in Section 10.111.

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Be it ordained by the City Council of the City of Pittsfield, as follows:

10. Any application for a Special Permit in the BESS Overlay District shall meet all procedural requirements for Site Plan Approval governing Group SP uses pursuant to Article 23-7, Section 7.7 and Special Permit applications pursuant to Article 23-7, Section 7.8 of the Zoning Ordinance. The application shall include a statement and signature from the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
11. Applicants shall comply with all applicable federal, state and local environmental laws and regulations, and consult with the Pittsfield Conservation Commission, or its Agent to determine any wetlands permitting requirements.
12. If a wetlands permit is required, the applicant shall include in the Remediation Plan in the Appendices all documents filed with the Conservation Commission and/or MassDEP along with the decision from the Conservation Commission or any superseding order of conditions issued by MassDEP.
13. All Commercial/Industrial-Scale Battery Energy Storage Systems, Battery Energy Storage System Facilities, Dedicated-Use buildings, and all other buildings or structures that contain or are otherwise associated with a Battery Energy Storage System shall be designed, erected, and installed in accordance with all applicable state provisions of the codes, state regulations, and state and industry standards.
14. Commercial/Industrial-Scale Battery Energy Storage Systems and / or Facilities shall be permitted as an accessory use through the granting of a Special Permit from the Community Development Board when the principal use of a parcel is for the generation of electricity via solar panels, wind turbines, or other future sources of renewable energy in the Battery Energy Storage System Overlay District, the Business Districts and the Industrial Districts.
15. Commercial/Industrial-Scale Battery Energy Storage Systems and / or Facilities shall be permitted through the granting of a Special Permit from the Community Development Board as a principal use exclusively in the Industrial Districts.

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16. The applications for a Special Permit shall include a Remediation Plan (hereafter the "Plan") and agree to a 3rd party review of such plan at the City of Pittsfield Community Development Board's discretion and at the expense of the applicant if a 3rd party review of said Plan is deemed necessary. The Plan shall consist of several components which include but are not limited to the mitigation, compensation, treatment and clean-up of hazardous chemicals and materials for various emergent events, including but not limited to natural and climate-related hazards or disasters, flooding and other climate-initiated events or Acts of Nature that may result in hazardous conditions posing a threat to the health, safety and well-being of those communities and land uses in the vicinity of the areas affected by Battery Energy Storage Systems and their Facilities.

- 1) **Development Impact Statement.** Shall discuss the site design and development of the location, spacing, bulk, and height of proposed buildings and structures, and their effects on adjacent uses and the nearby area. Discussion regarding the type, size, location and design of landscaping, plantings, screening, and other design features contributing to public health, safety and welfare of the land and the people shall be included.
 - i. Discuss how the site will retain soil stability and limit erosion through vegetation, geo-textiles or other means of soil bio-engineering best practices.
- 2) **Commissioning Plan.** As a condition of the Special Permit, the Permittee will provide the Community Development Board with a Commissioning Plan that documents and verifies that the proposed system and its associated controls and safety systems are in proper working order. Where commissioning is required, the inspection shall be conducted by a Massachusetts State (MAS) licensed professional engineer after the installation is complete but prior to final approval and sign-off.

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Be it ordained by the City Council of the City of Pittsfield, as follows:

- i. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning.
 - ii. Shall include the results of the initial acceptance testing which shall be provided to the Community Development Board prior to final inspection and approval and maintained at an approved on-site location.
 - iii. Operation and maintenance manual. Shall describe proper Battery Energy Storage System and Facility operations, maintenance and property upkeep.
 - iv. The design, construction, installation, testing and commissioning information regarding the BESS and / or BESS Facility shall meet all local, state and federal regulations and requirements and will be required to continue to meet these requirements while the BESS is operational.
 - v. The Community Development Board shall impose these conditions upon any Special Permit that is issued. The Building Inspector's Office will enforce these conditions.
- 3) Emergency Preparedness Plan. In the event of a system failure or malfunction within the Facility or the BESS. This plan shall outline the following:
- i. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - ii. Emergency contact information for the owner and operators, clearly visible with twenty-four hour contact information, which shall be kept current and in compliance with the Sign Ordinance.
 - iii. Procedures for inspection and testing of associated alarms, interlocks, and controls.
 - iv. Procedures to be followed in response to notifications from the Battery Energy Storage Management System that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to Fire Department personnel for potentially hazardous conditions in the event of a system failure.

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Be it ordained by the City Council of the City of Pittsfield, as follows:

- v. Emergency procedures to be followed in the event of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions.
 - vi. A safety data sheet (SDS) that will address response safety concerns and extinguishment.
 - vii. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergent event, including contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
 - viii. Other procedures as determined necessary by the Planning Board to provide for the safety of occupants, neighboring properties, and emergency responders.
 - ix. A copy of the appropriate response procedures shall be provided to the Fire Chief and the Chief of Police.
 - x. These requirements and conditions shall be enforced by the Building Inspector's Office.
- 4) Hazard Mitigation Plan. This plan provides a detailed procedural report regarding site clean-up, removal, and proper disposal of hazardous materials and chemicals in light of a climate-related emergent event or other Acts of Nature. Such report shall provide a timeline for the complete physical removal of all Battery Energy Storage System and Facility components, structures, equipment, security barriers, and other related structures and improvements from the site. The steps for reclamation of the battery energy storage system, its site and the surrounding land at the end of its useful life and/or as a result of a natural disaster, damage by fire or other emergent event and/or upon the decision to vacate the premises and leave Pittsfield shall address the following points:
- i. A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and cs, with all National Electrical Code compliance disconnects and overcurrent devices.

Approved as to Form and Legality,

Stephen Pagnotta

City Solicitor



City of Pittsfield

In the Year Two Thousand ^{Twenty-Four}

AN ORDINANCE

AMENDING THE CODE OF THE CITY OF PITTSFIELD
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Be it ordained by the City Council of the City of Pittsfield, as follows:

- ii. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of a building permit.
 - iii. A detailed plan of action for the disposal of all solid and hazardous waste in compliance with local, state, and federal hazardous waste disposal best practices and regulations at the end of anticipated life of the battery and / or battery energy storage system.
- 5) Decommissioning Plan. This plan shall document the process and steps that will be implemented regarding the removal/proper disposal and reclamation of a BESS and its site, at the end of its useful life and/or as the result of damage by fire or other emergent event.
- i. Decommissioning Fund. The owner and/or operator of the battery energy storage system shall continuously maintain a fund, either through escrow account, bond or otherwise payable to the City of Pittsfield, in a form and amount approved by the Fire Chief, City Engineer, Building Commissioner and City Commissioner, for the decommissioning and removal of the Battery Energy Storage System and/or Facility, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.
 - ii. The estimated decommissioning costs, prepared by a licensed professional engineer, and how said estimate was determined.
 - iii. The method of ensuring that funds will be available for decommissioning and restoration.
 - iv. The method by which the decommissioning cost will be kept current and the manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.

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City Solicitor



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AN ORDINANCE

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Be it ordained by the City Council of the City of Pittsfield, as follows:

- v. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

- 6) Fire Safety Compliance Plan This plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Massachusetts Fire Code and the City of Pittsfield Fire Chief. Enforcement of these standards shall remain with the Pittsfield Fire Department.

- 7) Erosion, Sediment control and Stormwater Management Plans. These plans shall meet Massachusetts Department of Environmental Protection standards, if applicable, and to such standards as may be established by the Community Development Board in consultation with the City Engineer and the City's Conservation Agent.

- 8) Access Ways Design Plan. This plan shall meet the guidelines and rules of the City Code with a view to public safety and convenience and so as not to cause congestion within and about the site. Access ways shall have adequate construction and be approved by the Building Department, the Commissioner of Public Works or their designated party.

F. REQUIREMENTS FOR RESIDENTIAL SCALE BATTERY ENERGY STORAGE SYSTEMS IN RESIDENTIAL DISTRICTS

Residential Scale Battery Energy Storage Systems that are used to capture and store electricity for private residential use in conjunction with but not limited to ground mounted solar, rooftop solar, other future sources of renewable energy, or directly from the grid are permitted by-right as an accessory use in accordance with Article 23-4, District Regulations, of the Zoning Ordinance and the regulations of that particular Residential District so long as they meet the following conditions:

Approved as to Form and Legality,

Stephen Pagnotta

City Solicitor



City of Pittsfield

In the Year Two Thousand ^{Twenty-Four}

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Be it ordained by the City Council of the City of Pittsfield, as follows:

1. For Residential Scale BESS in a Residential zone implemented for private residential use, all new units constructed to contain Battery Energy Storage Systems will be required to adhere to the performance standards for new structures in accordance with Section 23-4 of the Zoning Ordinance as it relates to the applicable zone.
2. If constructing a new structure to house a BESS in the Residential District, the Dedicated-Use Building must meet the minimum setback requirements for accessory buildings in the designated Residential District as outlined in Section 4.203 and 4.304 – 4.306 in the Zoning Ordinance.
3. No Residential Scale Battery Energy Storage System shall be altered, added to, installed, constructed or permitted unless the applicant has obtained a building permit from the Building Department and is in compliance with the requirements and conditions of the Fire Department and any other relevant departments as necessary to deem the structure safe and ready for use.
4. Electric Vehicles for the purposes of this ordinance are not considered Battery Energy Storage Systems in the BESS Overlay District and are not subject to the requirement to produce a Remediation Plan.
5. Residential Scale Battery Energy Storage Systems may be housed within a garage or other dedicated-use building so long as the garage or other dedicated-use building meets the minimum setback requirements as outlined in Article 23-4, District Regulations.
6. Access Ways in Residential Districts shall be designed in accordance with the guidelines and rules of the City Code with a view to emergency vehicle access, public safety and convenience so as not to cause congestion within and about the site. Access ways shall have adequate construction and shall be in keeping with the standards of the Department of Public Works.
7. Provisions for parking shall be consistent with the parking requirements for each district as found in Section 10.111.

Approved as to Form and Legality,

Stephen Pagnotta

City Solicitor



City of Pittsfield

In the Year Two Thousand ^{Twenty-Four}

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Be it ordained by the City Council of the City of Pittsfield, as follows:

G. REQUIREMENTS FOR SMALL-SCALE BATTERY ENERGY STORAGE SYSTEMS THAT FALL WITHIN THE BOUNDARIES OF THE BATTERY ENERGY STORAGE SYSTEM OVERLAY DISTRICT

Small-Scale Battery Energy Storage Systems that are used to capture and store electricity for residential use (i.e., multi-family homes or housing developments), schools or colleges or commercial use (i.e., small businesses) in conjunction with but not limited to ground mounted solar, rooftop solar, electrical substations, other future sources of renewable energy, or directly from the grid are permitted as an accessory or principal use in the Battery Energy Storage System Overlay District through the granting of a Special Permit from the Community Development Board in accordance with Section 4.2 and Section 4.3 of the Zoning Ordinance. The granting of Special Permit is contingent upon meeting the following criteria:

1. Small-Scale Battery Energy Storage Systems have an aggregate energy capacity greater than 30 kWh and up to 10 MWh.
2. Small-Scale and Commercial/Industrial-Scale Battery Energy Storage Systems and / or Facilities shall not be permitted as a principal use or accessory to a principal use in any Residential District; this includes and is applicable to the BESS Overlay District.
3. In the DCD and Business Districts, a Small-Scale Battery Energy Storage System and / or Facility shall be permitted through the granting of a Special Permit from the Community Development Board as an accessory use.
4. Small-Scale BESS for private residential use, schools or colleges or commercial use that utilize mechanical energy or iron-air technology are strongly encouraged due to their proximity to children and the general public.
5. Applications for Special Permit must meet the requirements as detailed in Section 7.3 through Section 7.703 of the Zoning Ordinance.
6. Applicants seeking a Special Permit shall submit a Remediation Plan as discussed in Section 4.331 D of this Ordinance.
7. The owner and/or operator of the energy storage system shall implement the procedures outlined in the Decommissioning component of the Remediation Plan prior to vacating the site and / or facility.

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Be it ordained by the City Council of the City of Pittsfield, as follows:

8. A copy of the Remediation Plan shall be submitted to the Community Development Board when applying for a Floodplain Special Permit in accordance with Section 4.331 D.
9. If a wetlands permit is required, the applicant shall include in the Remediation Plan in the Appendices all documents filed with the Conservation Commission and/or MassDEP along with the decision from the Conservation Commission or any superseding order of conditions issued by MassDEP.
10. Applicants shall also provide evidence as to how the BESS and BESS Facility will adhere to the Stormwater Ordinance.
11. Access Ways shall be designed in accordance with the guidelines and rules of the City Code with a view to emergency vehicle access, public safety and convenience so as not to cause congestion within and about the site. Access ways shall have adequate construction and shall be in keeping with the standards of the Department of Public Works.
12. Provisions for parking shall be consistent with the parking requirements for each district as found in Section 10.111.

H. PROHIBITED USES

Battery Energy Storage Systems and Facilities shall not be located in the following areas:

1. Flood hazard zones.
2. Parks and land set aside for open space and recreation.
3. Parcels or property of historical, cultural, archeological or religious significance which includes First Nations and Indigenous Sacred Sites.^{3,4}
4. Designated conservation areas, including but not limited to lands purchased through the Community Preservation Fund, and properties that are preserved via the purchase of development rights.
5. Within 500 feet or less of wetlands.

³ The Massachusetts Historical Commission (MHC) tasks town commissions with compiling local surveys and inventories of cultural and historic resource areas. Databases of historic properties are necessary for, among other things, National Register of Historic Places (NRHP) nominations. In situations where federally involved development projects occur, both municipal historical commissions and the MHC play a role. Indigenous sites are still eligible for NRHP inclusion, even if traditional communities have abandoned them for long periods.

⁴ To confirm that the parcel is not of historical, archeological or religious significance, applicants shall engage in respectful consultation with Tribal representatives of Tribal Historic Preservation Offices, or any other relevant organizations or parties. A letter from the respective organization is required in order to move forward in the application for Special Permit process.

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City of Pittsfield

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Be it ordained by the City Council of the City of Pittsfield, as follows:

I. FENCING REQUIREMENTS

1. Battery energy storage systems, including all mechanical equipment and buildings dedicated to battery energy storage systems, except for Electric Vehicles, shall adhere to the standards pursuant to Article 23-4 of the Zoning Ordinance and shall be enclosed by a privacy fence, with the design subject to the discretion of the Building Department and the Community Development Board, in keeping with a maximum height of up to 8 feet, with a self-locking gate to prevent unauthorized access, and shall not interfere with ventilation or exhaust ports.
2. The required fence or screening shall be sited in such a way that it encompasses the entire Battery Energy Storage System if said system is not housed within a Facility.
3. All required fencing shall not be located within the required front yard pursuant to Article 23-4.
4. The Community Development Board shall require landscaping located between the fence and the surrounding properties, including the public right-of-way, as appropriate and necessary.

J. SIGNAGE

1. Signage shall be in compliance with the City of Pittsfield Sign Ordinance and Article 23-4, Section 4.314C of the City of Pittsfield Zoning Ordinance and all other applicable codes and standards and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and twenty-four-hour emergency contact information, including reach-back phone number.
2. Disconnect and other emergency shutoff information shall be clearly displayed on a light-reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

K. LIGHTING

Lighting of the battery energy storage systems shall be in compliance with Article 23-4, Section 4.315 of the City of Pittsfield Zoning Ordinance and limited to minimum requirements for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

Approved as to Form and Legality,

Stephen Pagnotta

City Solicitor



City of Pittsfield

Twenty-Four

In the Year Two Thousand

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 23, "ZONING ORDINANCE" IN THE FOLLOWING MANNER (Page 25 of 34)

Be it ordained by the City Council of the City of Pittsfield, as follows:

L. NOISE

The noise generated from Battery Energy Storage Systems, components, and associated ancillary equipment shall not exceed 40dB in Residential and Business Districts and 70dB in the Battery Energy Storage System Overlay District. All systems shall comply with noise standards found in Article 23-4, Section 4.315, Performance Standards of the Zoning Ordinance and Chapter 13 ½ of the Code of the City of Pittsfield. Applicants may submit equipment and component manufacturers' noise ratings to the Community Development Board to demonstrate compliance. The applicant may be required to provide operating sound pressure level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

M. VEGETATION AND TREE CUTTING

Areas within the required distance as determined by the Fire Department and Fire Code on each side of a Small-Scale and Commercial/Industrial-Scale Battery Energy Storage System and Facility shall be cleared of combustible vegetation and other combustible growth.

N. OWNERSHIP CHANGES

If the owner of the battery energy storage system changes or the owner of the property changes, all of the obligations of the special use permit and Remediation Plan become are assumed by the new owner / operator. A new owner or operator of the Battery Energy Storage System and/or Facility shall notify the Planning Department, Building Department, the Department of Public Works and Fire Marshal's Office of such change in ownership or operator, in writing, within 30 days of the ownership change. All permits and approvals for the battery energy storage system shall be void if a new owner or operator fails to provide written notification to the Planning Department, Building Department, the Department of Public Works and Fire Marshal's Office within the required time frame. Reinstatement of a voided Special Permit will be subject to the approval process for new applications in which time the Battery Energy Storage System(s) and the Facility(ies) shall immediately cease operation until the approval process is complete.

Approved as to Form and Legality,

Stephen Pagnotta

City Solicitor



City of Pittsfield

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Be it ordained by the City Council of the City of Pittsfield, as follows:

- O. SITING PREFERANCES FOR BATTERY ENERGY STORAGE SYSTEMS AND BATTERY ENERGY STORAGE SYSTEM FACILITIES – *See Siting and Design Guidelines for Battery Energy Storage Systems, Battery Energy Storage System Facilities and the Battery Energy Storage System Overlay District.*

SECTION 9.501 BATTERY ENERGY STORAGE SYSTEMS IN RESIDENTIAL DISTRICTS

- A. Residential Scale Battery Energy Storage Systems ("Systems") that are used in a Residential District, to capture and store electricity for private residential use in conjunction with but not limited to ground mounted solar, rooftop solar, electrical substations, other future sources of renewable energy, or directly from the grid are permitted by-right as an accessory use in accordance with Article 23-4, District Regulations and the regulations of that particular Residential District.
 - a. Electric Vehicles for the purposes of this ordinance are not considered Battery Energy Storage Systems and are not subject to the Remediation Plan requirement.
 - b. Residential Scale battery energy storage systems have an aggregate energy capacity less than or equal to 30 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
 - c. No Residential Scale Battery Energy Storage System shall be altered, added to, installed, constructed or permitted unless the applicant has obtained a building permit from the Building Department and is in compliance with the requirements and conditions of the Fire Department and any other relevant departments as necessary to deem the structure safe and ready for use.
 - d. Access Ways in Residential Districts shall be designed in accordance with the guidelines and rules of the City Code with a view to emergency vehicle access, public safety and convenience so as not to cause congestion within and about the site. Access ways shall have adequate construction and shall be in keeping with the standards of the Department of Public Works.
 - e. Provisions for parking shall be consistent with the parking requirements as found in Section 10.111.

Approved as to Form and Legality,

Stephen Pagnotta

City Solicitor



City of Pittsfield

Twenty-Four

In the Year Two Thousand

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 23, "ZONING ORDINANCE" IN THE FOLLOWING MANNER (Page 27 of 34)

Be it ordained by the City Council of the City of Pittsfield, as follows:

- B. Such Systems may be wall-mounted or housed within an attached garage or other Dedicated-Use Building. If constructing a new structure to house a BESS in the Residential District, the Dedicated-Use Building shall meet the minimum setback requirements for accessory buildings in the designated Residential District as outlined in Section 4.203 and 4.304 – 4.306 in the Zoning Ordinance, the standards and regulations for Dedicated-Use buildings as outlined in this Ordinance, the Siting and Design Guidelines and any additional requirements set forth by the Building Department, the Department of Public Works and the Fire Department where applicable.
 - a. All new units constructed to contain Residential Scale Battery Energy Storage Systems in a Residential District implemented for private residential use, will be required to adhere to the Performance Standards for new structures in accordance with Section 23-4 of the Zoning Ordinance as it relates to the applicable zone.
 - b. All new units constructed to contain Residential Scale Battery Energy Storage Systems in a Residential District implemented for private residential use, shall not be placed within the front setback.
 - c. Residential Scale Battery Energy Storage Systems may be housed within a garage or other dedicated-use building so long as the garage or other dedicated-use building meets the minimum setback requirements as outlined in the Performance Standards of Section 23-4.
- C. Small-Scale and Commercial/Industrial-Scale Battery Energy Storage Systems and / or Facilities shall not be permitted as a principal use or an accessory use to a residential dwelling in any Residential District.
- D. The Remediation Plan is not required for Residential Scale Battery Energy Storage Systems.
- E. Enforcement of these standards and regulations are under the jurisdiction of the Building Department, the Department of Public Works and the Fire Department

Approved as to Form and Legality,

Stephen Pagnotta

City Solicitor



City of Pittsfield

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Be it ordained by the City Council of the City of Pittsfield, as follows:

SECTION 9.502 BATTERY ENERGY STORAGE SYSTEMS IN BUSINESS & COMMERCIAL DISTRICTS

- A. Residential Scale Battery Energy Storage Systems ("Systems") that are used in a Business or Commercial District, to capture and store electricity for private residential use in conjunction with but not limited to ground mounted solar, rooftop solar, electrical substations, other future sources of renewable energy, or directly from the grid are permitted by-right as an accessory use in accordance with Article 23-4, District Regulations and the regulations of that particular Business or Commercial District.
 - a. Such Systems may be wall-mounted or housed within an attached garage or other Dedicated-Use Building. If constructing a new structure to house a BESS in the Residential District, the Dedicated-Use Building shall meet the minimum setback requirements for accessory buildings in the designated Business or Commercial District as outlined in accordance with Article 23-4, District Regulations and the regulations of that particular Business or Commercial District in the Zoning Ordinance, the standards and regulations for Dedicated-Use buildings as outlined in this Ordinance, the Siting and Design Guidelines and any additional requirements set forth by the Building Department, the Department of Public Works and the Fire Department where applicable.
 - b. All new units constructed to contain Residential Scale Battery Energy Storage Systems in a Business or Commercial District implemented for private residential use, shall adhere to the Performance Standards for new structures in accordance with Section 23-4 of the Zoning Ordinance as it relates to the applicable zone.
 - c. Such Systems may be wall-mounted or housed within an attached garage or other Dedicated-Use Building so long as the building meets the setback requirements of that Business or Commercial District, the standards and regulations for Dedicated-Use buildings as outlined in this Ordinance, the Siting and Design Guidelines and any additional requirements set forth by the Building Department, the Department of Public Works and the Fire Department where applicable.
 - d. Enforcement of these standards and regulations are under the jurisdiction of the Building Department, the Department of Public Works and the Fire Department.

Approved as to Form and Legality,

Stephen Pagnotta

City Solicitor



City of Pittsfield

In the Year Two Thousand ^{Twenty-Four}

AN ORDINANCE

AMENDING THE CODE OF THE CITY OF PITTSFIELD
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Be it ordained by the City Council of the City of Pittsfield, as follows:

- B. Small-Scale Battery Energy Storage Systems and Facilities ("Facilities") that are used to capture and store electricity for the purposes of schools, colleges, commercial, industrial, manufacturing and/or research in conjunction with but not limited to ground mounted solar, rooftop solar, electrical substations, other future sources of renewable energy, or directly from the grid are permitted as an accessory use in the DCD and the Commercial and Business Districts, through the granting of a Special Permit from the Community Development Board in accordance with Article 23-4, District Regulations and the regulations of that particular Business or Commercial District.
 - a. Applications for a Special Permit shall be accompanied by a Remediation Plan.
 - b. Applicants also agree to a 3rd party review of their Remediation Plan if deemed necessary by the Community Development Board. The cost of said review shall be borne by the applicant.
 - c. Small-Scale Battery Energy Storage Systems may be housed within a Dedicated-Use Building and shall meet the following intensity regulations/requirements:
 - i. Dedicated-use buildings constructed to house Small-Scale Battery Energy Storage Systems in the Business Districts shall meet the following setback requirements:
 1. Front setback: are not permitted within the front setback
 2. Side setback: 5 feet from property line
 3. Rear setback: 5 feet from property line
 4. Corner lots shall adhere to Section 4.307 (Corner Lot Variation) and Section 4.308 (Visibility At Intersections)
 - ii. Such structures shall be roofed, contain a lockable door, and must meet any additional requirements of the Building Department, Electrical Department, Fire Department and the Department of Public Works where applicable. Canopies are not acceptable dedicated-use buildings and are not permitted.
 - iii. Detached dedicated-use buildings in the Business Districts shall not exceed 5% of maximum lot coverage.
 - iv. The maximum height of such structures shall not exceed the maximum height of the building height requirements of that particular district

Approved as to Form and Legality.

Stephen Pagnotta

City Solicitor



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Be it ordained by the City Council of the City of Pittsfield, as follows:

- v. The dedicated-use building shall not be placed within 10ft of the public right of way.
 - vi. Corner Lot parcels shall be required to place dedicated-use buildings in the rear setback. In the event that a rear setback is not applicable, dedicated-use buildings shall be placed in the side yard that least impacts pedestrian and vehicle traffic in accordance with Section 23-4.
 - vii. Dedicated-use buildings, BESS and BESS Facilities shall not obstruct vistas or other visually appealing locations. Dedicated-use buildings, BESS and BESS Facilities shall not be located in a flood zone, near bodies of water, or otherwise detrimentally impact the natural, visual or environmental character of the parcel or surrounding uses.
 - viii. Are also subject to the parameters of Article 23-4 of the Zoning Ordinance.
 - ix. Small-Scale BESS and BESS Facilities for educational purposes shall not be required to obtain a Special Permit.
- C. Electric Vehicles are exempt from the requirements for Small-Scale Battery Energy Storage System Facilities in the Business District and are not subject to the Remediation Plan requirement.
- D. Commercial/Industrial-Scale Battery Energy Storage Systems and / or Facilities of any kind, shall not be permitted in the DCD or any of the Commercial or Business Districts.

SECTION 9.503 BATTERY ENERGY STORAGE SYSTEMS IN INDUSTRIAL DISTRICTS

- A. Residential Scale Battery Energy Storage Systems ("Systems") that are used in an Industrial District, to capture and store electricity for private residential use in conjunction with but not limited to ground mounted solar, rooftop solar, electrical substations, other future sources of renewable energy, or directly from the grid are permitted by-right as an accessory use in accordance with Article 23-4, District Regulations and the regulations of that particular Industrial District.

Approved as to Form and Legality.

Stephen Pagnotta

City Solicitor



City of Pittsfield

In the Year Two Thousand ^{Twenty-Four}

AN ORDINANCE

AMENDING THE CODE OF THE CITY OF PITTSFIELD
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Be it ordained by the City Council of the City of Pittsfield, as follows:

- a. Such Systems may be wall-mounted or housed within an attached garage or other Dedicated-Use Building. If constructing a new structure to house a BESS in the Residential District, the Dedicated-Use Building shall meet the minimum setback requirements for accessory buildings in the designated Industrial District as outlined in Section 4.203 and 4.304 – 4.306 in the Zoning Ordinance, the standards and regulations for Dedicated-Use buildings as outlined in this Ordinance, the Siting and Design Guidelines and any additional requirements set forth by the Building Department, the Department of Public Works and the Fire Department where applicable.
 - b. All new units constructed to contain Residential Scale Battery Energy Storage Systems in an Industrial District implemented for private residential use, shall adhere to the Performance Standards for new structures in accordance with Section 23-4 of the Zoning Ordinance as it relates to the applicable zone.
- B. Small-Scale Battery Energy Storage Systems and Facilities ("Facilities") that are used to capture and store electricity for the purposes of commercial, industrial, manufacturing and/or research in conjunction with but not limited to ground mounted solar, rooftop solar, electrical substations, other future sources of renewable energy, or directly from the grid are permitted as a principal or accessory use in the Industrial District, through the granting of a Special Permit from the Community Development Board. in accordance with Article 23-4, District Regulations and the regulations of that particular Industrial District.
- a. Applications for a Special Permit must be accompanied by a Remediation Plan.
 - b. Applicants also agree to a 3rd party review of their Remediation Plan if deemed necessary by the Community Development Board. The cost of said review shall be borne by the applicant.
 - c. Small-Scale Battery Energy Storage Systems may be housed within a Dedicated-Use Building and shall meet the following intensity regulations/requirements:
 - i. Dedicated-use buildings in the Industrial Districts shall met the following setback requirements:
 1. Front setback: 6 feet from property line
 2. Side setback: 5 feet from property line
 3. Rear setback: 5 feet from property line
 4. Corner lots shall adhere to Section 4.307 (Corner Lot Variation) and Section 4.308 (Visibility At Intersections)

Approved as to Form and Legality,

Stephen Pagnotta

City Solicitor



City of Pittsfield

In the Year Two Thousand **Twenty-Four**

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Be it ordained by the City Council of the City of Pittsfield, as follows:

- ii. Such structures shall be roofed, contain a lockable door, and must meet any additional requirements of the Building Department, Electrical Department, Fire Department and the Department of Public Works where applicable. Canopies are not acceptable dedicated-use buildings and are not permitted.
- iii. Detached dedicated-use buildings in the Industrial Districts shall not exceed 50% of maximum lot coverage.
- iv. The maximum height of such structures shall not exceed the maximum height of the building height requirements of that particular district.
- v. The dedicated-use building shall not be placed within 10 feet of the public right of way.
- vi. Corner Lot parcels shall be required to place dedicated-use buildings in the rear setback. In the event that a rear setback is not applicable, dedicated-use buildings shall be placed in the side yard that least impacts pedestrian and vehicle traffic in accordance with Section 23-4.
- vii. Dedicated-use buildings, BESS and BESS Facilities shall not obstruct vistas or other visually appealing locations. Dedicated-use buildings, BESS and BESS Facilities shall not be located in a flood zone, near bodies of water, or otherwise detrimentally impact the natural, visual or environmental character of the parcel or surrounding uses.
- viii. Are also subject to the parameters of Article 23-4 of the Zoning Ordinance.

C. Commercial/Industrial-Scale Battery Energy Storage Systems and Facilities ("Facilities") that are used to capture and store electricity for the purposes of commercial, industrial, manufacturing and/or research in conjunction with but not limited to ground mounted solar, rooftop solar, electrical substations, other future sources of renewable energy, or directly from the grid are permitted as a principal use in the Industrial District, through the granting of a Special Permit from the Community Development Board in accordance with Article 23-4, District Regulations and the regulations of that particular Industrial District.

- a. Applications for a Special Permit must be accompanied by a Remediation Plan.
- b. Applicants also agree to a 3rd party review of their Remediation Plan if deemed necessary by the Community Development Board. The cost of said review shall be borne by the applicant.
- c. Commercial/Industrial-Scale Battery Energy Storage Systems and Facilities ("Facilities") shall meet the following intensity regulations/requirements:

Approved as to Form and Legality,

Stephen Pagnotta

City Solicitor



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Be it ordained by the City Council of the City of Pittsfield, as follows:

- i. Dedicated-use buildings in the Industrial Districts shall met the following setback requirements:
 - 1. Front setback: 6 feet from property line
 - 2. Side setback: 5 feet from property line
 - 3. Rear setback: 5 feet from property line
 - 4. Corner lots shall adhere to Section 4.307 (Corner Lot Variation) and Section 4.308 (Visibility At Intersections)
- ii. Such structures shall be roofed, contain a lockable door, and must meet any additional requirements of the Building Department, Electrical Department, Fire Department and the Department of Public Works where applicable. Canopies are not acceptable dedicated-use buildings and are not permitted.
- iii. Detached dedicated-use buildings in the Industrial Districts shall not exceed 70% of maximum lot coverage.
- iv. The maximum height of such structures shall not exceed 35ft.
- v. The dedicated-use building shall not be placed within 10 feet of the public right of way.
- vi. Corner Lot parcels shall be required to place dedicated-use buildings in the rear setback. In the event that a rear setback is not applicable, dedicated-use buildings shall be placed in the side yard that least impacts pedestrian and vehicle traffic in accordance with Section 23-4.
- vii. Dedicated-use buildings, BESS and BESS Facilities shall not obstruct vistas or other visually appealing locations. Dedicated-use buildings, BESS and BESS Facilities shall not be located in a flood zone, near bodies of water, or otherwise detrimentally impact the natural, visual or environmental character of the parcel or surrounding uses.
- viii. Are also subject to the parameters of Article 23-4 of the Zoning Ordinance.

Approved as to Form and Legality,

Stephen Pagnotta

City Solicitor



City of Pittsfield

In the Year Two Thousand ^{Twenty-Four}

AN ORDINANCE

AMENDING THE CODE OF THE CITY OF PITTSFIELD
CHAPTER 23, "ZONING ORDINANCE" IN THE FOLLOWING MANNER
(Page 34 of 34)

Be it ordained by the City Council of the City of Pittsfield, as follows:

Amend ARTICLE 23-10 ACCESSORY USES

By adding the following to SECTION 10.111 OFF-STREET PARKING REQUIREMENTS

OFF-STREET PARKING REQUIREMENTS

USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
Commercial/Industrial-Scale Battery Energy Storage System Facilities	One space for each three employees, plus one space for utility vehicle

Approved as to Form and Legality,

Stephen Pagnotta

City Solicitor

In City Council

Read and passed to be ordained

February 13, 2024

11 Yeas - 0 Nays

/s/ Peter T. White, Council President

/s/ Michele M. Benjamin, City Clerk

Approved by the Mayor

February 15, 2024

/s/Peter M. Marchetti

A true copy, attest:

City Clerk

Michele M Benjamin