COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD

In the Matter of the Petition of Hillman Energy Center, LLC, pursuant to G.L. c. 40A, § 3 for individual and comprehensive exemption from the Zoning Bylaw of the Town of Tewksbury	)	EFSB 25-08 March 20, 2026

LIMITED PARTICIPANT BRIEF OPPOSING ZONING EXEMPTIONS

I, Linda Martin, respectfully submit this brief as a limited participant and abutter-area resident of 25 Emerald Court, located approximately 594 feet from the proposed Hillman Energy Center BESS facility at 73–75 Hillman Street in Tewksbury, Massachusetts.

The petition seeks a comprehensive and individual exemption from the Town's Zoning Bylaw under G.L. c. 40A, § 3 to construct and operate a 125 MW, four-hour battery energy storage system and associated substation and transmission interconnection (the "Project"). I oppose the petition and respectfully request that the Energy Facilities Siting Board ("EFSB" or "Board") deny the requested exemptions.

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I. INTRODUCTION AND STATEMENT OF INTEREST

I, Linda Martin submits this brief as a Limited Participant in opposition to the petition of Hillman Energy Center, LLC ("Hillman Energy" or "Petitioner") seeking zoning exemptions pursuant to G.L. c. 40A, § 3 to construct a 125-megawatt ("MW") Battery Energy Storage System ("BESS") at 73-75 Hillman Street in Tewksbury, Massachusetts.

As a resident of Tewksbury living in close proximity to the proposed facility, Ms. Martin has a direct and substantial interest in this proceeding. The proposed project would expose her and hundreds of neighboring residents—including vulnerable senior citizens at Emerald Court, a elderly condominium community, and in a nearby assisted living facility—to serious and unprecedented safety risks from potential lithium-ion battery fires, toxic gas releases, and groundwater contamination.

Pursuant to the rights afforded to Limited Participants under Massachusetts law, Ms. Martin respectfully submits this brief setting forth the fundamental deficiencies in Hillman Energy's petition and the compelling reasons why the Energy Facilities Siting Board ("EFSB" or "Siting Board") must deny the requested zoning exemptions and reject this ill-conceived project [1][2][3].

II. EXECUTIVE SUMMARY

This case presents a stark example of industrial development that prioritizes private profit over public safety. Hillman Energy proposes to construct one of the largest lithium-ion battery storage facilities in Massachusetts on a 4.3-acre industrial site located:

- Within hundreds of feet of residential neighborhoods, including homes occupied by families with children and vulnerable elderly residents
- Within approximately 1,000 feet of senior housing facilities with 360-460 elderly and medically vulnerable residents
- Adjacent to hazardous materials rail lines, creating compounded emergency response challenges

- In an area with known traffic congestion that would severely impede evacuation efforts
- Within the Town's Zone II Groundwater Protection District, threatening drinking water supplies for the communities

The scientific evidence is clear and alarming: lithium-ion battery thermal runaway events release highly toxic gases—including hydrogen fluoride at levels up to 446 times OSHA exposure limits—that can cause immediate life-threatening conditions and long-term health consequences [4][5]. These fires burn at temperatures exceeding 2,000°F, cannot be extinguished by conventional means, and can burn for days while releasing toxic emissions into the air and water [4][6].

Despite these grave risks, Hillman Energy has failed to provide:

- Adequate emergency response planning with specific evacuation protocols for vulnerable populations
- Proper toxic gas modeling using Acute Exposure Guideline Levels ("AEGL") to define protective action zones
- Engineered containment systems to prevent groundwater contamination in the Zone II wellhead protection area
- Fair compensation to property owners who will suffer significant diminution in property values
- Demonstration that the project is "reasonably necessary for the convenience or welfare of the public" as required by G.L. c. 40A, § 3

The Petitioner has not met its statutory burden. The record demonstrates that this project serves private commercial interests at the expense of public safety and welfare. The zoning exemptions must be denied.

III. FACTUAL BACKGROUND

A. The Proposed Project

On April 1, 2025, Hillman Energy Center, LLC, a subsidiary of Virginia-based East Point Energy, which itself is owned by the foreign company Equinor, headquartered in Norway, filed a petition with the EFSB seeking individual and comprehensive zoning exemptions to construct a 125 MW Battery Energy Storage System on approximately 4.3 acres of previously developed industrial land at 73-75 Hillman Street in Tewksbury [7][8].

The project would consist of:

- 169 BESS modules (later changed to 134) containing lithium-ion batteries housed in above-ground storage cabinets
- Associated transformers mounted on concrete slabs
- A new electric substation

- An approximately 1,200-foot-long electric transmission interconnection across parcels owned by National Grid and the Massachusetts Bay Transportation Authority ("MBTA")

B. Site Location and Surrounding Land Uses

The proposed site is located in an area characterized by [7][8]:

- Existing electric transmission corridors and related infrastructure
- Extensive wetland areas to the north and west
- Commercial and industrial development to the east and south
- Residential neighborhoods within hundreds of feet of the battery installation
- Senior housing facilities (assisted living and memory care) with approximately 360-460 vulnerable residents within approximately 1,000 feet [9][10].
- Hazardous materials rail corridors in close proximity

Critically, the site is located within the Town of Tewksbury's Zone II Groundwater Protection District, a wellhead protection area that serves as the primary recharge zone for the Tewksbury Hospital water supply [7][11][12]. The site is also adjacent to wetlands that serve as the watershed for the Merrimack River. The river supplies drinking water to Tewksbury, Lowell, Lawrence, Methuen, and Andover [13].

C. Community Opposition and Safety Concerns

The project has generated extraordinary opposition from Tewksbury residents. More than 2,800 residents have signed petitions opposing the project [14]. Public meetings have been marked by emotional testimony from residents expressing grave concerns about [15][16]:

- Fire and explosion risks from lithium-ion battery thermal runaway
- Release of toxic gases, particularly hydrogen fluoride, carbon monoxide, and volatile organic compounds
- Inability to evacuate vulnerable populations, especially seniors in assisted living facilities
- Contamination of drinking water supplies
- Property value diminution
- Inadequacy of emergency response capabilities
- Long-term health effects from potential toxic chemical exposures
- Nearby residents expressed fear of being forced to shelter-in-place because evacuation is unachievable

Residents have repeatedly emphasized that Tewksbury, in particular the Old Boston Road area, experiences significant traffic congestion, making safe evacuation in an emergency impossible [17].

D. Host Community Agreement Issues

While the Town of Tewksbury entered into a Host Community Agreement ("HCA") with Hillman Energy providing for minimum annual payments of $2 million, significant deficiencies in the HCA have been identified by town residents and the Tewksbury Board of Health [18]:

- The Hazard Mitigation Analysis ("HMA") is not completed and has not been independently verified
- No requirement for AEGL-based toxic gas modeling or definition of protective action zones
- No engineered physical containment systems for firefighting water runoff to prevent groundwater infiltration
- No fixed hydrogen fluoride detection systems at fence lines or downwind monitoring points
- Property value protection capped at only $25,000 per affected property, determined through negotiation rather than independent assessment
- Language allowing exemptions from Zone II protections "unless exempted by the EFSB"

Notably, individual property owners potentially affected by property devaluation were not consulted during the HCA negotiation process [19].

E. Evidentiary Record of Safety Deficiencies

The evidentiary hearings conducted in February 2026 revealed troubling gaps in the Petitioner's planning and analysis:

- Preliminary and Subject-to-Change Designs: Company witnesses testified that designs are "preliminary" and "may change in the final construction design," creating uncertainty about actual safety configurations [20]

- Reliance on Future Compliance: The Petitioner repeatedly defers critical safety determinations to future compliance with NFPA 855 (2026 edition), without providing specific engineered solutions in the current record [21]

- Inadequate Property Impact Analysis: Town officials testified that the $25,000 property value protection cap "was part of a negotiation process" rather than based on any actual study of property value impacts [22]

- Incomplete Emergency Response Planning: While referenced, comprehensive emergency response plans with specific evacuation protocols, toxic gas detection systems, and protective action timelines have not been finalized or submitted for public review [20]

F. Inadequate Analysis

There is a pattern of inadequate or flawed technical analysis underlying the petition

- The Tewksbury Board of Health reviews of the Petitioner's submissions have raised serious concerns about depth of analysis
- The technical expert hired by the Town of Tewksbury admitted that he had not reviewed Hillman's HMA and ERP, nor the pre-filed testimony by expert witnesses hired by intervenor DiPalma/Sheehan [20]

IV. LEGAL STANDARD

A. Statutory Framework for Zoning Exemptions

General Laws c. 40A, § 3 provides that lands or structures used by a public service corporation may be exempted from local zoning ordinances if the Energy Facilities Siting Board determines that:

1. The exemptions are required; and
2. The present or proposed use of the land or structure is reasonably necessary for the convenience or welfare of the public

The statute requires both findings. The burden of proof rests entirely on the petitioner to demonstrate that these statutory requirements are satisfied [2][23].

B. "Reasonably Necessary for the Convenience or Welfare of the Public"

In determining whether a proposed project is reasonably necessary for the public convenience or welfare, the Siting Board must balance the interests of the general public in reliable energy infrastructure against the specific impacts on the local community [24][25][26].

The standard is not met merely by showing some theoretical public benefit. Rather, the petitioner must demonstrate that:

- The project serves a genuine public need
- Alternative locations or configurations that would reduce risks have been adequately considered
- The project design incorporates appropriate protection for public health, safety, and welfare
- The public benefits outweigh the local impacts and risks
- The proposed location is appropriate given safety considerations

The "convenience or welfare of the public" standard explicitly encompasses public health and safety considerations. A project that poses unacceptable risks to public health and

safety cannot, by definition, be "reasonably necessary for the convenience or welfare of the public."

C. Burden of Proof

The Petitioner bears the burden of demonstrating compliance with the statutory standard by substantial evidence in the record. Where the record reveals significant safety deficiencies, inadequate planning, or substantial risks to public health and welfare, the Siting Board must deny the requested exemptions; General Laws c. 40A, § 3.

The precautionary principle applies with particular force where, as here, the proposed facility would expose vulnerable populations to potentially catastrophic and irreversible harms.

V. ARGUMENT

A. The Petitioner Has Failed to Demonstrate That the Project is Reasonably Necessary for the Convenience or Welfare of the Public

1. The Statutory Standard Requires More Than Theoretical Grid Benefits

   Hillman Energy's petition rests primarily on assertions that battery storage serves the Commonwealth's clean energy goals and provides grid reliability benefits. While these are legitimate policy objectives, they do not satisfy the specific statutory requirement that this particular project, at this particular location is "reasonably necessary for the convenience or welfare of the public."

   The statute requires particularized findings, not general policy endorsements. The Petitioner must demonstrate why a 125 MW lithium-ion battery facility must be located on this specific 4.3-acre parcel adjacent to residential neighborhoods, senior housing, and within a critical groundwater protection zone.

   The record contains no such demonstration.

2. Alternative Locations Would Serve the Same Grid Function Without Endangering Residents

   Battery energy storage systems, unlike traditional generation facilities, are not dependent on fuel sources, cooling water, or other location-specific resources. The Petitioner has not shown why this facility cannot be sited:

   In truly industrial zones distant from residential areas

   - On remediated brownfield sites not located in Zone II wellhead protection areas
   - In locations with better emergency access and evacuation routes
   - At sites that would not endanger vulnerable senior populations

The absence of any meaningful alternatives analysis is fatal to the Petitioner's burden of proof [27].

3. Public Welfare Encompasses Public Safety—Which This Project Threatens

The phrase "welfare of the public" inherently includes the health and safety of the public. A project that exposes hundreds of residents—including 360-460 medically vulnerable seniors—to risks of toxic gas exposure, catastrophic fires that cannot be extinguished, and long-term groundwater contamination cannot reasonably be characterized as serving the "welfare of the public."

The Petitioner asks the Board to find that private commercial revenues and theoretical grid benefits outweigh the concrete, documented risks to actual residents of Tewksbury. This is precisely the type of imbalanced calculus that the statutory "convenience or welfare of the public" standard is designed to prevent.

B. The Project Poses Unacceptable Risks to Public Health and Safety

1. Lithium-Ion Battery Fires Are Extreme Toxic Emission Events

The scientific evidence regarding lithium-ion battery thermal runaway events is unequivocal and alarming:

Toxic Gas Emissions: Published research provided by intervenors DiPalma/Sheehan conclusively established that Lithium-ion battery thermal runaway fires are an extreme emissions event, releasing highly toxic gases and particles that exceed the Occupational Safety and Health Administration (OSHA)-permissible exposure limits [4][5][6].

Specifically, studies found:

- Hydrogen fluoride ("HF") emissions reached levels of 446 times the OSHA eight-hour limit and 30 times the 15-minute exposure limit
- 1,3-butadiene reached 26 times the 15-minute limit
- Peak temperatures inside test chambers exceeded 2,000°F (1,100°C)
- Thermal runaway conditions persisted for over 200 seconds per battery, with releases of highly toxic gases throughout

Hydrogen Fluoride Toxicity: HF is particularly dangerous. Scientific literature establishes that [28]:

- The Immediately Dangerous to Life or Health ("IDLH") level for HF is 0.025 g/m^3 (30 ppm)
- The lethal 10-minute AEGL-3 toxicity value is 0.0139 g/m^3 (170 ppm)
- Significant amounts of HF—ranging between 20 and 200 mg/Wh of nominal battery energy capacity—are released from burning lithium-ion batteries

- HF is often odorless and colorless, making it especially dangerous in both enclosed and open-air environments

Scale of Risk: The proposed Tewksbury facility would contain 134 BESS modules with 125 MW capacity. A thermal runaway event affecting even a portion of this facility would release toxic gases at concentrations that would create an immediate threat to life and health for all persons within the exposure zone.

2. Emergency Response Guidelines Require Extensive Evacuation Zones

   The 2024 Emergency Response Guidebook ("ERG"), a global standard for hazardous materials incidents, specifies a minimum evacuation distance of 500 meters (approximately 1,640 feet or 1/3 mile) in all directions for lithium-ion battery storage fires, including first responders [29].

   The EPA's guidance on Battery Energy Storage Systems states: "Set an isolation zone for large commercial BESS that is at least 330 feet, depending on the site" and "Evaluate the need for community shelter-in-place or evacuation, depending on the incident and site"[30].

   The proposed Tewksbury site has residential neighborhoods and senior housing facilities well within these evacuation zones. Given Tewksbury's known traffic congestion issues, safe and timely evacuation of vulnerable populations would be extremely difficult if not impossible.

   A fire fighter stance at 100 feet would be dangerous [18].

3. Fires Cannot Be Extinguished by Conventional Means and Burn for Extended Periods

   Unlike conventional fires, lithium-ion battery fires [31]:

   - Cannot be effectively extinguished with water—in fact, water can exacerbate certain lithium battery fires
   - Continue to burn for hours or days even with fire suppression efforts
   - Can reignite days or weeks after apparent extinguishment
   - Require massive quantities of water for cooling (the HCA requires a 30,000-gallon on-site water supply, but real-world incidents have required millions of gallons) [18]

   Real-World Examples: The catastrophic fires at the Moss Landing BESS facility in California provide sobering evidence [32]:

   - In January 2025, approximately 55 percent of the Moss Landing facility was destroyed in a fire
   - The facility was "still smoking" days after the fire started
   - Approximately 1,500 people were evacuated due to air quality concerns

- The facility's fire suppression systems failed to prevent catastrophic damage [30]
- Previous incidents at the same facility in 2021 resulted in "scorched" battery racks and "melted" wires
- 341 people were treated for injury

MOSS Landing and other real-world incidents demonstrate that even facilities designed with modern fire suppression systems can experience catastrophic failures with devastating consequences. Hillman Energy documents 25 other examples in their response to EFSB [33].

4. Petitioner's Reliance on NFPA 855 Does Not Eliminate Risks

   While the Petitioner repeatedly asserts that the facility will comply with NFPA 855 (2026 edition), this compliance does not eliminate the fundamental risks of lithium-ion battery technology. NFPA 855 is a minimum safety standard, not a guarantee against thermal runaway or fire events [34].

   Moreover, the 2026 edition of NFPA 855 represents significant changes precisely because previous editions were inadequate [35]:

   - Emergency Response Plans must now be developed with the Authority Having Jurisdiction ("AHJ") and submitted prior to training, reflecting recognition that earlier approaches were insufficient
   - New testing requirements and hazard mitigation analysis provisions were added because prior standards did not adequately address risks
   - The standard explicitly acknowledges that lithium-ion BESS facilities present "fire, explosion and toxicity hazards"

   NFPA 855 compliance is the starting point, not the end point, of safety analysis. The Siting Board must independently assess whether this particular project, at this particular location, poses acceptable risks to the public.

5. The Hazard Mitigation Analysis and the Emergency Response Plan Have Not Been Completed [36][37]

   Hillman Energy has currently submitted a 30% design completion and has not conducted a comprehensive large-scale battery test on Hithium batteries. In the absence of a finalized design and additional testing, it is not possible to accurately define the boundaries of risk. The Petitioner’s reference to previous EFSB/DPU decisions based on similar design stage does not constitute adequate justification that this specific project at this specific location is reasonable [25][26].

C. The Emergency Response Planning is Inadequate and Places Residents at Grave Risk

1. Despite the well-documented toxic gas emissions from lithium-ion battery fires, the Petitioner has not provided AEGL-based modeling to define [4][5][6]:

- Protective action zones for hydrogen fluoride, carbon monoxide, and other toxic gases
- Timelines for evacuations based on wind conditions and release scenarios
- Specific protective actions for vulnerable populations
- Safe distances for emergency responders

2. Toxic gas plume modeling has shown significant risk

    - In Figure 17, page 18 of Hazard Dynamics report, it shows that carbon monoxide would reach over 500 feet in a large fire. The second floor of my condominium would be within the gas dispersion level [38].

    - Testing reported by IoMosaic indicates that the dispersion levels of carbon monoxide and hydrogen fluoride would reach my residence [39].

3. No Specific Evacuation Plans for Elderly and Vulnerable Population Facilities

    The presence of approximately 360-460 elderly and medically vulnerable residents in assisted living and memory care facilities within approximately 1,000 feet of the proposed site creates extraordinary evacuation challenges:

    - Many residents have limited mobility and require assisted evacuation
    - Many residents cannot walk unassisted; many residents cannot go down a flight of stairs unassisted; even within 30 minutes mobility challenged residents would be unable to escape hazardous gas [40]
    - Memory care residents may be unable to understand or follow evacuation instructions
    - Medical equipment dependencies (oxygen, dialysis, medications) complicate rapid evacuation
    - Transportation resources adequate for rapid evacuation of hundreds of seniors do not exist in Tewksbury
    - Shelter facilities capable of accommodating special medical needs are not defined
    - Elderly residents are not always capable of taping up windows and doors [40]

    The record contains no evidence that the Petitioner has developed specific evacuation protocols for these vulnerable populations or coordinated with the senior housing facilities to ensure safe evacuation capability.

3. Traffic Conditions Make Safe Evacuation Highly Problematic

Tewksbury residents have repeatedly emphasized that the town experiences significant traffic congestion, particularly during peak hours. In an emergency requiring rapid evacuation [14][15]:

- Evacuation routes would quickly become gridlocked
- First responder access would be impeded
- Persons attempting to evacuate could become trapped in vehicles within toxic gas plumes
- The time required for evacuation would far exceed the time required for toxic gases to reach dangerous concentrations

4. No Fixed Hydrogen Fluoride Detection Systems at Property Boundaries

   Despite the lethal nature of hydrogen fluoride at low concentrations, the Petitioner has not committed to installing:

   - Fixed HF detectors at BESS enclosures
   - Fence-line monitoring stations
   - Downwind monitoring points
   - Automatic notification systems to alert residents when dangerous concentrations are detected

   The HCA Town specifically recommended: "Install fixed HF detectors at BESS enclosures and selected fence-line/downwind points, plus maintain portable HF detection equipment for Fire (and, as needed, BOH) use"[18]. However, there is no guarantee or plan for HF detectors placement near Emerald Court.

   Without real-time toxic gas detection, residents would have no warning before being exposed to potentially lethal concentrations of hydrogen fluoride.

5. Public comments recorded in Docket 25-08 clearly indicate that nearby residents are fearful of a shelter-in-place order since it does not provide adequate safety

D. The Project Threatens Critical Groundwater Resources in Violation of Wellhead Protection Requirements

1. Zone II Wellhead Protection Areas Are Critical to Drinking Water Safety

   The proposed site is located within the Town of Tewksbury's Zone II Groundwater Protection District. Under Massachusetts law, a Zone II wellhead protection area is:

   > "That area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically

> anticipated (180 days of pumping at safe yield, with no recharge from precipitation)"[11].

Zone II protections exist because these areas are the primary recharge zones for public drinking water supplies. Contamination of Zone II areas can directly and immediately impact drinking water quality for entire communities [11][41].

2. Battery Fires Release Contaminants That Threaten Groundwater

   A thermal runaway event or fire at the proposed facility would release numerous contaminants that pose serious threats to groundwater [28]:

   - Toxic metals: lithium, manganese, lead, cobalt, and other heavy metals present in battery chemistry
   - Hydrogen fluoride: which converts to hydrofluoric acid in the presence of water
   - Volatile organic compounds ("VOCs")
   - Particulate matter containing toxic substances
   - Electrolyte compounds and degradation products

   Fire suppression efforts would generate massive quantities of contaminated runoff water containing dissolved and suspended toxic materials. Merrimac River watershed

3. The Host Community Agreement Does Not Provide Adequate Groundwater Protection

   The HCA states that stormwater will be "directed to" the stormwater system, but as town officials have noted, this language "does not guarantee physical containment or isolation from infiltration and Zone II recharge" [18].

   Critical deficiencies include:

   - No engineered containment: The HCA does not require berms, lined basins, or valves to physically contain contaminated firefighting water
   - No capacity analysis: No showing that containment systems are "sized for a reasonably worst-case BESS fire"
   - Reactive monitoring only: Relying on monitoring after contamination occurs rather than prevention
   - EFSB exemption loophole: Language stating requirements apply "unless exempted by the EFSB" could weaken Zone II protections

   An expert witness specifically recommended additional vegetation (or similar protected devices) and mechanisms to capture hazardous materials; additional expenses would be accrued for mechanisms and additional land areas would have to be purchased in order to meet these two requirement

The Petitioner has not committed to such engineered protections.

4. Once Groundwater Is Contaminated, Remediation Is Extremely Difficult and Expensive

   Groundwater contamination is not easily reversed. Once toxic metals, fluoride compounds, and organic contaminants enter the aquifer:

   - They can persist for decades
   - They can migrate significant distances from the source
   - Remediation costs can reach tens of millions of dollars
   - Alternative water supplies may be required for affected populations
   - Long-term monitoring and treatment become necessary

   The precautionary principle demands that facilities with significant contamination potential not be located in Zone II wellhead protection areas.

E. Theoretical Benefits of This Site Do Not Justify Property Devaluation Without Adequate Compensation or Protection

1. Property Values Will Decline Due to Proximity to Hazardous Facility

   Basic principles of real estate valuation establish that proximity to industrial facilities—particularly those involving hazardous materials or fire risks—negatively impacts residential property values. Prospective homebuyers will reasonably:

   - Be concerned about health and safety risks
   - Worry about toxic gas exposure and fire dangers
   - Consider evacuation requirements unacceptable
   - Seek homes in locations without such risks
   - Demand substantial price reductions to accept the additional risks

   The presence of a 125 MW lithium-ion battery facility storing the equivalent of 125,000 homes' worth of electricity will fundamentally alter the character of the neighborhood and depress property values.

2. The $25,000 Cap on Property Value Protection Is Arbitrary and Inadequate

   The HCA provides that affected property owners may receive up to $25,000 in compensation for property value diminution. This cap is:

   - Not based on any study: Town testimony confirmed "there was no study that led to this particular number"[20]

- Determined by negotiation: The amount "was part of a negotiation process between us (Town officials, not residents) and Hillman"[20]
- Uniform regardless of impact: All properties within the defined area receive the same maximum, regardless of actual loss [20]
- Inadequate for typical homes: Given Tewksbury housing values, a $25,000 cap could represent only a fraction of actual value loss
- Only recompensates 18 out of 93 condominiums at Emerald Court (those within 650 feet of the project)
- Does not consider the effect of property value loss on the appraisal value of other 75 condos

3. Individual Property Owners Were Not Consulted

Despite the inclusion of specific individual property owners in the property protection provisions, the town negotiators testified: "Did you sit down with those property owners during this process and let them know that you were working on this? No, not individually"[20].

Property owners are being subjected to risks and potential losses without their consultation or consent. The negotiated $25,000 cap does not reflect their actual potential losses or provide adequate compensation.

4. Petitioner Has Not Demonstrated "No Significant Impact of Value"

Town testimony confirmed: "So there was no study that led to this particular number in the agreement. No"[20].

Yet the same officials assert there will be "no significant impact of value." These statements are contradictory. Without an actual study, there is no evidentiary basis to conclude property values will not be significantly affected.

The Petitioner has failed to carry its burden of demonstrating that property value impacts will be minimal or that adequate protections are in place.

F. The Siting is Fundamentally Inappropriate Given Proximity to Vulnerable Populations

1. Battery Storage Facilities Should Not Be Located Near Residential Areas

Industry best practices and emerging regulatory frameworks increasingly recognize that large-scale battery storage facilities should be:

- Located in industrial zones distant from residential development
- Sited with adequate separation distances from occupied buildings
- Designed with appropriate buffer zones for emergency response
- Located to facilitate evacuation and emergency access

For a facility of this scale (125 MW, 134 modules), substantially greater separation from residential areas is appropriate.

2. Senior Residents Creates Unique Vulnerabilities

The proximity to senior housing facilities with approximately 360-460 vulnerable residents is particularly troubling. These residents:

- Are more susceptible to respiratory impacts from toxic gas exposure
- Have limited evacuation mobility
- May have cognitive impairments preventing rapid response to emergencies
- Depend on medical equipment that may not function during extended evacuations
- Face higher mortality risk from exposure to hydrogen fluoride and other toxins

The Petitioner has provided no analysis of the specific risks to this vulnerable population or measures to protect them in an emergency.

3. Compounding Risk Factors Make This Site Uniquely Inappropriate

The combination of risk factors at this location is extraordinary:

Risk Factor	Impact
Proximity to sensitive receptors…….	Vulnerable population exposure
Known traffic congestion ……	Impeded evacuation and response
Residential neighborhoods nearby……	Large affected population
Zone II Groundwater Protection District...	Drinking water contamination

Any one of these factors would raise serious concerns. Together, they demonstrate that this is precisely the wrong location for a facility of this type and scale.

4. Alternative Sites Would Avoid These Compounding Risks

Massachusetts has numerous industrial sites that could accommodate battery storage without exposing vulnerable populations to risk:

- Brownfield sites in truly industrial zones
- Sites not located in Zone II wellhead protection areas
- Locations distant from residential development
- Sites with superior emergency access and evacuation routes

- Areas without proximity to senior housing or schools

The Petitioner has not demonstrated why this particular location is necessary or preferable to alternatives that would not endanger residents.

G. EFSB Regulatory Rules and Moral Responsibility

The new EFSB regulatory framework adopted since this petition was filed would not permit a facility such as Hillman's at this location, given the density of nearby sensitive receptors and the vulnerability of the surrounding community [43]. Even if the Board concludes that those new rules do not apply retroactively as a matter of law, it should still consider them as a statement of current policy and ask what the moral responsibility and equitable outcome is in a case where hundreds of elderly and medically fragile residents face disproportionate risk, incomplete safety planning, and uncompensated economic harm.

Sections A through G taken together these facts establish that the proposed facility imposes a disproportionate and cumulative burden on a vulnerable community, raises unresolved public health and safety risks, and fails to meet the standards of transparency, completeness, and moral responsibility required for approval under appliable regulatory frameworks.

VI. CONCLUSION

This proceeding presents the Energy Facilities Siting Board with a fundamental question: Does the statutory standard of "reasonably necessary for the convenience or welfare of the public" permit a private company to expose hundreds of Tewksbury residents—including vulnerable seniors—to serious risks of toxic gas exposure, catastrophic fires, and groundwater contamination in order to generate private commercial revenues?

The answer must be no.

The scientific evidence regarding lithium-ion battery thermal runaway is clear and alarming:

- Toxic gas emissions at levels up to 446 times OSHA limits
- Fires burning at over 2,000°F that cannot be extinguished by conventional means [3]
- Evacuation requirements of 1,640 feet (1/3 mile) in all directions
- Real-world catastrophic failures at major facilities like Moss Landing The emergency planning is inadequate:
- No AEGL-based toxic gas modeling
- No specific evacuation plans for senior and local residents

- No fixed hydrogen fluoride detection systems

The site location is uniquely inappropriate:

- Within Zone II Groundwater Protection District
- Within 1,000 feet of 360-460 vulnerable senior residents
- In an area with traffic congestion that would prevent safe evacuation
- Without adequate engineered protection for groundwater

The Petitioner has failed to meet its burden of demonstrating that this project is "reasonably necessary for the convenience or welfare of the public." On the contrary, the record demonstrates that the project threatens public health, safety, and welfare.

The Massachusetts Legislature enacted G.L. c. 40A, § 3 to ensure that utility facilities serve the public interest, not to enable private companies to profit by endangering communities. The statute requires findings that the project is "reasonably necessary for the convenience or welfare of the public"—a standard this Petition cannot meet.

Relief Requested:

For the foregoing reasons, I respectfully request that the Energy Facilities Siting Board:

> Deny Hillman Energy Center, LLC's petition for a comprehensive exemption from the Town of Tewksbury Zoning Bylaw for the proposed 125 MW BESS at 73–75 Hillman Street

Respectfully submitted,

Linda Martin
25 Emerald Court
Tewksbury, MA 01876
Resident and Limited Participant, EFSB 25-08

Dated: March 20, 2026

REFERENCES

[1] Mass. Gen. Laws c. 30A, § 10 (governing adjudicatory proceedings).

[2] Massachusetts Energy Facilities Siting Board. (2026). EFSB and DPU Siting Process. https://www.mass.gov/info-details/efsb-and-dpu-siting-process

[3] EFSB 980 CMR 1.05

[4] EFSB Docket 25-08 Feb. 4, 2026, HEC-SD-S-1.30 Zonghou. pdf, HEC-SD-sdf-fd-1.1 Pre-filed testimony Puchovsky. pdf.

[5] EFSB Docket 25-08 Feb. 4, 2026, HEC-SD-S-1.15 Near-field. pdf, Feb. 4, 2026, HEC-SD-S-1.23 Larsson. pdf.

[6] EFSB Docket 25-08 Feb. 4, 2026, HEC-SD-S-1.17 Rancho. pdf, Feb. 4, 2026, HEC-SD-S-1.11 Hydrogen Flouride.pdf.

[7] EFSB Docket 25-08 April 1, 2025, Hillman Energy Center, LLC. (2025). Initial Petition. Town of Tewksbury.

[8] Massachusetts Energy Facilities Siting Board. (2026). Tewksbury Battery Project. https://www.mass.gov/info-details/tewksbury-battery-project

[9] EFSB Docket 25-08: Response to EFSB-G-13 by Marc Bergeron, Dec. 19, 2025

[10] EFSB Docket 25-08: Testimony by Mr. Senis, Vol. 1, page 67, Feb. 9, 2026

[11] Massachusetts Geographic Information System. (2025). MassDEP Wellhead Protection Areas (Zone II, Zone I, IWPA). https://www.mass.gov/info-details/massgis-data-massdep-wellhead-protection-areas-zone-ii-zone-i-iwpa

[12] In testimony by Mr. Holmes and Mr. Horsley (Vol. 9, pages 1308-1309, and pages 1414-1417, EFSB Docket 25-08) it was stated that the wells used by the Tewksbury Hospital were planned to be phased out. However, up to this date, the Hospital has not submitted a plan to the State for well abandonment.

[13] EFSB Docket 25-08: Testimony by Mr. Holmes, Vol 9, page 1303 and page 1418, Feb. 25, 2026

[14] EFSB Docket 25-08 Public Hearing Testimony, Oct. 9, 2025

[15] EFSB Docket 25-08 Docket Fileroom, Public Comments, Oct 3, 2025 – Oct. 24, 2025

[16] EFSB Docket 25-08, Jan. 7, 2026, comment Tewksbury Battery Project, Gerard Corbin

[17] EFSB Docket 25-08, Dec. 18, 2025, comment Old Boston Road Island Tewksbury Battery Project, Gerard Corbin

[18] Town of Tewksbury. (2026). Host Community Agreement. https://tewksbury-ma.gov/DocumentCenter/View/7324

[19] Personal Experience

[20] EFSB Docket 25-08 February 24, 2026, Evidentiary Hearing #8 Tewksbury Battery Project.

[21] EFSB Docket 25-08 February 9, 2026, Evidentiary Hearing #2 Tewksbury Battery Project

[22] [21] EFSB Docket 25-08 February 9, 2026, Evidentiary Hearing #9 Tewksbury Battery Project

[23] Massachusetts Energy Facilities Siting Board. (2025). Filing of Requests for Zoning Exemptions and Petitions. https://www.mass.gov/doc/efsb-zoning-exemptions-memo/download

[24] EFSB Docket 25-08, Feb. 3, 2026, DG-G-13

[25] EFSB/DPU Docket 22-59 June 30, 2023, Cranberry Point, Carver, MA

[26] EFSB/DPU Docket 22-18/22-19 June 30, 2023, Medway Grid, Medway, MA

[27] EFSB Docket 25-08 April 1, 2025, Hillman Energy Center, LLC. Initial Petition. Town of Tewksbury, pg. 13-17, and EFSB Docket 25-08 response to SS-1-7, Dec. 9, 2025

[28] Meister, M., et al. (2025) Evaluating Inhalation Risk and Toxicology Impacts of Lithium-ion Battery Thermal Runaway Emissions. *Environmental International*, Vol. 199, May

[29] Emergency Response Guidebook. (2024). Lithium-ion battery evacuation distances., U.S. Department of Transportation

[30] U.S. Environmental Protection Agency. (2025, Auguust 1). Battery Energy Storage Systems: Main Considerations for Safe Operations.

[31] Refer to thermal events at Moss Landing, CA and Warwick, NY. in EFSB Docket 25-08, Vol. 7, p.981 and Vol. 8, p, 1059, and EFSB Docket 25-08, Feb. 18, 2026, Vol.6, pg. 781-805, and RR-SD-10 pending

[32] The experiences at Moss Landing was brought up in EFSB Docket 25-08, Vol. 7, p.981 and Vol. 8, p, 1059. Both indicate that information can be gathered at numerous news articles. Here is a sample: (1) Vistra Corporation. (2021, September 7). Moss Landing Energy Storage Facility Incident. https://www.solarquotes.com.au/blog/moss-landing-battery-mb2148/; (2) Renew Economy. (2025, January 19). Massive Moss Landing battery "still smoking" as authorities probe cause of devastating fire. https://reneweconomy.com.au/massive-moss-landing-battery-still-smoking-as-authorities-probe-cause-of-devastating-fire/; (3) Solar Quotes Australia. (2021, September 7). "Overheating" Event at Moss Landing Energy Storage Facility. https://www.solarquotes.com.au/blog/moss-landing-battery-mb2148/

[33] EFSB Docket 25-08, Dec.19, 2025, List of BESS Emergency Thermal Events over past 5 years, EFSB-S-41

[34] EFSB Docket 25-08, Testimony Vol.3, pg. 375-376, Feb. 11, 2026

[35] EFSB Docket 25-08, Feb. 24, 2026, Annex G, Guide to NFPA 855, 2026

[36] Hazard Mitigation Analysis, EFSB Docket 25-08, DS-G-20(1), Feb. 3, 2026

[37] Emergency Response Plan, EFSB Docket 25-08, EFSB Docket 25-08, DS-G-21(1), Feb. 3, 2026

[38] EFSB Docket 25-08, Dec. 4, 2025, Attachment H, produced by Hazard Dynamics

[39] EFSB Docket 25-08, Jan.19, pre-filed testimony from IoMosaic, Executive Summary and EFSB Docket 25-08, March 4, 2026, RR EFSB-11(1) Impact of Walls on Dispersion Modeling

[40] EFSB Docket 25-08, Feb. 13, 2026, Vol. 4, pg. 499-500

[41] 310 CMR 22.02 (Massachusetts drinking water regulations).

[42] EFSB Docket 25-08, Feb. 13, 2026, Vol. 5, pg. 715-725

[43] 980 CMR 15.0