

Accordingly, the Siting Board approves the Company's Petition, as described herein, subject to the following 104 Conditions:

- 1. The Board directs the Company to comply with all applicable federal, state, and local laws, regulations, and ordinances from which the Company has not received an exemption. The Board directs the Company to ensure such compliance by its contractors, subcontractors, or other agents.**
2. The Board directs the Company, within 90 days of Project construction completion, to submit a report to the Board documenting compliance with all conditions contained in this Decision, noting any outstanding conditions yet to be satisfied and the expected date and status of compliance.
3. Because issues addressed in this Decision relative to this facility are subject to change over time, the Board directs the Company to commence construction of the proposed Project within three years of the date of the Decision.
4. The Board notes that the findings in this Decision are based upon the record in this case. A project proponent has an absolute obligation to construct and operate its facility in conformance with all aspects of its proposal as presented to the Board. Therefore, the Board requires the Company, and its successors in interest, to notify the Board of any changes other than minor variations to the proposal so that the Board may decide whether to inquire further into a particular issue. The Company or its successors in interest are obligated to provide the Board with sufficient information on changes to the proposed Project to enable the Board to make these determinations.
5. Because the Siting Board relies on the Company's commitments in the HCA, where any future deviations from the HCA's provisions alter material facts or assumptions relied upon by the Board in the Final Order, the Board directs the Company to notify the Board in writing so that it may consider whether further inquiry is required.
- 6. Consistent with Section 7(B) of the HCA, upon request of the Town, the Board directs the Company to reasonably cooperate with, and provide assistance to, the Town in its efforts to review and evaluate the Project, including, but not limited to, any environmental, noise testing or other reports submitted by the Company to any Governmental Authority (as defined in Section 8 of the HCA), including changes to or modifications of the Project. The Board further directs the Company to reimburse the Town for costs incurred by the Town in connection with such reviews and reports, including peer reviews, to the extent required pursuant to Applicable Laws.**
- 7. Consistent with Section 7(D) of the HCA, the Board directs the Company to work in good faith with the Town's officials to (i) consider any design changes to the Project and site plan as may reasonably be requested by the Town, and (ii) address material engineering and technical review concerns reasonably raised by the Town to protect the health and safety of residents, onsite employees and the impact on surrounding properties and environmental resources; provided, however, that in no event shall the Company be required to implement any design or other changes that would be considered, or that would otherwise trigger, a "material modification" to the Project requiring additional approvals and/or other action by the Siting Board, as determined in good faith by the Company (each, an "EFSB Material Modification").**
- 8. Consistent with Section 8(A) of the HCA, and with the exception of any Tewksbury zoning and/or general bylaws that the Board shall exempt the Company from complying with, the Board directs the Company to ensure that the design, construction and operation of the Project conform to and comply with Applicable Laws and standards including, but not limited to: (A) any traffic, noise or visual requirements or limitations, as listed in Section 10 of the HCA; (B) any applicable building, plumbing, electrical, gas, and fire safety codes; and (C) configuration of all Board-submitted plans for lighting, landscaping, building and site design(s), and signage.**
- 9. Consistent with Section 10(C) of the HCA, the Board directs the Company to "use commercially reasonable efforts through final design and construction of the Project to shield abutting properties from increases in visual impacts through plantings, landscaping, buffering walls, berm development, and/or fencing that shall be properly maintained throughout the course of the Term of the Agreement"**

10. Consistent with Section 8(B) of the HCA, the Board directs that Company, and any successor project owner, shall operate the Project in accordance with Good Industry Practice, as defined herein. Consistent with Section 8(C) of the HCA, the Board further directs that the Company shall ensure that any subcontractors hired to perform construction or operation of the Project shall be required to comply with Applicable Laws and do so in accordance with Good Industry Practice and shall be adequately insured.

11. Consistent with Section 9 of the HCA, the Board directs the Company to provide a Construction Management Plan to the town 30 days before construction activities commence at the proposed Project Site and provide updates to this plan when there are material changes to the plan. Consistent with Section 15 of the HCA, the Board further directs the Company to provide prior notice to Tewksbury of any material changes to the Construction Management Plan, which shall include in the case of any delay of three months or more in the pre-construction, construction, or completion schedule(s).

12. Consistent with Section 11 of the HCA, the Board directs the Company to work with Tewksbury officials, including the Tewksbury Chief of Police, to address both construction- and operations-phase traffic, and to include traffic mitigation as part of its Construction Management Plan.

13. Consistent with Section 11(A) of the HCA, the Board directs the Company to utilize Tewksbury police details as may be required or directed by the Town during construction and operation of the Project to ensure the safety of the surrounding area. Use of such details in connection with construction or operation of the Project or upon local public ways shall be subject to the rules and requirements of the Tewksbury Chief of Police.

14. Consistent with Section 11(B) of the HCA, during construction, the Board directs the Company to submit any non-de minimis deviations from the Construction Management Plan to the Tewksbury Town Manager and Chief of Police for their approval, not to be unreasonably withheld.

15. Consistent with Section 11(C) of the HCA, the Board directs the Company, following the Commercial Operations Date ("COD") (but in no event later than six (6) months following COD), to repair any damage to Hillman Street, Clinton Street, Court Street, and Washington Street in Tewksbury caused by construction of the Project as may reasonably be determined by the Tewksbury Highway Superintendent. Such repair shall be completed in accordance with the Tewksbury Roadway Rules and Regulations and, to the extent not inconsistent, other Good Industry Practices.

16. Consistent with Section 11(D) of the HCA, the Board directs the Company to coordinate with the Tewksbury Chief of Police and the Tewksbury Director of Public Works in advance of any transportation of oversized and/or overweight loads in connection with construction or operation of the Project.

17. Consistent with Section 11(E) of the HCA, during construction, the Board directs the Company to use commercially reasonable efforts to ensure that large truck, heavy equipment and machinery, semi-trailer truck, and oversized load traffic to and from the Project only utilize State-numbered routes available for use within the Town for access, with preferred access via Interstate 495 and Route 38.

18. The Board directs the Company to develop and provide a set of traffic management measures – to be incorporated into the construction management plan – no less than two weeks prior to the commencement of construction, and to publish the measures on the Company's Project website to ensure availability of traffic-related planning information for the Project area to residents and commuters in Tewksbury.

19. The Board directs the Company to hold a pre-construction meeting with the Town of Tewksbury's Planning Department, Department of Public Works, Building Department, and appropriate municipal staff determined by the Town before any construction. The Company shall contact the appropriate Town of Tewksbury's municipal staff and departments to schedule this meeting.

20. The Board directs that no earthwork (i.e., grading, hauling in of soils, hammering, and blasting) shall take place without first receiving all required permits. Preliminary work in furtherance of permitting (e.g., soil

boring, surveys) that does not impose significant adverse impacts is not considered Earth Removal or Construction.

21. The Board directs the Company to employ the following best management practices (“BMPs”) related to dust control and air quality during construction of the Project: a. To minimize the potential for airborne dust from earth-disturbing activities, the Company shall require its contractors to place water trucks with misters in or near the work areas during construction activities and utilize them as appropriate when conditions require. b. If necessary to stockpile excavated soil on the site for a prolonged period, the Company shall cover stockpiled soil with plastic sheeting or a similar barrier to minimize the potential for the movement of dust and for soil migration from the work area. Install anti-tracking pads at construction entrances and conduct regular sweeping of the pavement of adjacent roadway surfaces during the construction period to minimize the potential for construction traffic to kick up dust and particulate matter. To minimize air emissions from construction equipment, the Company shall comply with state law (G.L. c. 90, § 16A) and MA DEP regulations (310 CMR 7.11 (1)(b)), which limit vehicle idling to no more than five minutes except for vehicles being serviced, vehicles making deliveries that need to keep their engines running, and vehicles that need to run their engines to operate accessories. The Company shall require contractors who enter into an agreement with the Company to be contractually obligated to comply with the most current EPA emission standards for construction equipment at the time of construction. To minimize air emissions from construction equipment, the Company shall comply with state law (G.L. c. 90, § 16A) and MA DEP regulations (310 CMR 7.11 (1)(b)), which limit vehicle idling to no more than five minutes except for vehicles being serviced, vehicles making deliveries that need to keep their engines running, and vehicles that need to run their engines to operate accessories.

22. The Board directs the Company to design the exterior lighting for the Project in a manner that is limited to lighting required for health, safety, security, emergencies, and operational purposes, and shall avoid off-site lighting effects and comply with the standards of the International Dark Sky Association, where practicable. The Board further directs that the Project shall minimize the amount of light that escapes upward.

23. The Board further directs that the Project shall minimize the amount of light that escapes upward.

24. The Board directs the Company to produce a staging and laydown plan to be submitted to the Board for review and approval in consultation with the Town of Tewksbury, no later than sixty (60) days before construction commencement. At a minimum, the plan shall detail the Applicant’s Project staging and laydown site location(s) and, for each site, the timeline for use, proposed activities and hours of occurrence, use restrictions, mitigation methods to minimize impacts to surrounding areas, and post-use restoration plans.

25. The Board directs the Company to provide 110 percent oil containment for all oil storage in Project transformers.

26. The Board directs the Company to submit a Spill Prevention Control and Countermeasure Plan (“SPCC”) to the Siting Board 60 days prior to commencement of construction for the proposed Facility in consultation with the Town. The Company shall comply with the requirements of G.L. c. 21E, 310 CMR 40.0000 and other applicable federal, state and local laws with respect to responses to releases of oil and hazardous materials.

27. The Board directs the Company to contract a MA-registered Licensed Site Professional (LSP) and MA-state licensed environmental services contractor to address hazardous materials and waste issues arising during construction operations at least 30 days prior to commencement of construction actions.

28. Consistent with Section 10(A) of the HCA, the Board directs the Company to limit construction to its proposed schedule of Monday to Friday from 7:00 a.m. to 5:00 p.m. In the event the Company needs to extend construction work beyond those hours and days (with the exception of emergency circumstances on a given day that necessitate work beyond such times), the Company shall seek permission from the Town of Tewksbury prior to the commencement of such work and notify the Department and all parties and limited participants in this proceeding with documentation that such permission was granted.

29. The Board directs the Company to use electric vehicles and equipment when practicable during the Project's construction. The Company shall document efforts to use electric vehicles and electric equipment, including construction equipment used during the construction phase.

30. Consistent with Section 16(A) of the HCA, the Board directs the Company to provide promptly to the Town copies of material filings and other material information submitted or received in connection with such proceedings in any filing before an agency or department of the Commonwealth in connection with the Project as may occur. The Company shall, to the extent reasonably practicable and not prohibited by any Applicable Laws, provide reasonably promptly to the Town notice of and, where possible, a hyperlink to, all other material filings and other material information submitted or received before the Federal Energy Regulatory Commission or any other federal agency and ISO-NE that involve the Company.

31. Consistent with Section 16(B) of the HCA, the Board directs the Company, in consultation with the Town of Tewksbury, and other stakeholders, to develop a Community Outreach Plan ("Outreach Plan") for Project construction. The Outreach Plan shall be made available to the Town of Tewksbury no later than thirty (30) days prior to commencement of construction. The Plan shall specify procedures for providing prior notification to affected residents regarding: (1) identified notification distance/determination; (2) the scheduled start, duration, and hours of construction; (3) construction specific to particular areas; (4) construction that must occur outside of the hours detailed above (including night hours); and (5) anticipated street closures or detours. Further, the Outreach Plan shall detail communication methods that the Company will employ in its engagement efforts, which shall include, but not be limited to: (1) regular construction updates provided on the Company's Project website; (2) email and/or text updates sent to the public; and (3) a phone number and email address to be used by the public to contact the Company with Project-based concerns. The Outreach Plan shall require the Company to respond to all such concerns within 48 hours of receipt of a call or email, and maintain a log of dates, times, and reasons for each call or email, and the Company's response. The Outreach Plan shall require that the Company, in good faith, work to rectify Project-based concerns in a reasonable timeframe and to the reasonable satisfaction of affected parties. Further, the Outreach Plan shall use plain, concise language, and shall be translated into other languages, as necessary.

32. Consistent with Section 16(C) of the HCA, the Board directs the Company to periodically (but at least once every six months or upon reasonable request of the Tewksbury Select Board) during pre-construction and construction activities provide public reports to the Town of Tewksbury at meetings of the Town Select Board, describing its progress in obtaining necessary permits and the status of construction of the Project, and matters that may reasonably be expected to affect the Town's interests, describing major issues which may have arisen and responding to questions from Town officials and/or the public.

33. Consistent with Section 16(C) of the HCA, the Board directs the Company to create and maintain a web page that will provide updates to the community with status and progress reports on the permitting, construction, and operation of the Project and any material changes thereto.

34. The Board directs the Company to dispose of construction waste in accordance with all applicable requirements.

35. The Board directs the Company to provide Project updates at the completion of 60 percent and 90 percent Project design stages, and upon receipt of associated approvals, to the Board.

36. Consistent with the HCA Appendix A (#16), to the extent that the Company seeks to expand or modify the Project during the Term of the HCA, the Board directs the Company to notify the Board and the Town and shall prepare a new construction management plan for such expansion or modification, with any such expansion or modification subject to approval of the Board and appropriate Town authority.

37. The Board directs to Company to decommission and remove the Project following the end of all use and/or operations of the Project, at the Company's sole cost and expense, in accordance with the decommissioning plan as provided by the Company to the Town and in accord with all Applicable Laws and Good Industry Practice in place during time of decommissioning. Consistent with Section 14 of the HCA, the Siting Board directs the Company to work

with the Town of Tewksbury to develop the decommissioning plan, which shall be completed and submitted to the Tewksbury Town Manager and the Siting Board not later than 60 days prior to facility decommissioning.

38. During decommissioning, the Board directs the Company to dispose of the BESS facility components according to legal requirements and best practices, and to recycle as much as possible.

39. The Board directs that signage for the Project shall comply with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of fire-suppression system installed at the Project facilities, and 24-hour emergency contact information, including phone number(s).

40. After construction is completed, the Board directs the Company to provide an as-built plan to the Local Government(s) and State PEAs. Original as-built plans for the final plan shall be printed on mylar and stamped by a Professional Land Surveyor. The as-built plans shall also include a certification stamped by a Professional Engineer indicating the Project was constructed in accordance with the approved plans. An electronic file of the as-built plan sheets and AutoCAD files of the as-built plan for the Project shall be submitted concurrently with the hard copies. Elevations on the as-built plans shall reference the municipal GIS data. The Board further directs the Company to provide a copy of the Siting Board's Decision, including all conditions and attachments, to its general contractor no later than thirty (30) days prior to construction commencement.

41. Consistent with Sections 3 and 6(B) of the HCA, the Board directs the Company to pay for all applicable and required local permits and payment of all permitting and inspection fees in effect at the time of the application for each, including third-party inspections and reviews, if required by applicable Permits.

42. Except for well-drained, stable gravel, the Board directs the Company to apply six (6) inches of topsoil to areas stripped of topsoil during contouring or other site preparation. Wherever practicable, the Company shall re-use on-site topsoil from excavated areas to establish a vegetative cover that blends disturbed areas into the surrounding landscape once the Project is complete. Topsoil shall not be imported unless the Company provides information to the relevant Town of Tewksbury department regarding a demonstrated engineering need, with particular attention paid to preventing importing of invasive species. The Board further directs the Company to make provisions to stabilize any top-soil banks or berms.

43. Operations and Maintenance Plan: Within 60 days of commercial operation, the Board directs the Company to submit to Town of Tewksbury a plan for the operation and maintenance of the Project. The plan shall include measures for maintaining safe access to the Project, stormwater management control, and general procedures for operational maintenance. Maintenance shall also include, but not be limited to, painting structures, structural repairs, and preserving the integrity of security measures. The Company shall maintain the Project so that it remains in good condition.

44. The Board directs the Company to continue to abide by local, state, and federal guidelines and regulations regarding the removal of battery units that have reached the end of their useful life on the Project Site.

45. In addition to repairing or replacing BESS components to maintain the system, the Project may, at any time, be augmented or repowered without the need to submit a new site plan so long as the augmentation or repowering is within the same footprint (e.g., same dedicated use building or on footings/foundations in the same location) as detailed in the Project's as-built plan and there is no significant change in the battery chemistry. A proposal to significantly change the Project's footprint, or battery chemistry, may be considered a Project Change, subject to the local and state standards at the time of the request, requiring the submittal by the Company to the Board and Town of Tewksbury of a Project Change notice for review and approval.

46. For all proposed work within the 100-foot Wetlands Buffer Zone, the Board directs the Company to use BMPs, such as erosion control barriers including silt fence barriers, to establish limits of work, protect turtles, and to ensure that there are no short- or long-term impacts to adjacent wetland resource areas.

47. The Board directs the Company to submit a final Wetland Replication Plan (WRP) to restore all disturbed wetlands resource areas and to replicate permanently filled or altered wetlands resource areas for written approval by the Tewksbury Conservation Commission. The surface area or any disturbed wetlands resource areas and replications areas shall be at least 75% established with indigenous wetland plants within two growing seasons. Should the replication areas fail to meet this standard, MassDEP or the Tewksbury Conservation Commission may require additional measures necessary to achieve compliance. Areas must be replicated in accordance with applicable standards of 310 CMR 10.00 and the WRP. (Note: In the NOI, the Applicant explicitly states that because the project "does not propose any permanent alteration or loss of IVW or BVW," the local requirement for compensatory wetland replication (including 2:1 ratios) is "not applicable" In contrast, the Conditions document does not waive this requirement; it strictly mandates that the Company submit a "final Wetland Replication Plan (WRP) to restore all disturbed wetlands resource areas and to replicate permanently filled or altered wetlands resource areas"

48. To minimize the risk of contamination to the groundwater of this Zone II Wellhead Protection Area in accordance with the intent of the MassDEP Stormwater Standards and the local Tewksbury Groundwater Protection District bylaw, the Board directs the Company to minimize runoff and comply with the Massachusetts Stormwater Management Standards in 310 CMR 10.00 and to be consistent with the associated guidance in the Massachusetts Stormwater Handbook, including, but not limited to, (1) the provision of artificial recharge as an alternative to the 15% impervious surface requirement in the Tewksbury Groundwater Protection District bylaw, as required by MassDEP's drinking water regulations at 310 CMR 22.21(2)(b)7 and (2) the development of a Construction Period Soil Erosion and Sediment Control Plan. The Board directs the Company to provide a final Land Disturbance/Stormwater Permit, a Wetlands Protection Act Order of Conditions, and a Tewksbury Wetlands Bylaw Order of Conditions to the Town and Siting Board no later than 30 days prior to construction. The Board further directs the Company to provide a compliance filing to the Town and Siting Board to demonstrate compliance with MassDEP Stormwater Standards within six months of completion of Project construction.

49. The Board directs the Company to minimize runoff and comply with the Massachusetts Stormwater Management Standards (per the Massachusetts Stormwater Handbook), including, but not limited to the development of a Construction Period Soil Erosion and Sediment Control Plan. The Board further directs the Company to provide a compliance filing to the Town and Siting Board to demonstrate MassDEP Stormwater Standards compliance within 6 months of completion of Project construction.

50. The Board directs the Company to develop a Stormwater Pollution Prevention Plan ("SWPPP") that will identify controls to be implemented to mitigate the potential for erosion and sedimentation from soil disturbance during construction.

51. The Board directs the Company to control sediment movement and stabilize exposed soils to prevent pollutants from moving offsite or entering waters or wetlands. The Board directs that land disturbance activities include demolition, construction, clearing, excavation, grading, filling, construction, and reconstruction. During construction, the Board directs the Company to hire a third-party inspector to submit monthly reports to the Town of Tewksbury. The third-party inspector shall go to the Project Site after significant storm events to confirm compliance with the Applicant's Construction Period Soil Erosion and Sediment Control Plan and/or SWPPP. A significant storm event shall be defined as more than one inch of rainfall in a 24-hour period. The minimum qualifications for the third-party inspector shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.

52. The Board directs the Company to locate all stockpiles (if necessary) outside of the 100- foot Buffer Zone and to refuel or store equipment—except for equipment that cannot be moved due to safety or operational requirements—beyond 100 feet from wetland resource areas.

53. In the event of the release of reportable quantities or concentrations of contaminants into soil, groundwater or wetlands during Project construction or operations, the Board directs the Company and its contracted experts (i.e., LSP and environmental services contractor) to map the extent of degree of contamination in soil, groundwater and wetlands to inform targeted response and remedial actions, including soil and water quality samples (i.e., pre- contaminant exposure and post-incident contamination of soil and groundwater) for contaminant plume mapping and remedial planning purposes. The Board directs the Company to continue mapping the nature, degree, and geographic extent of contamination through the period of response actions and remedial activities. The Board directs the Company to work with the Town and MADEP regarding contaminant mapping, response and remedial actions.

54. To reduce impacts on water resources, the Board directs the Company, to the extent feasible, minimize the use of de-icing chemicals on site both during operation and construction.

55. The Siting Board directs that the Project shall not cause or contribute to a violation of the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, to protect public health and enhance the quality and value of the water resources of the Commonwealth.

56. Prior to the issuance of any building or construction permit, the Board directs the Company to submit to the Board, Tewksbury Planning Board, and the Tewksbury Conservation Commission a final stormwater management system design certified by a licensed Massachusetts Professional Engineer demonstrating, based on Estimated Seasonal High Groundwater Elevation (“ESHGW”) data collected in 2025 and 2026 from on-site testing, that the bottom of the six-inch crushed stone layer beneath all Recharge Basins is at least 2.0 feet above the ESHGW at each Recharge Basin location. The certification shall address the March–April 2026 datalogger data ESHGW assessments and demonstrate, on a basin-by-basin basis, how each basin achieves the required 2.0 foot or greater vertical separation. The Board further directs the Company to provide a description of the construction practices to be employed and materials required to achieve the 2.0 foot or greater vertical clearance at each Recharge Basin. The Company shall provide this certification to the Tewksbury Planning Board, Tewksbury Conservation Commission and the Board no later than 30 days prior to commencement of Recharge Basin construction actions.

57. The Board directs the Company to use the following strategies to limit construction noise: a. Use the quietest commercially available construction equipment, including generators and portable HVAC units during construction, as practicable. b. Position noise-generating construction equipment and noise-generating construction activities as far from adjacent sensitive receptors as practicable during construction. c. Ensure that all construction equipment being used is equipped with the appropriate manufacturer-specified noise reduction device(s), in proper working condition. d. The Company shall also ensure that construction equipment and vehicles are properly maintained pursuant to manufacturers' specifications and fitted with manufacturer-provided (or recommended) noise suppression devices (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and noise attenuating shields or shrouds, silencers, wraps). e. Mitigate noise from construction devices with internal combustion engines by ensuring that the engine's housing doors are kept closed, and by following the manufacturer's guidelines for engine operation. The Applicant shall further reduce noise by operating the devices at lower engine speeds during the work to the extent practicable. f. Use hydraulically or electrically powered tools (e.g., jack hammers, pavement breakers, and rock drills) for Project construction to avoid noise associated with compressed air exhaust from pneumatically powered tools, where practicable. For pneumatically powered tools, an exhaust muffler on the compressed air exhaust should be used, where practicable. g. Use temporary/ portable noise barriers in the vicinity of residents and sensitive receptors during construction (especially on the easterly and southerly facing directions at the Project Site), as practicable. h. Institute a noise mitigation training program for all field-worker supervisory personnel including subcontractor supervisors. Supervisory personnel shall field- train all field workers on best practices to minimize construction noise.

58. The Board directs the Company to comply with the Town of Tewksbury noise bylaw (Chapter 8.12) as well as MassDEP's noise regulations at 310 CMR 7.10 and Noise Policy during the Project's operational life.

59. The Board directs the Company to submit a noise evaluation and mitigation plan to the Board for approval in consultation with Town of Tewksbury and MassDEP no later than thirty (30) days before construction commencement. At a minimum, the Board directs the Company to include in its evaluation and mitigation plan the following: (i) Company-generated data demonstrating current and continued compliance with all applicable MassDEP noise control regulations pursuant to 310 CMR 7.10 and MassDEP Noise Policy for construction and operation; (ii) Company noise-testing protocols to be employed during construction; (iii) remedies and response actions for noise violations or complaints; (iv) inspections and measurements, conducted by relevant municipal authorities, as necessary, to ensure compliance; and (v) mitigation measures.

60. Consistent with Section 10(D) of the HCA, the Board directs the Company to develop a post-construction sound monitoring protocol for the Town with the Massachusetts Department of Environmental Protection and the Town Manager, or his/her designated representative, and submit it to the Town and the Board no later than 30 days prior to the completion of construction. The Board directs the Company to perform post construction sound monitoring within 30 days of the Project being fully operational, including (but not limited to) along the eastern and southern property lines across Hillman and Clinton streets - minimally, at the property line of (1) 123 Clinton Street, (2) the nearest commercial building across Hillman Street from the proposed Project; and (3) other noise monitoring locations identified by the Tewksbury Town Manager or his stated designate. The Board directs the Company to promptly forward the results of testing directly to the Town Manager and the Siting Board. The Town Manager, or his/her designated representative, may witness the post construction operational sound level measurements. If the results of the sound policy exceed 10 dB(A) over ambient sound pressure levels or exceed pure tone requirements, then the Board directs the Company to remedy the situation by bringing sound levels and pure tones at these property lines into compliance with the MassDEP Noise Policy within 30 days of non-compliance measurements. The Board further directs the Company to provide a post-remedial report demonstrating compliance with the MassDEP Noise Policy at sound-monitoring locations and identifying the noise attenuation strategies and equipment employed to reach compliance. This Post-Remedial Noise Report shall be submitted to the Town Manager and the Siting Board within 60 days of notification of non-compliance with the MassDEP Noise Policy.

61. Consistent with Section 10(B) of the HCA, the Board directs the Company to use its best efforts to respond to complaints received by the Town about noise from construction and/or operation of the Project and the Company shall undertake all commercially reasonable actions to address such complaints. The Board further directs the Company to assign one representative to handle all complaints from the public and or the Town and shall notify the Town of the name and contact information for such person.

62. The Board directs the Company to implement the following to limit noise during the Project's operational phase: a. Noise mitigation measures identified in the Company's noise evaluation and mitigation plan b. Increase the height of the southern sound attenuation barrier (sound wall) from 18 feet to at least 24 feet. c. Specify noise levels from the M10 inverters and substation transformer to equipment providers for purposes of procuring this equipment to comply with the MassDEP Noise Policy and Town Bylaw. d. Rotate the inverters so that their loudest sides face in a northern or northwesterly direction to maximize noise reductions to the south and east of the Project. (Note: in addition to the 24 foot sound barrier on Hillman Street, there will be a 30 foot sound barrier along Clinton Street, and a 10 foot barrier in the north east corner of the proposed site.)

63. The Board directs the Company to comply with applicable industry standards, including the Massachusetts Comprehensive Fire Safety Code, 527 CMR 1.00, as well as the most recent edition of the National Fire Protection Association's NFPA 855: Standard for the Installation of Stationary Energy Storage Systems, in the design, construction, installation, commissioning, operation, maintenance, and decommissioning of the Project.

64. Consistent with Section 12(H) of the HCA, the Board directs the Company not to deploy, install, or use any secondhand, reconditioned, or previously used battery systems at the Project. The Board directs the Company to ensure that all batteries and battery systems used at the Project shall be tested and certified by Underwriters Laboratories with a UL 9540 and 9540A certificate of compliance. The Board directs the Company to provide the Town prior to installation a full 9540A test report for each type of battery device located on the property. The Board directs

the Company to notify the Tewksbury Fire Chief and the Board in advance if the type of battery or batteries used on Site is to be changed and to provide publicly available 9540A testing results for that battery type that are reasonably acceptable to the Tewksbury Fire Chief. The Board directs the Company or its successors in interest, and the Town, to review this provision twenty years following commercial operation date.

65. Consistent with Section 12(J) of the HCA, the Board directs the Company to remove any permanently deactivated or no-longer used battery, battery pack, or other battery-related item from the Project Site as soon as safely and reasonably possible after deactivation.

66. Consistent with Section 6(A)(iii) of the HCA, the Board directs the Company to submit to both the Tewksbury Fire Department and the Tewksbury Emergency Management Director an Emergency Response Plan ("ERP") for the Project prior to the Company's commissioning of the Project and shall incorporate comments from these parties in such ERP to the extent practicable.

67. Consistent with Section 12(E) of the HCA and the ERP, the Board directs the Company to ensure that any emergency notification systems used for safety or fire monitoring include immediate notification to the Tewksbury Fire Department in addition to the off-site third-party monitoring company or agent. The Board directs the Company to ensure that, in the event of a Project emergency, an official representative is present on Site no later than two hours after notification by the Fire Chief or the Fire Chief's designee. The Board directs the parties to work together to ensure that the ERP includes appropriate provisions for notification of Tewksbury public safety officials of any hazardous condition or potentially hazardous condition at the facility. The Board directs the Company to update the ERP whenever a material change occurs, or at least annually, and submit the update to the Town Manager and Tewksbury Fire Department.

68. The Company shall notify the Director of the Siting Board, and the service list for the proceeding, of any incidents at the Project that (1) consist of a reportable release, or (2) require a response from the Tewksbury Fire Department. The Company shall provide such notification by email within 24 hours of the incident.

69. The Board directs the Company to complete the final HMA and ERP no later than 60 days before commencement of the Project's operation and provide the final HMA and ERP to both the Tewksbury Town Manager and Siting Board when complete.

70. The Board directs the Company to include in its final ERP, at a minimum, the following: a. 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; b. Procedures for inspection and testing of associated alarms, interlocks, and controls; c. Procedures to be followed in response to notifications from the Battery Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, and providing agreed upon notification to Tewksbury Fire Department personnel for potentially hazardous conditions in the event of a system failure; d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions; e. Procedures for addressing BESS equipment damaged in a fire or other emergency event; f. Other procedures as determined necessary by the Town to ensure the safety of occupants, neighboring properties, residents, and emergency responders; g. Annual training for local first responders on the contents of the ERP, and protocols and schedules for conducting drills of the emergency procedures; h. A communications plan that outlines the parties responsible for contacting nearby residents impacted by an emergency event; i. Evacuation and shelter-in-place protocols for residents near the Project, including, but not limited to, a documented evacuation and shelter-in-place strategy developed in coordination with local emergency management, public safety agencies, and anticipated mutual aid partners, which specifically addresses the needs of Access and Functional Needs (AFN) and transportation-dependent populations, identifies anticipated roles, resource requirements, transportation resources, mutual aid requirements, and coordination responsibilities, and reflects operational input from participating response agencies regarding implementation of the strategy; and j. The names and phone numbers of local, state, and federal agencies and officials to be contacted in the event of an emergency.

71. The Board directs the Company to work with neighboring municipal fire departments to determine whether to develop a joint action plan as part of the ERP. If such a plan is warranted, the Board directs the Company to ensure that the plan provides neighboring fire departments with the information and training necessary to understand potential emergency risks and, if necessary, provide a coordinated response.
72. Consistent with HCA Appendix A (#12), the Board directs the Company to ensure that the fire alarm system includes a redundant loop connection linking all site panels so that communication is maintained even if a single break occurs (i.e., a Class A loop for site panel aggregation). The Board directs the Company to provide backup power from the fire alarm batteries for all fire alarm initiation and notification devices. The Board directs the Company to ensure that the exhaust system, fans, and louvers are supported by a separate backup power source sized based on the results of the large-scale fire test.
73. Consistent with HCA Appendix A (#11), the Board directs the Company to situate a first responder's Station or incident command post near the main entrance and space it a minimum of 100 feet from the nearest BESS enclosure. The Board directs the Company to locate the incident command post upwind of the BESS yard and ensure that Tewksbury Fire Department access routes to the Site are also located upwind. The Board directs the Company to use the incident command post as the muster point and to include there a fire alarm annunciator panel to provide necessary incident data to first responders at the Site. If a fire water tank is included in the Site layout, the Board directs the Company to collocate the tank with the fire alarm annunciator at the incident command post. The Board directs the Company to ensure that the fire alarm system is monitored at a UL Listed Central Station in accordance with NFPA 72. The Board directs the Company to install a fire alarm annunciator at any secondary site entrance for first responder convenience.
- 74. Consistent with Section 12(M) of the HCA and HCA Appendix A (#10), the Board directs the Company to ensure that the Project Site includes two entry/egress points. The Board directs the Company to provide a dedicated fire access road connected to these points that encircles the BESS yard, has a minimum width of 20 feet, and is surfaced to support a 75,000-pound fire apparatus in inclement weather conditions.**
75. Consistent with HCA Appendix A (#8), the Board directs the Company, in accordance with NFPA 855 Section 4.9.5, to provide the Project with a permanent source of water for fire protection. The Board further directs the Company to provide accessible fire hydrants for the Project Site where public or private water supply is available. If water supply is deemed inadequate, the Board directs the Company to upgrade hydrant access to meet NFPA 855 standards or NFPA 1142, which establishes a minimum water supply standard for firefighting in areas without adequate municipal service.
- 76. Consistent with HCA Appendix A (#3), the Board directs the Company to permit on-site inspections as reasonably required for approval of applicable local permits during construction and operation of the Project, including any third-party UL 9540 field audit conducted to verify compliance with National Electrical Code requirements.**
77. Consistent with Section 12(C) of the HCA, upon reasonable request, the Board directs Company Representative(s) to provide Tewksbury safety officials with reasonable and timely access to the Project to ensure (to the extent within their legal authority) that Project operations adhere to Applicable Laws and this Agreement. The Board further directs Company Representative(s) to provide access to the Project to Tewksbury officials for annual emergency response training and shall coordinate participation by Hillman Energy Center representatives in such emergency response training at a mutually acceptable time. The Company may limit Project access for Town officials to areas outside the Project fenceline as deemed necessary or advisable for safety purposes by the Company in its sole but good faith discretion; provided, however, that the foregoing shall not limit any access by Town safety officials in the event of an emergency or limit implementation of the ERP.
78. Consistent with Section 12(L) of the HCA, the Board directs the Company to comply with all applicable cybersecurity requirements including, but not limited to, North American Electric Reliability Corporation Critical Infrastructure Protection standards and National Institute of Standards and Technology standards.

79. Consistent with Section 12(I) of the HCA, the Board directs the Company to install spacing between battery packs, which may include multiple battery units on the property, in accordance with NFPA 855.

80. The Board directs the Company to provide the Tewksbury Town Manager and Siting Board with an annual report detailing the following: (1) any safety incident that required notification of local first responders along with any Project, protocol, or other changes the Company implemented in response to each incident; and (2) a summary of Project complaints received by the Company, including the complaint's nature and source, the Company's response, dates of complaint receipt and response, and the Company's resolution of the complaint.

81. The Board directs the Company to file an incident report with the Town within one (1) week of any incident at the Project requiring notification to first responders. The Board directs the Company to include in its report a description of the incident and response, and the date(s) and time(s) of the incident and response.

82. In an emergency incident, including a fire, the Board directs the Company to follow all federal, state, and local emergency response protocols outlining mandatory containment, remediation, testing, notification and monitoring efforts including, but not limited to, 310 CMR 22.00 and 310 CMR 40.0000.

83. Consistent with Section 12(A) of the HCA, the Board directs the Company to consult with the Tewksbury Fire Chief in its development of the Construction Management Plan, in relation to fire safety and emergency response and medical requirements. The Board directs the Company to incorporate the Tewksbury Fire Chief's suggestions into the design and operations plans for the Project, as reasonably appropriate, provided such suggestions do not give rise to any EFSB Material Modification.

84. Consistent with Section 12(B) of the HCA, the Board directs the Company and any successor or other Project owner to provide and maintain one or more employees, or third-party contractor(s) acting on the Company's behalf, as the Town's point of contact ("Company Representative(s)"). The Board directs the Company to ensure its Representative(s) are knowledgeable of the Project and are in a position of authority to assist the Town with construction, operation, emergency, and decommissioning questions. The Board directs the Company to ensure at least one Company Representative is available as a point of contact for the Town 24 hours per day, 7 days per week. Upon the Effective Date of the HCA, the Board directs the Company to provide the Town the contact information (name, address, telephone, and email address) of the Company Representative(s) and promptly update the Town in the event of a change in the Company Representative(s). In the event of any assignment or sale of the Project pursuant to Section 20 of the HCA, the Board directs the Company to promptly notify the successor owner of this requirement to provide and maintain an owner company contact with the Town.

85. Consistent with Section 12(D) of the HCA, the Board directs the Company to reimburse the Town annually for costs incurred by the Town to procure, replace, and/or restock materials and/or equipment as necessary to ensure that the Tewksbury Fire Department maintains appropriate equipment and supplies to provide for adequate fire suppression response in the event of a fire or incident at the Project, the exact specifications of which shall be reasonably determined by the Fire Chief annually to ensure that the most appropriate version or type of supplies or equipment are procured, replaced, or restocked (the "Fire Suppression Materials Payment").

86. Consistent with Section 12(F) of the HCA, the Board directs the Company to install (at the Company's sole cost and expense), to the reasonable satisfaction of the Tewksbury Fire Chief and Water & Sewer Superintendent, sufficient fire protection materials and equipment that provide for maximum fire protection on the property and at the facility; provided, however, that the foregoing shall not require the Company to take any action that would, in the Company's determination, in its sole discretion, give rise to a material modification of the Project. Further, the Board directs the Company to be responsible for reimbursing the Town at applicable market rates for all water used on the property for fire suppression efforts, whether from on-site hydrants, mains or lines, or from off-property sources, with said amounts to be determined by the Town through meters or any estimating process that the Town deems reasonable.

87. Consistent with Section 12(G) of the HCA, the Board directs the Company to ensure that runoff resulting from water used in fire suppression activities is directed into the stormwater management system for the

Project Site. The stormwater management design shall meet the Massachusetts Stormwater Policy recommendations, and the Project shall fully comply with MassDEP stormwater standards. The Board directs the Company to further ensure that water collected in the stormwater management detention basin, catch basins, water quality units, and/or other collection facilities shall be monitored during firefighting activities. The Board directs the Company to have a Licensed Site Professional and licensed environmental services company on contract to remove and properly dispose of affected runoff water within the stormwater management system.

88. Consistent with Section 6(A)(i) of the HCA, following Construction Commencement, the Board directs the Company to provide annual public safety and emergency management training for responding to, and preparing the community for, BESS and electrical systems incidents. This training shall be consistent with the latest available industry standards for BESS responses in accordance with good industry practice, including, but not limited to, standards established by the latest editions of the National Fire Protection Association's NFPA 855, Standard for the Installation of Stationary Energy Storage Systems.

89. Consistent with HCA Appendix A (#14), the Board directs the Company to provide the Tewksbury Fire Department and its third-party reviewer(s) with a complete set of documents demonstrating compliance with the 2026 edition of NFPA 855, including all applicable requirements of that standard, including, but not limited to: a. Construction documentation for both the site and battery unit per Section 4.2.1; b. Manuals per Section 4.2.3; c. Commissioning plan in accordance with Chapter 6; d. Decommissioning plan and information in accordance with Chapter 8; e. Emergency planning and training per the HCA and Section 4.3 to include: ERP/Emergency Operations Procedures for all phases of the Project (i.e., preconstruction, construction phase, commissioning phase, operational phases); f. A Hazard Mitigation Analysis that covers both the battery enclosure and the site level per Section 4.4 to include: (i) Fire Risk Analysis for both the battery and the site level; and (ii) Plume analysis and modeling; g. Combustible Storage near the battery enclosures shall be managed in accordance with Section 4.5 to include all Material Safety Data Sheets; h. Equipment on site shall be in accordance with Section 4.6 and 9.3; i. Designs and documentation that the installation is in accordance with Section 4.7 and 9.5; j. Smoke and fire detection shall be in accordance with Section 4.8; k. Water Supply and documentation shall be in accordance with Section 4.9.5; l. Emergency Power Supply and documentation shall be in accordance with Section 4.10 as well as based on the large-scale fire test report findings; m. Critical Safety System Control and Power and documentation shall be in accordance with Section 4.11; n. System Interconnections to include disconnection means as well as proof of documentation to be in accordance with Chapter 5; o. Fire and explosion testing documentation and data in accordance with Section 9.2; p. Calculations and modeling data to determine compliance with explosion control and prevention in accordance with Section 9.7.6.7.3. This includes in-field testing and verification of the system to show that it complies with the data provided; and q. Proper classification and documentation of all applicable systems and materials for review in accordance with Section 9.4.

90. Consistent with the HCA Appendix A(#9), per NFPA 855, the selected battery technology will require a Large-Scale Fire Test representative of the layout to be used on site. The Company shall incorporate the data from this test into the HMA and provide validation that the Project spacing between enclosures ensures that there is not propagation between enclosures during an incident.

91. The Board directs the Company to commence Project construction only after the Tewksbury Fire Department, in coordination with an independent third-party reviewer retained by the Town, has verified that the Project complies with all applicable fire safety codes, standards, and approved plans, including, but not limited to, the 2026 and future editions of NFPA 855, the HMA, and ERP.

92. Consistent with Section 12(O) of the HCA, the Board directs the Company to conduct a full functional test of the Critical Life Safety System and then conduct a second test witnessed by Tewksbury Fire Officials. These two shall be satisfactorily completed prior to any hot commissioning occurring. The Board directs the Company to include in this testing confirmation of the exhaust system's performance, demonstrating that it meets the minimum CFM output listed in the HMA as well as manufacturer's documentation.

93. Consistent with Section 12(K) of the HCA, the Board directs the Company to submit a snow storage and snow removal plan to the Town for approval, which shall address how the Company proposes to ensure snow is cleared from the property to prevent snow from unreasonably limiting or restricting access by emergency personnel to any battery pack or energy system on the property. (Note: The NOI states “Snow will be promptly cleared from access drives and parking areas” which does not meet the requirement that snow be removed so as not to restrict access to “any battery pack.”)

94. The Board directs the Company to prepare a Hazard Mitigation Analysis, as required by NFPA 855.

95. The Board directs the Company to design vegetative buffering and screening to meet all local requirements, provided that the plantings used shall be native, drought-resistant species, and shall not include any invasive and/or nuisance plantings listed in the most recent Massachusetts Prohibited Plant list published by the Massachusetts Department of Agricultural Resources.

96. The Board directs the Company to limit clearing of natural vegetation from the Project facilities to what is necessary for the construction, operation, and maintenance of the Project facilities. If applicable, the Board directs the Company to ensure that any herbicide or pesticide application is approved by Massachusetts Department of Agricultural Resources and consistent with all local regulations.

97. The Board directs the Company to ensure that the access roads to the Project facilities can always accommodate all emergency vehicles.

98. The Board directs the Company to provide, within sixty (60) days of construction completion, a report to the Town confirming that it has completed the clean-up of all construction debris and that any complaints concerning construction debris have been properly addressed.

99. The Board directs the Company to certify to the Town that non-PFAS fire suppression foams shall be employed to the extent that such products are commercially available and efficacious. The Board directs the Company to manage all chemicals and hazardous wastes in compliance with relevant requirements of M.G.L. c. 21C and 310 CMR 30.00.

100. To help ensure the Project’s asserted renewable energy and air emission benefits are captured, and therefore ratepayers receive the benefits of the Project operating as proposed, the Board directs the Company to apply to register the Project as an eligible resource with the Clean Peak Program within 120 days of the facility’s commercial operation and to submit confirmation of acceptance into the program to the Siting Board once received.

101. The Company shall maintain a publicly available complaint log regarding noise, odor, smoke, dust, vibration, glare, traffic, stormwater, runoff, alarms, emergency events, and other health or safety concerns. During construction, complaint logs shall be provided to the Siting Board and Board of Health monthly. During operation, complaint logs shall be provided quarterly and within five business days upon request by the Siting Board and Board of Health. Each log shall include the date, time, location, nature of complaint, response, corrective action, and closeout status.

102. Prior to Project construction, the Siting Board directs the Company to work with the Tewksbury Fire Department and Tewksbury Emergency Management Director on identifying an evacuation and shelter-in-place strategy, which considers location, Project, and incident-specific factors. This strategy shall be completed and submitted to the Town no later than 30 days prior to construction. The Company in coordination with the Town shall communicate aspects of the emergency response plan relevant to public safety, to local residents, including by making such provisions publicly available, and conducting at least one public meeting regarding those provisions at least 30 days prior to operation.

103. The Company shall provide to the Board of Health copies of all public-health-related and safety-related reports, plans, filings or documents submitted to other public entities.

104. The Siting Board directs the Company to ensure that further Site development complies with G.L. c. 21E requirements.