

THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF PUBLIC UTILITIES

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Petition of Medway Grid, LLC, pursuant G.L. c. 40A, § 3  
for Exemptions from the Town of Medway Zoning Bylaws

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D.P.U. 22-18

**PETITION OF MEDWAY GRID, LLC PURSUANT TO G.L. c. 40A, § 3  
FOR EXEMPTIONS FROM THE OPERATION OF THE TOWN OF  
MEDWAY ZONING BYLAW IN CONNECTION WITH THE  
CONSTRUCTION AND OPERATION OF A BATTERY ENERGY  
STORAGE SYSTEM**

**I. INTRODUCTION**

Now comes Medway Grid, LLC (“Medway Grid” or the “Company”) and hereby requests, pursuant to the provisions of G.L. c. 40A, § 3, that the Department of Public Utilities (the “Department”) grant individual and comprehensive zoning exemptions from the operation of the Town of Medway Zoning Bylaws (the “Medway Zoning Bylaws” or the “Zoning Bylaws”).<sup>1</sup> The zoning exemptions are needed in connection with the Company’s proposal to construct a 250 megawatt (“MW”) Battery Energy Storage System (“BESS” or the “Project”) located on Milford Street (the “Project Site”) in the Town of Medway, Massachusetts (the “Town”).

As described below, the Town of Medway Zoning Bylaws preclude the construction and operation of a BESS, as-of-right on the Project Site. Moreover, the construction of the proposed BESS and ancillary structures may require relief from certain dimensional provisions of the Zoning Bylaws. Thus, Medway Grid is seeking zoning exemptions from the Department to allow for the construction of the Project. In addition to the individual exemptions, which are

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<sup>1</sup> Attachment 1 is a certified copy of the Medway Zoning Bylaws.

enumerated below, the Company also respectfully requests a comprehensive exemption from the operation of the Medway Zoning Bylaws, with respect to its proposed Project.

In support thereof, the Company states as follows:

1. The Company is a Delaware limited liability company with a principal place of business at 988 Howard Avenue, Suite 200, Burlingame, California, 94010.
2. The Company is a “public service corporation” in accordance with G.L. c. 40A, § 3.
3. For purposes of this Petition, the Company is represented by Andrew O. Kaplan, Esq., Pierce Atwood LLP, 100 Summer Street, Boston, MA 02110.
4. The Company seeks individual and comprehensive exemptions from the operation of the Zoning Bylaw pursuant to G.L. c. 40A, § 3 in connection with the construction and operation of the Project.
5. Simultaneously herewith, the Company is filing: (a) a petition to the Energy Facilities Siting Board (“EFSB” or the “Siting Board”) requesting approval of the construction of the Project pursuant to G.L. c. 164, § 69J ¼ (the “Section 69J ¼ Petition”); (b) a petition, pursuant to G.L. c. 164, § 72 requesting approval to construct and operate a 345 kV transmission line (“Section 72 Petition”); and (c) a motion with the Department to refer this Zoning Petition to the Siting Board and to consolidate each of the petitions for review by the Siting Board.
6. Medway Grid respectfully seeks to incorporate its G.L. 164, § 69J ¼ and G.L. c. 164, § 72 petitions, including the Analyses and all exhibits and attachments thereto by reference as a part of the instant petition. The Analyses provide the factual basis for the Company’s conclusion that the Project meets the consistent standards of the Siting Board and Department because the Project is necessary to provide a reliable energy supply for the Commonwealth while minimizing cost and environmental impacts. Moreover, as detailed below, this Petition and the incorporated Analyses demonstrates that the Company should be granted an individual and comprehensive zoning exemption from the Department and/or the Siting Board.

## **II. REQUEST FOR ZONING EXEMPTIONS**

### **A. Standard of Review**

The standard of review for requests for relief from local zoning restrictions is set forth in G.L. c. 40A, § 3, which provides in relevant part, that:

Land or structures used, or to be used by a public service corporation may be exempted in particular respects from the operation of a zoning ordinance or bylaw if, upon petition of the corporation, the [Department] shall, after notice given pursuant to section eleven and public hearing in the town or city, determine the exemptions required and find that the present or proposed use of the land or structure is reasonably necessary for the convenience or welfare of the public.

In numerous longstanding decisions interpreting the foregoing requirement, the Department and courts have determined that a petitioner seeking exemption from a local zoning bylaw under G.L. c. 40A, § 3 must meet three criteria. NSTAR Electric Company, D.P.U. 11-80, at 4-7 (2012) (“NSTAR Plympton 2012”); NSTAR Electric Company, D.P.U. 07-60/07-61, at 2-6 (2008) (“NSTAR Carver 2008”). First, the petitioner must qualify as a public service corporation. Save the Bay, Inc. v. Department of Public Utilities, 366 Mass. 667 (1975) (“Save the Bay”). Second, the petitioner must establish that it requires a zoning exemption. See, e.g., Boston Edison 2005, at 147. Third, the petitioner must demonstrate that its present or proposed use of the land or structure is reasonably necessary for the public convenience or welfare. See, e.g., Boston Edison 2005, at 147.

### **III. MEDWAY GRID MEETS THE DEPARTMENT’S STANDARD FOR APPROVAL OF AN INDIVIDUAL ZONING EXEMPTION.**

#### **A. Medway Grid Qualifies as a Public Service Corporation.**

In determining whether a petitioner qualifies as a “public service corporation” for the purposes of G.L. c. 40A, § 3, the Massachusetts Supreme Judicial Court has stated:

[A]mong the pertinent considerations are whether the corporation is organized pursuant to an appropriate franchise from the State to provide for a necessity or convenience to the general public which could not be furnished through the ordinary channels of private business; whether the corporation is subject to the requisite degree of governmental control and regulation; and the

nature of the public benefit to be derived from the service provided. Save the Bay, 366 Mass. at 680; *see also* NSTAR Elec. Co., EFSB 14-2/D.P.U. 14-73/14-74, at 91 (incorporating the Save the Bay considerations into the relevant Department standards); Exelon West Medway, LLC, EFSB 15-01/D.P.U. 15-25, at 135 (2016); NRG Canal 3 Development LLC, EFSB 15-06/D.P.U. 15-180, at 142; NSTAR Elec. Co., EFSB 15-03/D.P.U. 15-64/15-65, at 78; New England Power Co., D.P.U. 15-44/15-45, at 5-6; NSTAR Elec. Co., D.P.U. 15-02, at 4-5; Berkshire Power Development, Inc., D.P.U. 96-104, at 26-36 (1997); Russell Biomass LLC, D.T.E./D.P.U. 06-60, at 12 (2008); Brockton Power Co., LLC, EFSB 07-7/D.P.U. 07-58/07-59, at 96 (2009). 45.

The Department interprets this list not as a test, but rather, as guidance to ensure that the intent of G.L. c. 40A, § 3, will be realized: *i.e.*, that a present or proposed use of land or structure that is determined by the Department to be ‘reasonably necessary for the convenience or welfare of the public’ not be foreclosed due to local opposition.” NSTAR Elec. Co., EFSB 14-2/D.P.U. 14-73/14-74, at 91 n.35 (citing Berkshire Power Development, Inc., D.P.U. 96-104, at 30; Save the Bay, 366 Mass. at 685-86; Town of Truro v. Department of Public Utilities, 365 Mass. 407, at 410 (1974); Exelon West Medway, LLC, EFSB 15-01/D.P.U. 15-25, at 135 n.117; New England Power Co., D.P.U. 15-44/15-45, at 5-6; NSTAR Elec. Co., D.P.U. 15-02, at 4-5; NSTAR Elec. Co., D.P.U. 13-64, at 5 (2014); Russell Biomass LLC, D.T.E./D.P.U. 06-60, at 12; NRG Canal 3 Development LLC, EFSB 15-06/D.P.U. 15-180, at 142 n.119; Brockton Power Co., LLC, EFSB 07-7/D.P.U. 07-58/07-59, at 96. 46. Accordingly, “[t]he Department has interpreted the ‘pertinent considerations’ as a ‘flexible set of criteria which allow the Department to respond to changes in the environment in which the industries it regulates operate and still provide for the public welfare.’ *See e.g.*, Exelon West Medway, LLC, EFSB 15-01/D.P.U. 15-25, at 135 n.117; NSTAR Elec. Co., D.P.U. 13-64, at 5; and Russell Biomass LLC, D.T.E./D.P.U. 06-60 at

12.

Significantly, “[t]he Department has determined that it is not necessary for a petitioner to demonstrate the existence of ‘an appropriate franchise’ in order to establish [public service corporation] status.” NSTAR Elec. Co., EFSB 14-2/D.P.U. 14-73/14-74, at 91-92 n. 35 (citing Berkshire Power Development, Inc., D.P.U. 96-104, at 31; Exelon West Medway, LLC, EFSB 15-01/D.P.U. 15-25, at 135-36 n.117).

A petitioner qualifies as a public service corporation when it proposes a facility that will meet the Commonwealth’s or the region’s energy needs. “Pursuant to Department and Siting Board precedent, ‘any corporation that owns generating assets in Massachusetts, and makes those assets available to serve the New England market, is a public service corporation.’” Exelon West Medway, LLC, EFSB 15-01/D.P.U. 15-25, at 136; NRG Canal 3 Development LLC, EFSB 15-06/D.P.U. 15-180, at 142-43 (finding the petitioner to be a public service corporation where it and its parent company were “in the business of acquiring, owning, and operating electric generation facilities, including facilities in Massachusetts, that serve the needs of the Commonwealth and of the New England region” and a proposed facility would be used to meet capacity needs); Russell Biomass LLC, D.T.E./D.P.U. 06-60, at 15 (finding the petitioner to be a public service corporation where it “planned to make the output of [a generating] facility available to the New England energy market”); Berkshire Power Development, Inc., D.P.U. 96-104, at 26-36 (explaining the importance of extending public service corporation status to non-franchise monopoly participants in the electric power industry).

Based on the above legal precedent, Medway Grid is a public service corporation. Specifically, Medway Grid, is proposing to construct a 250 MW BESS generating facility to provide capacity to the SEMA zone that ISO-NE has deemed necessary for 2024-2031. As the

Petitioner intends to make the output of its generating facility available to the New England energy market, Medway Grid respectfully requests that the Department find that the Company is a public service corporation.

**B. Medway Grid Requires Zoning Exemptions from the Town of Medway**

In determining whether an exemption from a provision of a zoning ordinance is “required,” the Department looks to whether the exemption is necessary to allow construction or operation of the petitioner’s project as proposed. NSTAR Electric Company d/b/a Eversource Energy, EFSB 14-02/D.P.U. 14-73/14-74, at 93 (2017) (“Eversource Walpole-Holbrook”); NSTAR Electric Company d/b/a Eversource Energy, EFSB 15-03/D.P.U. 15-64/15-65, at 80 (2017) (“Eversource Mystic-Woburn”); NSTAR Electric Company d/b/a Eversource Energy, D.P.U. 15-85, at 6 (2016) (“Eversource Woburn”). The petitioner must identify the individual zoning provisions applicable to its project and establish that an exemption from each of the provisions is required. Eversource Walpole-Holbrook at 93; Eversource Mystic-Woburn at 80; Eversource Woburn at 6.

**1. Specific Zoning Exemptions Required**

Medway Grid is proposing to construct a 250 MW/500 MWh battery energy storage system and an ancillary new electric substation (“the Project Substation”) to be located on the south side of Milford Street (Route 109) in the Town of Medway, Massachusetts (“the Project Site”). As part of the Project, the Company is also proposing to construct a new 345kV underground transmission line interconnection (“the Proposed Transmission Interconnection”) from the Project Substation to Eversource Energy’s existing West Medway Substation (“the Eversource Substation”), a distance of approximately 1,325 linear feet. The Project Site is approximately 10.6 acres in size and contains approximately 0.85 acres of previously developed

areas associated with three existing residences and an existing automotive repair facility. Of the 10.6-acre Project Site, approximately 5.2 acres will be developed for the BESS and the ancillary Project Substation.

The Project Site is currently zoned as a Residential/Agricultural district (AR-II district), which does not allow a BESS to be constructed as of right. Moreover, the Project involves construction of a project substation that will contain components, which exceed the height limits of the AR-II district. Per the Town's by-laws, no variances and/or Special Permits are allowed. Specifically, the zoning exemptions required for this Project are:

a. Use

According to the Zoning Map, the Site is in the Agricultural II ("AR II") zoning district. The site is immediately adjacent to parcels zoned Energy Resources ("E-R") to the south, owned by Exelon for use as a peaker plant complex and owned by Eversource, for use as the West Medway substation. According to the Schedule of Uses, the Company's proposed use of the Site, an energy storage system, is not permitted in the AR II zoning district (Table 1 of the Zoning Bylaw). Section 5.1(A) of the Zoning Bylaw provides that all use of property must be in accordance with the Zoning Bylaw, and Section 5.2(A) provides that any building or use of premises not expressly permitted is prohibited. The Company's proposed use, therefore, is prohibited and the only type of zoning relief that could authorize the use would be a use variance. However, Section 5.2(B) of the Zoning Bylaw expressly prohibits the granting of use variances. To construct the Project on the Site, an exemption from the operation of the prohibition in Section 5.2(A) and Table 1: Schedule of Uses is *per se* required from the Department.

b. Height

Per the dimensional regulations listed in Section 6.1, Table 2, of the Town Zoning Bylaw, structures in the AR-II zone may not exceed 35' in height. While the table itself refers to "building height" and the Project can meet this height restriction, above the table it states that, "Each use, building *or structure* shall comply with the standards described in Table 2..." Structure is defined as "Anything constructed or erected at a fixed location on the ground to give support or to provide shelter." Accordingly, there are some components of the project substation that meet the definition of structures and will exceed this height limit at 65-75'. Thus, zoning relief is necessary.

c. Lot Shape

Per Section 6.2(C) of the Town of Medway Zoning Bylaw, no new lot may be created that has a "shape factor" in excess of 22. A lot's "shape factor" is equal to the square of the lot perimeter divided by the lot area. Given the assemblage of existing lots that Medway Grid is combining, the Project will likely exceed this requirement.

d. Environmental Standards.

Medway Grid complies with the environmental parameters of the Zoning Bylaw, with the exception of its recently updated Section 7.3 as pertains to noise limitations. While the Project sound levels will comply with the requirements set forth in the MassDEP Noise Policy, as detailed in the EFSB Petition at Section 4.0, the Project cannot comply with certain provisions in Section 7.3 of the Zoning Bylaw, and thus, an exemption from this newly-enacted Zoning Bylaw is necessary.



The following table summarizes the individual zoning exemptions requested:

**LIST OF ZONING EXEMPTIONS SOUGHT**

<b>Provision</b>	<b>Description</b>	<b>Zoning Relief</b>	<b>Rationale for Seeking Exemption</b>
§§ 5.1(A), 5.2(A), 5.2(B), 5.4, Table 1: Schedule of Uses	Proposed use not allowed in ARII district	None available	Zoning Bylaw expressly prohibits the granting of use variances and, therefore, an exemption from the operation of the prohibition in Sections 5.1(A), 5.2(A), 5.4, and Table 1: Schedule of Uses is <i>per se</i> required.
§6.1; Table 2 of the Town Zoning Bylaw	Proposed height not allowed in ARII district	None available	Zoning Bylaw states that structures in the AR-II zone may not exceed 35’ in height. There are some components of the project substation that meet the definition of structures and will exceed this height limit
6.2 (c)	Lot “shape factor”	Variance	The Bylaw requires a lot “shape factor” of 22 or less. Given the size and shape of the Site, the “shape factor” may exceed the maximum permitted. It is difficult/impossible to demonstrate the existence of unique conditions for grant of a variance and even if granted they are susceptible to appeal. To avoid the legal uncertainty, potential for adverse interpretations, delay, burden and undue expense associated with obtaining a variance, the Company requests an exemption.
§ 7.3 Hazards	Uses that produce excessive noise are prohibited	Variance	Even with design to reduce noise sources and additional noise mitigation, whether sound emitting during the construction and operation of the Project is “excessive” or constitutes a “nuisance or hazard” is subjective. To ensure the Company’s compliance with Section 7.3 a variance would be required. To avoid the legal uncertainty, potential for adverse interpretations, delay, burden and undue expense associated with obtaining a variance, the Company requests an exemption.

**C. The Project is Reasonably Necessary for the Public Convenience or Welfare.**

When making a determination as to whether a petitioner's present or proposed use is reasonably necessary for the public convenience or welfare, the Department examines (1) the present or proposed use and any alternatives or alternative sites identified; (2) the need for, or public benefits of, the present or proposed use; and (3) the environmental impacts or any other impacts of the present or proposed use. The Department then balances the interests of the general public against the local interest and determines whether the present or proposed use of the land or structures is reasonably necessary for the convenience or welfare of the public.

Boston Gas at 2-6; Tennessee Gas at 5-6

1. The Company has demonstrated that its proposed use is consistent with the public convenience or welfare. Moreover, the Company has evaluated alternatives before choosing the Preferred Site.

Medway Grid's BESS has the capability of serving multiple applications interchangeably, including providing capacity supply, peak shaving, peak shifting, system resilience, renewable intermittency mitigation and ancillary services. In certain instances, Medway Grid's BESS may be able to achieve some of these applications simultaneously, thereby, combining multiple streams to benefit the public.

Moreover, consistent with the Department's Standard of Review, the Company has evaluated alternatives to the Project in addition to several sites before selecting the Preferred location and route. *See* EFSB Petition at Section 6.

2. The Company has demonstrated the need for Project's proposed use and the public benefit that results from the meeting the need.

As detailed in the EFSB Petition at Section 4, and incorporated herein by reference, the need for the Project was determined when ISO-NE awarded Medway Grid a capacity contract

in the Forward Capacity Auction (FCA) 15, based upon its ability to provide 250 MWs/500 MWhs of capacity at the most affordable price. Thus, the Project supports ISO-NE in meeting the future capacity needs of the Southeastern New England (“SENE”) zone, which is comprised of Northeastern Massachusetts, Greater Boston, Southeastern Massachusetts, and Rhode Island.

3. Any environmental impacts from the Project will be mitigated.

The Company has demonstrated the public benefits conducted detailed analyses of the environmental impacts of the Project and has proposed measures to minimize the impacts associated with the construction and operation of the Project. Overall, the Company’s Analysis, including detailed reports, demonstrates that the Project will achieve an appropriate balance among conflicting environmental concerns.

#### **IV. COMPREHENSIVE ZONING EXEMPTION**

##### **A. The Standard**

The Department has recognized that comprehensive zoning relief is necessary in circumstances where, as in this case, numerous individual exemptions are required, and the issuance of a blanket exemption could avoid substantial public harm by serving to prevent delay in the construction and operation of the proposed use. New England Power Company d/b/a National Grid, D.P.U. 09-136/09-137, at 49 (2011); Boston Edison Company d/b/a NSTAR Electric, EFSB 04-1/D.T.E. 04-5/04-7, at 147 (2005) (“Boston Edison 2005”). In accordance with the Department’s standard, and as detailed herein and in the EFSB Petition, which is incorporated herein, there is an existing need for this Project, and numerous exemptions are required. Without comprehensive zoning relief, there is currently no pathway for the Project to be reviewed and approved in order to enable its construction and completion as ISO-NE has

deemed necessary to provide capacity for 2024-2031. Therefore, a comprehensive zoning exemption is warranted. *See Boston Edison 2005*, at 147; *see NSTAR Electric Company*, EFSB 10-2/D.P.U. 10-131/10-132, at 111 (2012).

**B. Medway Grid has Worked with the Town of Medway on a Local Approval Path.**

The Department and the Siting Board also encourage zoning exemption applicants to consult with local officials prior to seeking zoning exemptions under G.L. c. 40A, § 3.

Eversource Mystic-Woburn at 82; Eversource Woburn at 38; Eversource Hopkinton at 46. The Company has complied with this requirement. Specifically, the Company has worked extensively with Town Staff, local Boards, and the public to consider local land use approval pathways for the Project.

Currently there is no pathway for local land use approval of an energy storage system within the Town. The Town Zoning Bylaw restricts energy storage systems to the Energy-Resource (E-R) zoning district. The only parcels currently zoned E-R within the Town are immediately south of the Project site and are either under ownership and use by Exelon for its existing peaker plant complex or are under control by Eversource for the West Medway substation and other current and future electrical transmission uses.

In the Spring of 2021, the Town worked to determine whether the Project's AR-II parcels could be rezoned to E-R at the May 2021 Town Meeting. The Town suggested including several Eversource-owned AR-II parcels in this rezoning that are already being used for high-voltage transmission corridors and other energy-related uses. The Company attended several Planning Board, Select Board, and Committee meetings at which the rezoning concept was presented in order to answer questions about energy storage generally. Some residents opposed rezoning, both because it would permit a host of other permitted uses that residents opposed, and also

because there was general concern about the potential for energy storage to be deployed in the Town.

The Company also presented the concept of a “like and similar use” determination to Town Staff, given that the use “Public Utilities” is a specially-permitted use in the AR-I, AR-II, VR and CB zoning districts and is a by-right use in six other districts. Given the Project’s location in the AR-II zone, such a determination would allow the Company to submit the application to the Zoning Board of Appeals who could review the application package and impose certain conditions on its approval. This would allow the parcels’ designation as AR-II to remain unchanged, eliminating the risk that accompanied rezoning in which other energy uses could be developed in the future. Town Staff were not comfortable utilizing this approach.

Finally, the Company also proposed the concept of a Zoning Overlay District in which the underlying AR-II zoning could be maintained but wherein a specific site plan could be approved in coordination with accompanying restrictions, mitigation measures and other Town-implemented guidance, in order to craft a very specific approval and ensure various protections. Town Staff were not in favor of this approach.

In response to the community concern regarding the Project which evolved out of the rezoning discussions, the Town passed warrant articles at its May and November 2021 Town Meetings relating to the commission of a third-party study of battery energy storage systems. One goal of the third-party study, now underway, is to analyze whether and how BESS facilities should be permitted within the Town. Each of these warrant articles were accompanied by a moratorium on the construction of energy storage facilities pending the results of this study. Accordingly, energy storage systems are not currently permitted in the E-R zone or any other zoning districts within the Town.

At the most recent Town Meeting on November 13, 2021, the budget for the study was increased and the moratorium for the E-R zone was extended to May of 2023. It is unclear when the study will be complete and what its findings will be. Even if the study recommends zoning changes to allow for a BESS to be constructed and operated in an AR-II zone, a Town Meeting vote would be required to change either the Table of Permitted Uses to allow for energy storage in the AR-II zone, or to change the zoning designation of the parcels on which the Project is located. Alternatively, the study may recommend an alternate local land use approval mechanism or path.

Only following the conclusion of this process, if successful, could the Project be submitted for Planning Board review. It is estimated that this local land use path would push Project approvals approximately 2-3 years past the construction start date that is needed to complete the Project by its ISONE contractual commercial operation date. Given Medway Grid's commitment to ISO-NE to have its 250 MW BESS operational by June 2024 and its inability to have a local application reviewed by the Town and/or heard by a Town Board at this time, the Company respectfully requests that the Department allow for the individual and comprehensive zoning exemption.

**C. Medway Grid Has Conducted Significant Outreach with Town of Medway Staff and Residents.**

The Company and the Town have undergone more than two years of discussions regarding zoning and/or the local approval process. Outreach with the Medway administration, its elected officials and the community at large regarding the local land use process began in September 2019, as is outlined in Table 1-1, below and discussed in detail in the EFSB Petition at Section 7.

**Table 1-1: Project Outreach Meetings – Planning & Zoning**

<b>Date</b>	<b>Group</b>	<b>Topic</b>
December 16, 2021 Via Teams	Medway Staff, Department Heads	Meeting to receive questions and input on updated project plans; share schedule for ENF & EFSB filing
July 21, 2021 In-Person	Medway Staff	Meeting to discuss EFSB process & schedule; discuss timing to receive input from Town Departments
June 23, 2021 Via Zoom	Medway Residents, Abutters, Elected Officials	Project Open House / Q&A with subject matter experts from Medway Grid Team
June 3, 2021 In-Person	Medway Staff	Meeting to discuss possible local land use permitting paths, save-the-date for upcoming Open House
April 2, 2021 Via Teams	Medway Staff & 1-2 Elected Officials	Meeting to discuss upcoming Town Meeting, local planning & zoning process
March 31, 2021 Via Zoom	Medway Energy & Sustainability Committee & Medway Residents	Attend meeting to talk with Committee & public about proposed Project and answer questions
March 30, 2021 Via Zoom	Medway Planning & Economic Development Board & Medway Residents	Attend meeting to talk with Board & public about proposed project and answer questions
March 23, 2021 Via Zoom	Medway Planning & Economic Development Board & Medway Residents	Attend meeting to talk with Board & public about proposed project and answer questions
March 15, 2021 Via Zoom	Medway Select Board & Medway Residents	Attend meeting to talk with Board & public about proposed project and answer questions
March 9, 2021 Via Zoom	Medway Planning & Economic Development Board & Medway Residents	Attend meeting to talk with Board & public about proposed project and answer questions
February 5, 2021 Via Teams	Medway Staff	Meeting to discuss proposed Project and potential for local permitting path
December 17, 2019 In-Person	Medway Staff, Department Heads	Meeting to discuss project concept, project location, intention to bid project to FCA
September 30, 2019 Telephone	Medway Staff	Meeting to introduce project concept, project location, possible approaches to local permitting/zoning
September 23, 2019 In-Person	Medway Staff	Meeting to introduce project concept, project location, possible approaches to local permitting/zoning

**WHEREFORE,** Medway Grid respectfully requests that the Department (or, as appropriate, the Siting Board), pursuant to G.L. c. 40A § 3, and after due notice and public hearing determine that the Company be allowed an individual and comprehensive zoning exemption.

Respectfully submitted,

Medway Grid, LLC

A handwritten signature in cursive script, appearing to read "Andrew O. Kaplan".

Andrew O. Kaplan

Paul K. Connolly

Pierce Atwood LLP

100 Summer Street

Boston, Massachusetts 02110

Dated: February 25, 2022