

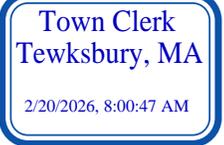


TOWN OF TEWKSBURY BOARD OF HEALTH

Melissa Braga, Chairperson
Susan Amato, Vice Chairperson
George Ferdinand, Clerk
Christine Janeczak, Member
Pamela LeFave, Member

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES January 22, 2026



The meeting was virtually called to order by Melissa Braga, Chairperson at 6:01 p.m. Present by roll call were Susan Amato, Vice-Chairperson, George Ferdinand, Clerk, Chris Janeczak and Pamela LeFave, members. Also in attendance was Shannon Gillis, Director of Public Health.

Call to Order:

New Business:

- **BESS discussion Partial opposition extension comments**

Discussed was the Motion for Partial Summary Decision from interveners DiPalma and Sheehan. The motion is to ask the siting board to rule that it does not have authority to waive section 5.6 of Tewksbury's zoning by-law. Ms. Braga stated that it was her understanding that the section is not ordinary zoning, but the local implementation of state and federal safe drinking water act protects zone two, also including fifteen percent impervious surface limit and the requirement of artificial recharge and a special permit review for hazardous materials in storm water. Ms. Braga stated that the motion pointed out that the current BESS design would render about thirty-six percent of the parcel impervious which is more than double the fifteen percent threshold, and that the plans as described do not include that type of artificial recharge system or storm water best practices from the Towns by-law and Mass DEP's model language. The motion also urged that the plans do not show a self-contaminated area to hold firefighting water and chemicals on site. Ms. Braga stated that the BOH are interveners, and their past filings have stated that the Board is neutral and will continue to stay neutral with the mission to protect public health. The meeting tonight is to see where the Board's concerns are and any questions they may or may not have. Does the Board want to submit any comments on this motion? Comments should remain health focused and neutral and from a public health standpoint. Ms. Braga stated that section 5.6 of Tewksbury's zoning by-law would be the thing that would pertain to them as the Board of Health in regard to comment on.

Ms. Amato stated that even if by chance they are approved by the siting board, it was her understanding that they still needed to go through the Town's guidance whether or not they would object to anything. Wouldn't section 5.6 fall under the local code? If it passes the siting board, wouldn't it have to go through the local channel as well? Ms. Gillis stated that the DPW has already looked at it and has given comments since stormwater is in their purview. If the project is approved, Hillman will need to go before Conservation which is the only local jurisdiction that the Town has. A discussion ensued.

Ms. LeFave stated that she had spoken directly to the Fire Chief if their thought was to let fires burn out to which the Chief stated yes, they do. In the aspect of containment to keep pollutants out of any water. If you're going to let it burn and you don't have the percentage of containment,

how does that impact on the whole idea of safe water? Ms. LeFave stated that when the gentleman came from the State to tell them what Boards of Health could do, it was her understanding that he indicated that the Board had a fair amount of “power” to make some determinations, and it doesn’t seem that that is happening at all. Ms. Braga stated that when the Board was originally going to do a site assignment but because this was going into the EFSB and the Board could intervene, Ms. Gillis is the spokesperson who can reply to responses and to see where the Board stands. The site assignment would have interfered with the EFSB at that time. As interveners, the Board has purview of all the filings coming through where if the Board were not interveners, there would be no access to any of that. It is important the Board gives their input, concerns and questions into the filings through the EFSB so they can at least hear what the Board has to say. The Board can submit briefings on where they can state if they agree or disagree for the EFSB to consider. The end result is that the EFSB decides on what they want to do moving forward. The Board does have a voice in these proceedings.

A discussion ensued on any possible issues or infiltration into the water supply. Ms. Amato stated that the Board needs to state that this is a huge concern for them. Ms. Janeczak stated that there is a lot of information given to the Board and it’s confusing. Ms. Braga stated that the Board has until January 27th to submit to the EFSB regarding this. Ms. Braga stated that regardless of how the EFSB rules in the motion, there needs to be some type of permitting forum but isn’t even sure if that can be done since this is a state project. Ms. Gillis stated that the guidance sent from the DEP with the submittal states “outside of Zone I e.g. Zone II for groundwater sources or Zone A for surface water sources on land owned or controlled by the public water system for drinking water purposes, BESS require Mass DEP approval and should meet conditions specified in the guideline”. This sounds like the DEP looks at their submittal if it is in a Zone II. Mr. Ferdinand stated that it is his opinion that Conservation has the strongest hand. The containment issue is huge, but his concern is to make sure that there is a person on site at all times. He doesn’t trust the electronic systems to shut down before a fire starts. Ms. Amato stated that her understanding was that everything is shut down from the main source and is done remotely and our departments would hear about it before anyone else. Ms. Amato stated that she didn’t think that someone would necessarily need to be on site, but someone should be available twenty-four hours to watch it and ensure everything is going correctly. Ms. Braga stated that any public health protections that is reflected in this section 5.6 of Mass DEP guidance isn’t weakened or bypassed because the facility is located within that zone. Ms. Amato stated that if this was bypassed then there would be an issue with safety and health. Mr. Ferdinand asked if there were going to be generators for backup in case of a power failure.

A discussion ensued on the petition. Ms. LeFave expressed her concerns and frustrations regarding understanding the information. Ms. Amato expressed confusion as well. Ms. Braga stated that the intent is to minimize contamination of the public water supplies. This is the Zone II part. Since this is part of public health, could the Board request that any proposed conditions or any records or protocols are enforced? Ms. Braga gave examples such as drinking water protection, storm water incident management monitoring to make sure they are enforceable response protocols. The Board members agreed. A discussion ensued.

Ms. Gillis stated that the Town does not permit the project. It is done by State. This is why it doesn’t need a special permit. Ms. LeFave stated that she doesn’t see how the State should have the right to supersede something that is beneficial or not beneficial to our town. Could there be some information that the Board is not seeing? Ms. Amato suggested putting a list together within the next two days. Ms. Braga stated that this is due on Tuesday. Ms. Braga suggested getting the information by the end of Friday, so Ms. Gillis has all the information by Monday morning. Ms. Gillis told the Board members to send the information to her, and she could share them with Ms. Braga.

Ms. Braga stated that she would want to know how the water and drinking water protections would still be implemented and enforced. Ms. Amato asked if anyone knew how many feet the wellhead protection area has to be from the project. Ms. LeFave stated that she read it was 100 feet but wasn't positive. Ms. Braga stated that the Board wants answers and clarity and to ensure that everything is set in place where they have the answers. Ms. Braga asked the Board members if they agreed to putting their questions and concerns together and send them to Ms. Gillis who can then put them into the Boards comments and concerns for this. Ms. Gillis will need the information in her email by 8:00 am Monday morning. She will then share it with Ms. Braga to review and get everything together by Tuesday's deadline.

MOTION: Ms. Amato made the motion to allow Ms. Gillis to review the members' comments and concerns to be able to put together to submit to the EFSB by Tuesday, January 27th deadline; seconded by Mr. Ferdinand and the motion unanimously carried 5-0 by roll call vote.

- **Energy Siting Board third set of information request** – The EFSB asked Hillman for more detail on questions that the EFSB felt were unanswered and wanted answers. Ms. Gillis sent the request to the BOH members on Wednesday. Ms. Gillis stated that she would send it again. One of the questions included “compare the project site with the eliminated candidate sites in terms of proximity to residential neighborhoods and other sensitive receptors including but not limited to assisted living and memory care facilities”. They also had questions on the safety which refers to the supplement to initial pre-filed testimony without completion of the HMA and EOP which incorporate final decisions about the design and makeup of the BESS installation and its operations required level safety. Ms. Braga stated that the Board doesn't necessarily need to comment but they can because it is the discovery period so questions can be asked as well as asking for more information regarding these responses and to ask for more clarity. Ms. Braga stated that the Board has more time to respond to this since the date is February 4th. Ms. Braga stated that if the Board members agree, then they could do the same thing as they did for the first item and to submit their questions, comments and concerns to Ms. Gillis so they can all be incorporated. Ms. Gillis stated that it was her understanding that they could also ask questions during the hearing to which Ms. Braga agreed but questioned if the questions needed to be sent in advance. Ms. Braga stated that she believed that Ms. Gillis could ask questions and Ms. Braga could listen in on them but could not ask questions.

MOTION: Ms. Amato made the motion to submit comments and concerns regarding the third IR request to Ms. Gillis on or before January 29th; seconded by Ms. Janeczak and the motion unanimously carried 5-0 by roll call vote.

Adjournment:

MOTION: Ms. Amato made the motion to adjourn; seconded by Mr. Ferdinand and the motion unanimously carried 5-0 by roll call vote. Meeting adjourned at 7:01 pm.

Approved on: 2/19/26

List of documents for January 22, 2026 special meeting
Documents are located at the Tewksbury Health Department

➤ **BESS discussion**

Certificate of Service 1/13/26

Senie & Associates 1/13/26 memo

Second IR Set to DiPalma and Sheehan 1/21/26

Third IR Hillman Energy Center 1/21/26

Mass DEP memo dated 1/20/25

Motion for Partial Summary Decision DiPalma and Sheehan

Tewksbury Zoning By-laws Page 45 Section 5.6: Groundwater Protection District