



Commonwealth of Massachusetts

Town of Hubbardston

Annual Town Meeting

Tuesday, June 6th, 2023 at 7:00pm

Pursuant to the foregoing warrant, the voters of the Town of Hubbardston assembled at the Center School gymnasium to act on the articles in said warrant. Present were Moderator René Lafayette, Select Board members Jeffrey Williams (Chair), Kathryn (Katie) Young, Kris Pareago, Peter Walker, and Heather Munroe; Town Clerk Candace Livingston; Treasurer/Collector Mary Markowski, Finance Committee members Susan Rayne (Chair), Charles Reed, and Amit Kaul; Town Administrator, Nathan Boudreau; and representative for Town Counsel, Carolynn Murray and Connor Mullen.

A total of 113 registered voters were checked in by Lynn Wilkinson and Shonna Larson. A quorum of 50 voters was present throughout the meeting.

Before beginning the Annual Town Meeting and calling it to order, Moderator, René Lafayette, reviewed the procedure to address Town Meeting; Chapter II, Section 13 of the Hubbardston General Bylaws and reiterated that in order to be recognized by the Moderator, one must approach the microphone, address the chair, then give their first and last name, address and then when invited to, proceed, to address the article, amendment or motion. Mr. Moderator let the attendees know that the meeting was being recording and will be televised on YouTube. The Moderator then offered a reflection on this being the 79th anniversary of D-Day, the invasion of Europe on June 6th, 1944. Moderator, René Lafayette declared a quorum and called the meeting to order at 7:09pm. Official counters, Bella Kaldera and Maria Tourigny, were designated if necessary. The Chair led the Pledge of Allegiance.

As the first item of business, a procedural motion by Jeffrey Williams, moved that the June 2023 Annual Town Meeting authorize the Moderator to declare any vote requiring a 2/3 vote to be declared on a voice vote or show of cards/hands and dispense with the need for a counted vote, unless the Moderator is unable to make such a 2/3 declaration or Town Meeting members rise to question the vote.

Second: Kathryn Young

Motion Passes Unanimously

Motion, Jeffrey Williams, moved that the Town take up articles 1 through 5 under a consent agenda. This requires a unanimous vote of Town Meeting, and if passed, then we will vote on Articles 1 through 5 as a block under a single vote. If anyone objects to any single article being included in the Consent Agenda, we will remove that article from the Consent Agenda and vote the remaining articles under the Consent Agenda.

Second: Kathryn Young

Motion Passes Unanimously

ARTICLE 1.

To choose all necessary officers.

ARTICLE 2. To hear the reports of the Town Officers and Committees and act thereon.

ARTICLE 3.

To see if the Town will vote to authorize the Select Board to enter into agreements with the Commonwealth of Massachusetts Department of Transportation for the construction and maintenance of public highways for the twelve-month period beginning July 1, 2023; or take any other action relative thereto.

(Submitted and Recommended by Select Board)

(Finance Committee Recommends)

ARTICLE 4.

To see if the Town will vote to accept educational grants and aid for Fiscal Year 2024, to be expended for authorized purposes by the Montachusett Regional Vocational Technical School and the Quabbin Regional School District; or take any other action relative thereto.

(Submitted and Recommended by Select Board)

(Finance Committee Recommends)

ARTICLE 5.

To see if the Town will vote to authorize the continuation of the Holden Hospital Account #2481-000-5780-0000 for Fiscal Year 2024, to be used for the purposes specified in the trust fund settlement; or take any other action relative thereto.

(Submitted and Recommended by Select Board)

(Finance Committee Recommends)

Motion, Jeffrey Willaims moved that the Town approve Articles 1 through 5 as printed in the Warrant, and further authorize the Department Heads to address Town Meeting for information purposes.

Second: Kathryn Young

1 Opposed, Majority in Favor, **Motion Passes**

ARTICLE 6

To see if the Town will vote to fix the maximum amount that may be spent during Fiscal Year 2024 beginning on July 1, 2023, for the revolving funds established pursuant to Chapter IV, Section 6 of the Hubbardston General By-Laws-laws for certain departments, boards, committees, agencies or officers as follows, in accordance with Massachusetts General Laws Chapter 44, Section 53E½; or take any other action relative thereto.

(Submitted and Recommended by Select Board)

(Finance Committee Recommends)

<u>Revolving Fund</u>	<u>Department, Board, Committee or Officer</u>	<u>FY24 Spending Limit</u>
Con Com Fund	Conservation Committee	\$3,000
Temporary Driveway Permit Fund	DPW Director	\$2,500
Grave Fund	Cemetery Commission	\$10,000
Hubbardston Special Events Fund	Town Administrator	\$50,000
Late Fee Dog License Fund	Town Clerk	\$10,000
MART Trans. Manage. Fund	Executive Assistant	\$35,000
Open Burn Pit Fund	Fire Chief	\$11,000
Planning Board Fund	Planning Board	\$20,000
Recycling Fund	Board of Health	\$5,000
Septic Fund	Board of Health	\$20,000

Motion, Kathryn Young moved that the Town fix the Fiscal Year 2024, beginning on July 1, 2023, spending limits for the revolving funds established in Chapter IV of the Hubbardston General By-Laws- in accordance with Massachusetts General Laws Chapter 44, Section 53E½ as printed in the warrant.

Second: Kris Pareago

Motion Passes Unanimously

ARTICLE 7

To see if the Town will vote to raise and appropriate from taxation, transfer from available funds, or otherwise provide the following sums of money to meet the salaries and compensation of Town Employees, and Town Officers, as provided by MGL Ch. 41 §108, expenses, and outlays of the Town Departments, and other sundry and miscellaneous, but regular, expenditures necessary for the operation of the Town for Fiscal Year 2024 (July 1, 2023 through June 30, 2024) as printed in the attached Appendix A, but not including funding for the Montachusett Regional Vocational Technical School District assessment or the Quabbin Regional School District budget and debt, and further, to accept and expend Federal and State Funds to offset certain salaries or expenses and outlay; or take any other action relative thereto.

PURPOSE	AMOUNT
General Government	\$665,494.72
Public Safety	\$1,546,102.48
Public Works	\$911,953.82
Human Services	\$49,117.00
Culture and Rec	\$91,753.00
Debt	\$177,110.00
Indirect Costs	\$881,670.00
TOTAL	\$4,323,201.02

(Submitted and Recommended by Select Board)
(Finance Committee Recommends)

Motion, Heather Munroe moved that the Town appropriate the sum of \$4,323,201, of which the sum of \$91,039 shall be transferred from Free Cash and the balance raised in the tax levy to meet the salaries and compensation of Town Employees, and Town Officers, as provided by MGL Ch. 41 §108, expenses, and outlays of the Town Departments, and other sundry and miscellaneous, but regular, expenditures necessary for the operation of the Town for Fiscal Year 2024 (July 1, 2023 through June 30, 2024) as printed in the attached Appendix A, but not including funding for the Montachusett Regional Vocational Technical School District assessment or the Quabbin Regional School District budget and debt, and further, to accept and expend Federal and State Funds to offset certain salaries or expenses and outlay.

Second: Peter Walker

Motion Passes Unanimously

ARTICLE 8

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$447,411. for the Montachusett Regional Vocational Technical School District assessment for Fiscal year 2024; or to take any other action relative thereto.

(Submitted and Recommended by Select Board)
(Finance Committee Recommends)

Motion, Kris Pareago moved that the Town raise and appropriate \$447,411 for the Montachusett Regional Vocational Technical School District assessment for Fiscal Year 2024.

Second: Kathryn Young

majority in favor, 15 opposed, **Motion Passes**

ARTICLE 9

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$5,750,424 to pay its share of the Quabbin Regional School District budget for FY 2024; or take any action relative thereto.

(Submitted and Recommended by Select Board)
(Finance Committee Recommends)

Motion, Kathryn Young moved that the Town raise and appropriate \$5,750,424.00 to pay the Town of Hubbardston's share of the Quabbin Regional School District budget for FY 2024.

Second: Kris Pareago, discussion had

Article 9 Amendment made by Mark Wigler, 5 Kruse Rd., moved that the Town raise and appropriate \$5,820,064. 79 to pay the Town of Hubbardston's share of the Quabbin Regional School District budget for FY 2024.

Second: Tim Hawley, 35 Mt. Jefferson Rd. 28 Yes and 74 No, **Article 9 Amendment fails**

Motion to approve Article 9 as presented; Majority in favor, 23 opposed

Original Motion passes

ARTICLE 10

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$28,512 to pay its share of the Quabbin Regional School Debt for FY 2024; or take any action relative thereto.

(Submitted and Recommended by Select Board)

(Finance Committee Recommends)

Motion, Jeffrey Williams moved that the Town raise and appropriate \$28,512.00 to pay its share of the Quabbin Regional School Debt for FY 2024.

Seconded by Peter Walker, discussion followed

Amendment made by Debra Chamberlain, 7 Laurel St., motioned that the Town raise and appropriate \$30,225.49 to pay its share of the Quabbin Regional School Debt for FY 2024

Seconded 34 Yes and 37 No, **Amendment Fails**, further discussion had, in concurrence with the Town Counsel and the Select Board, to reconsider the vote on the amendment;

Motion, Jeffrey Williams moved to reconsider amendment, **seconded** by Francois Steiger, motion to reconsider prevails, **2/3 Majority vote passes**

Amendment Heather Munroe moved that the Town raise and appropriate \$30,225.49 of which \$1713.49 to be transferred from Free Cash with the remainder to be raised and appropriated from the tax levy to pay for share of the Quabbin Regional School Debt for FY 2024.

Second: Jeffrey Williams

Majority in favor, 1 opposed, **Amendment passes**

ARTICLE 11

To see if the Town will vote to appropriate the sum of \$40,000 for the salaries, benefits, committee stipends and other operating expenses of the Hubbardston Cable Advisory Committee for Fiscal Year 2024, and to meet said appropriation, that the sum of \$40,000 be transferred from the PEG Access and Cable Related Fund; or take any other action relative thereto.

(Submitted and Recommended by Select Board)

(Finance Committee Recommends)

Motion, Kathryn Young moved to adopt Article 11 as printed in the Warrant.

Second: Kris Pareago majority in Favor, 1 opposed, **Motion passes**

ARTICLE 12

To see if the Town will vote to transfer the sum of \$390,000.00 from Free Cash to pay for the following Fiscal Year 2024 cash capital expenses, including all costs incidental and related thereto; or take any other action relative thereto.

New Obligations	Amount
Additional Roadway Repair	\$100,000
DPW Garage Roof Repair	\$85,000
DPW Director Vehicle	\$55,000
Ambulance 2 Replacement	\$125,000
Library Facilities Need	
Assessment	\$6,000
Town Office IT Replacements	\$19,000
TOTAL	\$390,000

(Submitted and Recommended by Select Board)

(Capital Improvement Committee Recommends)

(Finance Committee Recommends)

Motion, Heather Munroe moved that the Town transfer \$390,000.00 from Free Cash to pay for the Fiscal Year 2024 capital expenses, including all costs incidental and related thereto as delineated in Article 12 of the Warrant.

Second: Jeffrey Williams majority in Favor, 2 opposed, **Motions passes**

ARTICLE 13

To see if the Town will vote to transfer the sum of \$50,000.00 from Free Cash to pay for the replacement of a boiler at Hubbardston Center School, including all costs incidental and related thereto; or take any other action relative thereto.

(Submitted and Recommended by Select Board)

(Finance Committee Recommends)

Motion, Kris Pareago moved that the Town approve Article 13 as printed in the warrant.

Second: Peter Walker majority in Favor, 1 opposed, **Motion passes**

ARTICLE 14

To see if the Town will vote to transfer the sum of \$12,000.00 from Free Cash for the purpose of purchasing brine pursuant to a municipal consortium with the Towns of Templeton and Winchendon to conserve prices of brine.

(Submitted and Recommended by Select Board)

(Finance Committee Recommends)

Motion, Peter Walker moved that the Town approve Article 14 as printed in the Warrant.

Second: Jeffrey Williams

Motion Passes Unanimously

ARTICLE 15

To see if the Town will vote to: (a) authorize the Select Board to acquire, by purchase, gift and/or eminent domain, the fee to and/or permanent and/or temporary easements, for public way purposes, including, without limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, bridges, drainage, utilities, driveways, guardrails, slopes, grading, rounding, construction, landscaping, wetlands replication, and other appurtenances and/or facilities, to enable the Town to undertake the Williamsville Road Bridge Project and for any and all purposes incidental or related thereto, in, on and under certain parcels of land located on or near Williamsville Road and approximately shown on plans entitled “Massachusetts Department of Transportation Highway Division Plan and Profile of Williamsville Road (Bridge No. H-24-003) in the Town of Hubbardston Worcester County,” prepared by Greenman Peterson, Inc., on file with the Town Clerk, as said plans may be amended and/or incorporated into an easement plan, and land within 200 feet of said parcels; (b) raise and appropriate, transfer from available funds, and/or borrow a sum of money to fund the foregoing and any and all costs incidental or related thereto, including, without limitation, the cost of any land/easement acquisitions, appraisals, and surveys; (c) enter into a Construction Access Permit or such other temporary occupancy agreement with the Department of Conservation and Recreation; and, further, (d) authorize the Select Board to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes; or take any action relative thereto.

(Submitted and Recommended by Select Board)

(Finance Committee Recommends)

Motion, Heather Munroe moved that the that the Town authorize the Select Board to acquire, by purchase, gift and/or eminent domain, the fee to and/or permanent and/or temporary easements, for public way purposes, including, without limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way as outlined in Article 15 of the June 6, 2023 Annual Town Meeting Warrant; and further (b) enter into a Construction Access Permit or such other temporary occupancy agreement with the Department of Conservation and Recreation; and further (c) authorize the Select Board to enter into all

agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes.

Second: Jeffrey Williams

Majority in favor, 2 opposed, **Motion passes**

ARTICLE 16

To see if the Town will vote to appropriate the sum of \$31,890 from accrued Community Preservation Act Undesignated Reserve to fund the FY2024 annual debt service obligation for the Rainbow's End playground improvement project as previously approved under Article 18 of the June 23, 2020 Annual Town Meeting; or take any other action relative thereto.

(Submitted and recommended by Community Preservation Committee)

(Select Board Recommends)

(Finance Committee Recommends)

Motion, Kathryn Young moved that the Town appropriate the sum of \$31,890.00 from the Community Preservation Fund Undesignated Reserves for the purpose of funding the FY2024 annual debt service obligations for the Rainbow's End playground improvement project, as previously approved under Article 18 of the June 23, 2020 Annual Town Meeting.

Second: Kris Pareago

Motion Passes Unanimously

ARTICLE 17

To see if the Town will vote to appropriate the sum of \$20,486.00 from accrued Community Preservation Act Historic Reserve to fund the FY2024 annual debt service obligation for the roof replacement of the Hubbardston Public Library as previously approved under Article 14 of the June 2018 Annual Town Meeting; or take any other action relative thereto. (This is the final appropriation for the roof project.

(Submitted and recommended by Community Preservation Committee)

(Select Board Recommends)

(Finance Committee Recommends)

Motion, Heather Munroe moved that the Town appropriate \$20,486.00 from accrued Community Preservation Act Historic Reserve to fund the FY2024 annual debt service obligation for the roof replacement of the Hubbardston Public Library, as previously approved under Article 14 of the June 2018 Annual Town Meeting.

Second: Kris Pareago

Motion Passes Unanimously

ARTICLE 18

To see if the Town will vote to appropriate or reserve from the Community Preservation estimated FY2024 annual revenue the amounts recommended by the Community Preservation Committee for committee administrative expenses, to set aside from the Community Preservation Fund

estimated FY2024 annual revenue for later spending for historic resources, community housing, open space, and reserve any remaining FY2024 estimated annual revenues to the Undesignated Reserve so that the Town has access to those funds for community preservation projects and other expenses in Fiscal Year 2024, with each item to be considered a separate appropriation; or take any other action relative thereto.

Appropriations:

From FY 2024 estimated revenues for Committee Administrative Expenses (5%) \$5,000.00

Reserves:

From FY 2024 estimated revenues for Historic Resources (10%) \$10,000.00

From FY 2024 estimated revenues for Community Housing (10%) \$10,000.00

From FY 2024 estimated revenues Open Space Reserve (10%) \$10,000.00

From FY 2024 estimated revenues for Undesignated Reserve (65%) \$65,000.00

(Submitted and recommended by Community Preservation Committee)

(Select Board Recommends)

(Finance Committee Recommends)

Motion, Kathryn Young moved that the Town appropriate the sum of \$5,000 from the FY 2024 estimated Community Preservation Fund revenue for committee administrative expenses and reserve from the FY 2024 estimated Community Preservation Fund revenue for future appropriations the sum of \$10,000 for Historic Resources, the sum of \$10,000 for Community Housing, the sum of \$10,000 for Open Space and the sum of \$65,000 for the Undesignated Reserve, with each item to be considered a separate appropriation.

Second: Kris Pareago

Majority in favor, 1 opposed, **Motion Passes**

Article 19A

To see if the Town will vote, pursuant to Section 4-7-1 of Article 4 of the Hubbardston Town Charter, to change the Hubbardston Board of Health from elected to appointed as, at the last two consecutive elections for these multiple member bodies the number of candidates was less than or equal to the number of positions on the ballot or take any other action relative thereto.

(Submitted and recommended the Select Board)

(Finance Committee Recommends)

Motion, Heather Munroe moved that the Town adopt Article 19A as printed in the warrant.

Second: Jeffrey Williams

9 in Favor, Majority opposed, **Motion Fails**

The Chair asked for unanimous consent that Articles 19B, 19C and 19D be consolidated, and to address all three with one vote. The Moderator heard no objection.

Article 19B

To see if the Town will vote, pursuant to Section 4-7-1 of Article 4 of the Hubbardston Town Charter, to change Hubbardston Finance Committee from elected to appointed as, at the last two consecutive elections for these multiple member bodies the number of candidates was less than or equal to the number of positions on the ballot or take any other action relative thereto.

(Submitted and recommended the Select Board)

(Finance Committee Recommends)

Article 19C

To see if the Town will vote, pursuant to Section 4-7-1 of Article 4 of the Hubbardston Town Charter, to change the Hubbardston Parks and Recreation Commission from elected to appointed as, at the last two consecutive elections for these multiple member bodies the number of candidates was less than or equal to the number of positions on the ballot or take any other action relative thereto.

(Submitted and recommended the Select Board)

(Finance Committee Recommends)

Article 19D

To see if the Town will vote, pursuant to Section 4-7-1 of Article 4 of the Hubbardston Town Charter, to change the Hubbardston Cemetery Commission from elected to appointed as, at the last two consecutive elections for these multiple member bodies the number of candidates was less than or equal to the number of positions on the ballot or take any other action relative thereto.

(Submitted and recommended the Select Board)

(Finance Committee Recommends)

Motion, Jeffrey Williams moved that the Town adopt the change in Article 19B, 19C and 19D as printed in the warrant.

Second: Kathryn Young

Majority opposed, 5 in favor, **Motion Fails**

Article 19E

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to amend the Town's Charter, Chapter 292 of the Acts of 2012, as set forth below, in order to formally amend the lists of elected and appointed boards to reflect the vote taken under Articles 19A through D, and, further, to authorize the General Court to make clerical or editorial changes of form only to the bill so submitted, unless the Selectboard approves amendments to the bill before enactment by the General Court; and further that the Selectboard is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any action related thereto.

(THE ACT CAN CHANGE BASED UPON THE CHOICES OF ARTICLES 19A – 19D.)

An Act concerning the Charter of the Town of Hubbardston

Section 1: Notwithstanding the provisions of sections 1 and 1B of chapter 40 of the general laws, or any other general or special law to the contrary, there shall be in the town of Hubbardston an appointed board of health, finance committee, park commission, and cemetery commission.

Section 2: Chapter 292 of the Acts of 2012, entitled “An act establishing a charter for the town of Hubbardston” shall hereby be amended by striking from the charter subsection 2 of section 1 of article 4 in its entirety and inserting in place thereof, the following:-

Unless modified under section 4-7-1 of this charter, the following boards, committees and officials shall be elected for staggered terms and under the conditions below:

- (a) library trustees – 6 members for terms of 3 years;
- (b) planning board – 5 members for terms of 5 years;
- (c) housing authority – 5 members - 5 members for terms of 5 years; with 3 members elected and two appointed as required by section 5 of chapter 121B of the General Laws; and
- (d) board of assessors – 3 members for terms of 3 years.

Section 3: Said chapter 292 is hereby further amended by deleting in subsection 1 of section 2 of article 4 of the charter the words “board of selectmen” and inserting in place thereof the word: - Selectboard.

Section 4. Said subsection 1 of section 2 of article 4 of the charter established by chapter 292 of the acts of 2012 is hereby further amended by inserting, at the end of the text, the following: -

- (i) board of health – 5 members for terms of 3 years;
- (j) finance committee – 5 members for terms of 3 years;
- (k) parks commission – 5 members for terms of 3 years; and
- (l) cemetery commission – 3 members for terms of 3 years.

Section 5: Upon the effective date of this act, the elected board of health, finance committee, parks commission and cemetery commission shall be abolished and the terms of any elected incumbents terminated; provided, however, that the person elected to each of the multiple member bodies on June 13, 2023 shall serve only until an appointment is made, and, further, that all other elected incumbents shall serve as the first appointees to the positions and may serve an amount of time equal to the remainder of their respective elected terms or sooner vacating of office; thereafter, appointments to such multiple member bodies shall be made in accordance with of subsection 1 of section 2 of article 4 of the charter as amended.

Section 6. This act shall take effect upon its passage.

(Submitted and recommended the Select Board)

(Finance Committee Recommends)

Motion, Jeffrey Williams moved that the Town pass over article 19E.

Second: Kathryn Young

Motion Passes Unanimously

ARTICLE 20

To see if the Town will vote to:

1. Initiate a municipal aggregation program to aggregate the electrical load of interested consumers within the boundaries of the Town pursuant to M.G.L. c. 164, § 134, or any other enabling legislation; and
2. Authorize the Select Board to (i) enter into one or more agreements with one or more consultants to assist the Town with the development, implementation and administration of such aggregation program for a term of up to or more than 20 years, (ii) enter into one or more agreements with one or more electricity suppliers for terms of up to or more than 20 years for the purchase of electricity for the aggregation program, and (ii) take any actions and execute any other documents and ancillary agreements necessary, convenient, or appropriate to accomplish the foregoing and to implement and administer the aggregation program and consultant/electricity supply agreements, which agreements and documents shall be on such terms and conditions and for such consideration as the Board of Selectmen/Select Board deems in the best interests of the Town.

(Submitted and recommended the Select Board)

(Finance Committee Recommends)

Motion, Jeffrey Williams moved that Article 20 be adopted as printed in the warrant

Second: Peter Walker

Motion Passes Unanimously

ARTICLE 21

To see if the Town will vote to amend the Town's General Bylaws by replacing:

- a. the words "Board of Selectmen," wherever they appear, with the word "Select Board;"
- b. the words "Selectman" or "Selectmen," wherever either appears, with the words "Select Board Member" or "Select Board Members," respectively; and
- c. the word "Chairman," wherever it appears, with the word "Chair;" and
- d. the words "Building Inspector", wherever they appear, with the words "Building Commissioner".

(Submitted and recommended the Select Board)

(Finance Committee Recommends)

Motion, Kris Pareago moved that the Town amend the Town's General Bylaws as printed in Article 21 of the warrant.

Second: by Kathryn Young

13 Opposed, Majority in Favor, **Motion Passes**

ARTICLE 22

To see if the Town will vote to amend the Town's Zoning Bylaws by replacing:

- a. the words "Board of Selectmen," wherever they appear, with the word "Select Board;"
- b. the words "Selectman" or "Selectmen," wherever either appears, with the words "Select Board Member" or "Select Board Members," respectively; and
- c. the word "Chairman," wherever it appears, with the word "Chair;" and
- d. the words "Building Inspector", wherever they appear, with the words "Building Commissioner".

(Submitted and recommended the Planning Board)

(Select Board Recommends)

(Finance Committee Recommends)

Motion, Heather Munroe moved that the Town amend the Town's Zoning Bylaws as printed in Article 22 of the warrant. (2/3 vote)

Second: Peter Walker

16 Opposed, 61 In favor, **Motion Passes**

ARTICLE 23

To see if the Town will vote to amend the Zoning Bylaws for clarity and consistency with Massachusetts General Laws by adding language (Underlined) and deleting language (~~Crossed Through~~) as follows:

1.1 Title.

These zoning bylaws shall be known as the Hubbardston Zoning Bylaws (revised ~~1989~~2023).

3.2 Zoning Map.¹

The official Zoning Map of the Town of Hubbardston is hereby made a part of these zoning bylaws and shall be on file with the Town Clerk.~~The official zoning map entitled "Zoning Districts" which was prepared by IEP, Inc. (1988) is hereby made a part of these zoning bylaws and shall be on file with the Town Clerk. All land currently designated within the Light Industrial District located on the east side of Gardner Road between High Street and~~

¹ Amended: December 1992

~~Morgan Road and on the west side of Gardner Road between Ragged Hill Road and Pitcherville Road to be amended to be in the Residential-Agricultural District.~~

4.1 Uses Permitted By Right in Residential Districts.

Residential Districts are intended to be used primarily for personal residence, agriculture, conservation, recreation and open space maintenance. The following uses are permitted within these districts:

- a. Single-family residence, other than mobile homes.
- b. Two-family residence, other than mobile homes, provided that the minimum lot area requirement is increased over that required for a single-family dwelling by an additional 30,000 square feet for the additional unit and the lot frontage requirement is increased over that which is required for a single-family dwelling by an additional fifty (50') feet for the additional unit.
- c. Religious, sectarian or denominational uses.
- d. Conservation or open space area, recreation common or park land.
- e. Agriculture, horticulture, floriculture and viticulture.
- f. Nursery, orchard.
- g. Sale of farm, nursery, or orchard products which have been produced on the premises.
- h. Accessory uses on the same lot such as garages, stables, barns, tool sheds, farm buildings and enclosures, tennis courts, swimming pools.
- i. Cemetery.
- j. Public and Private non-profit educational museums.
- k. Municipal Uses.
- l. Home occupation, as defined in Article 2.
- m. Guest Houses, Bed and Breakfast Establishments.
- n. Educational Uses.
- o. Accessory Dwelling Unit unless on a lot that does not conform to the dimensional regulations contained in Article 5, Section 5.1, whether as part of new construction or as an addition, or to build or add an Accessory Dwelling Unit above a garage that is detached from the single-family house, in which a special permit is required.²
- ~~p. q.~~ Solar Photovoltaic Installations,³ including Grid-scale Battery Energy Storage Systems,⁴ subject to Articles 20 and 23.
- ~~p. q.~~ Child care center, school-aged child care program, family child care home, or large family child care home, as defined in Massachusetts General Law Chapter 15D Section 1A.

4.2 Uses Permitted By Special Permit in Residential Districts.

² Added: 09/13/2022

³ Added: 6/1/2010

⁴ Added: 6/7/2023

The following uses are permitted within Residential Districts subject to conditions and limitations contained in an Approved Site Plan (Article 9), Environmental & Community Impact Analysis (Article 8) and Special Permit (Article 7) issued by the Planning Board.⁵

- a. Library, health care facility, government building or facility.
- b. Public utility facility but not including generating units, new utility rights-of-way, or oil, gas, or propane storage tanks in excess of 5000 gallons.
- c. Country club, tennis club, golf course.

~~d. Commercial greenhouse.~~

~~e.d.~~ Multi-Family Residence. Up to four family units may be constructed in areas not within the Aquifer Favorability Protection District (see Article 15) provided that the minimum lot area requirement is increased over that required for a single-family dwelling by an additional 30,000 square feet for each additional unit and the lot frontage requirement is increased over that which is required for a single family dwelling by an additional fifty (50') feet for each additional unit. The structure shall conform to the architectural style and scale of the residential area within which it is proposed.

~~f.e.~~ Radio, Television & Communication Transmission Towers ~~with a maximum height of 150'~~, subject to all requirements of Article 18.⁶

~~g.f.~~ Nursing, Convalescent and Rest Homes.

~~h. Day Care center.~~

~~i.g.~~ Additions and/or alterations to existing non-conforming structure or use.^{7,8}

~~j.h.~~ Kennel for five (5) or more dogs, which are three months old or over; commercial riding stable.⁹

~~k.i.~~ Senior Residential Development.¹⁰

~~l.j.~~ Accessory Dwelling Unit on a lot that does not conform to the dimensional regulations contained in Article 5, Section 5.1, whether as part of new construction or as an addition, and to build or add an Accessory Dwelling Unit above a garage that is detached from the single-family house.¹¹

~~m.k.~~ Open Space Residential Development.¹²

~~n.l.~~ Outdoor Marijuana cultivation establishments licensed for Tier 1 (up to 5,000 s.f.) (subject to Article 22).¹³

~~o.m.~~ Outdoor Marijuana cultivation establishments licensed for Tier 2 (between 5001 and 10,000 s.f.) (subject to Article 22).¹⁴

4.3 Use Permitted By Right in the Town Center District.

The Town Center District is intended to be used for traditional Town center residential activities. The following uses are permitted within these districts:

⁵ Amended: 2/1/2000

⁶ Amended: Added: 02/12/2001, 6/2/2015

⁷ Amended: 6/21/1993

⁸ Amended: 6/3/2008 (Removed Earth Removal as a Commercial Operation)

⁹ Amended: 2/1/2000

¹⁰ Added: 10/28/2002

¹¹ Added: 09/13/2022 (replaced Accessory Apartment from 6/23/2003)

¹² Added: 6/16/2006

¹³ Added: 6/5/2018

¹⁴ Added: 6/5/2018

- a. Single-family residence, other than mobile homes.
- b. Two-family residence, other than mobile homes, provided that the minimum lot area requirement is increased over that required for a single-family dwelling by an additional 30,000 square feet for the additional unit and the lot frontage requirement is increased over that which is required for a single family dwelling by an additional fifty (50') feet for the additional unit.
- c. Religious, sectarian or denominational uses.
- d. Conservation or open space area, recreation common or park land.
- e. Agriculture, horticulture, floriculture and viticulture.
- f. Nursery, orchard.
- g. Sale of farm, nursery, or orchard products which have been produced on the premises.
- h. Accessory uses on the same lot such as garages, stables, barns, tool sheds, farm buildings and enclosures, tennis courts, swimming pools.
- i. Cemetery.
- j. Public and Private non-profit educational museums.
- k. Municipal Uses.
- l. Library, government building or facility.
- m. Guest Houses, Bed and Breakfast Establishments.
- n. Educational Uses.
- o. Home occupation, as defined in Article 2.
- p. Accessory Dwelling Unit unless on a lot that does not conform to the dimensional regulations contained in Article 5, Section 5.1, whether as part of new construction or as an addition, or to build or add an Accessory Dwelling Unit above a garage that is detached from the single-family house, in which a special permit is required.¹⁵
- q. Child care center, school-aged child care program, family child care home, or large family child care home, as defined in Massachusetts General Law Chapter 15D Section 1A.

4.3.1 Use Permitted by Special Permit in the Town Center District.¹⁶

The following uses are permitted within the Town Center District subject to conditions and limitations contained in an approved site plan (Article 9) and special permit (Article 7) issued by the Planning Board.

- a. Individual retail store or service establishment, market, delicatessen.
- b. Individual business, professional office.
- c. Outdoor Marijuana cultivation establishments licensed for Tier 1 (up to 5,000 s.f.) by special permit (subject to Article 22).¹⁷
- d. Accessory Dwelling Unit on a lot that does not conform to the dimensional regulations contained in Article 5, Section 5.1 whether as part of new construction or as an addition, and to build or add an Accessory Dwelling Unit above a garage that is detached from the single-family house.¹⁸

¹⁵ Added: 09/23/2022

¹⁶ Added: 6/23/2003

¹⁷ Added: 6/5/2018

¹⁸ Added: 09/13/2022

- e. Radio, Television & Communication Transmission Towers, subject to all requirements of Article 18 Wireless Communication Facility.¹⁹

4.5 Uses Permitted by Special Permit in Commercial Districts.

The following uses are permitted within Commercial Districts subject to conditions and limitations contained in an approved site plan (Article 9), Environmental & Community Impact Analysis (Article 8), and a special permit (Article 7) issued by the Planning Board.²⁰

- a. All uses allowed by Special Permit under Section 4.2.
- b. Shopping center or complex of offices, businesses, or retail establishments not to exceed 50,000 square feet of gross floor area per lot.
- c. Motor vehicle service, repair, washing or fuel business, provided that, except for vehicles under repair, there will not be any exterior storage or placement of vehicles, equipment, discarded parts or tires.
- d. Hotel, motel, inn, campground.
- e. Sales of New or Used Motor Vehicles (Class 1 & 2, as defined by Massachusetts General Laws Chapter 140, only)
- f. Senior Residential Development.²¹
- g. All Marijuana Establishments as defined by Massachusetts General Laws 94G are allowed by special permit (subject to Article 22).²²
- g.h. Grid-scale Battery Energy Storage Systems, subject to Article 23.²³

16.8 Design Criteria

- a. Where the proposed development abuts a body of water, a portion of the shoreline, as well as reasonable access to it, shall be part of the common Open Space.
- b. Residences shall be grouped so that the greatest number of units can be designed to take advantage of solar heating opportunities; so that scenic views and long views remain unobstructed, particularly those seen from roads.
- c. Lots shall be laid out, to the greatest extent possible to achieve the following objectives:
 1. On the most suitable soils for subsurface septic disposal;
 2. On the least fertile soils for agricultural use;
 3. Within the woodland on the parcel, or along the far edges of open fields;
 4. So as to minimize the length of any common boundary between the new lots created by OSRD and lands preserved for agriculture;
 5. So that dwelling units and non-agricultural structures shall be located at a minimum of one hundred (100) feet from agricultural land and shall be separated, to the greatest extent possible, from the agricultural uses by a seventy-five (75) foot wide buffer strip of trees and native plantings sufficient to minimize conflicts between farming operations and residents.

¹⁹ Added: 02/12/2001, Amended 6/2/2015

²⁰ Amended: 2/1/2000

²¹ Added: 3/3/2003

²² Added 6/5/2018

²³ Added 6/7/2023

- d. In areas greater than twenty (20) percent slope or upon hilltops and ridgelines, lots shall be laid out, to the greatest extent possible, to achieve the following objectives:
 1. Building sites shall be located so that the silhouettes of structures will be below the ridgelines or hilltop or if the site is heavily wooded, the building silhouettes shall be at least ten (10) feet lower than the average canopy height of the trees on the ridge or hilltop.
 2. Where public views will be unavoidably affected by the proposed use, architectural and landscaping measures shall be employed so as to minimize significant degradation of the scenic or aesthetic qualities of the site.
 3. The removal of native vegetation shall be minimized.
 4. Any grading or earthmoving operation in conjunction with the proposed development shall be planned and executed in such a manner that the final contours are consistent with the existing terrain, both on and adjacent to the site.
 5. Safeguards shall be employed where needed to mitigate against environmental degradation from erosion, sedimentation, water pollution, or flooding.

ROADS: The principal roadway(s) serving the site shall be designed to conform to the standards of the Rules & Regulations of the Planning Board adopted February 1, 2000, as amended, and Chapter XVIII “Streets and Sidewalks” of the General Bylaws.~~Article 34, General By-law Roads, Streets and Ways~~

18.5 General Requirements

18.5.1 Purpose. This section will cover all requirements not listed in the previous sections.

18.5.2 Requirements.

- a. Applicant must perform a balloon test after a desired site location has been determined, unless the Planning Board determines it inappropriate or unnecessary with respect to Section 18.4.2.b. The balloon test shall be conducted continuously for 24 hours. The date, time, and location of this test must be advertised in a newspaper of general local circulation, 14 days prior to the test. In addition a mailer will be sent to each residence at the expense of the applicant, 14 days prior to the test.
- b. Applicant must prepare and perform a construction control certification. All submittals, dates and times of inspections, reports and discrepancies must be reported to the Building Commissioner and the Planning Board. Failure to adhere to this requirement could significantly delay occupancy permits.
- c. Existing vegetation shall be preserved to the maximum extent possible.
- d. Any fencing used for a communications facility shall be a minimum of eight (8) feet in height and shall be of the wood stockade type.
- e. All access roads to a communications facility shall be twelve (12) feet to fifteen(15) feet in width, depending upon terrain, and shall be composed of twelve (12) inches of compacted gravel over which is laid down a three (3)-inch layer of crushed stone.

- ~~f. All drainage issues as a result of a communications facility must adhere to Section 7.10 of the Rules and Regulations Governing the Subdivision of Land in Hubbardston, Massachusetts, Dated 1988.~~
- ~~g. All utility installations as a result of a communications facility must adhere to Section 7.07 of the Rules and Regulations Governing the Subdivision of Land in Hubbardston, Massachusetts, Dated 1988.~~
- ~~h.f.~~ All drainage issues as a result of a communications facility must adhere to Section 7.10 of the Rules and Regulations Governing the Subdivision of Land in Hubbardston, Massachusetts, ~~Dated 1988, as amended.~~²⁴
- ~~i.g.~~ All utility installations as a result of a communications facility must adhere to Section 7.07 of the Rules & Regulations Governing the Subdivision of Land in Hubbardston, Massachusetts, ~~Dated 1988.~~
- ~~j.h.~~ An application shall be made by a licensed carrier or shall include documentation establishing that a licensed carrier has committed to locating antennae on the tower.²⁵
- ~~k.i.~~ A special permit as defined in zoning bylaw 7.1 -7.5 and an environmental impact study 8.1- 8.4.

22.4 General Zoning Districts for Marijuana Establishment and Restrictions Applicable to all Districts.

Marijuana Establishments as described in Massachusetts General Laws Chapter 94G and 935 CMR 500.00 shall be allowed in the following districts after the applicant has been approved by the Cannabis Control Commission.

22.4.1 Marijuana Establishment allowed by Special Permit in Residential District:
Outdoor Marijuana cultivation establishments licensed for Tier 1 (up to 5,000 sf).

22.4.2 Marijuana Establishment allowed by Special Permit in Residential District:
Outdoor Marijuana cultivation establishments licensed for Tier 2 (between 5001 and 10,000 sf) by Special Permit.

22.4.3 Marijuana Establishment allowed by Special Permit in the Town Center District
Outdoor Marijuana cultivation establishments licensed for Tier 1 (up to 5,000 sf) by Special Permit.

22.4.4 Marijuana Establishment allowed in the Commercial District by Special Permit.
All Marijuana Establishments as defined by Massachusetts General Laws Chapter 94G are allowed by Special Permit.

22.4.5 Setbacks ~~and Lot Size Limit~~ Applicable to all Marijuana Establishments in All Districts.

Setbacks: All Marijuana Establishments shall be set back one hundred (100) feet from streets and abutting property lines including all fences and grow areas. The area within the setback shall be maintained as a buffer zone and, if forested, must remain so, and if not, shall be landscaped to create an effective buffer to screen all elements of the Marijuana Establishment (including grow areas) from public and private view. Any greater set back requirements in these bylaws shall remain applicable.

(Submitted and recommended the Planning Board)

²⁴ Amended:6/18/2002

²⁵ Amended:6/18/2002

(Select Board Recommends)
(Finance Committee Recommends)

Motion, Kris Pareago moved that the Town amend the Zoning Bylaws as printed in Article 23 of the warrant. (2/3 vote required)

Seconded by Jeffrey Williams, discussion had, **Motion Passes Unanimously**

ARTICLE 24

To see if the Town will vote to amend Article 20 of the Zoning Bylaws by adding language (Underlined) and deleting language (~~Crossed Through~~) as follows:

Article 20 **USE OF LARGE-SCALE SOLAR PHOTOVOLTAIC INSTALLATIONS**²⁶

Section

20.1	Purpose
20.2	Definitions
20.3	General Requirements

20.1 Purpose

The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations, which standards address public safety and minimize impacts on scenic, natural and historic resources and providing adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

20.1.1 Applicability.

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

20.2 Definitions

²⁶ Amended 6/1/2010

20.2.1 Siting, Construction, Regulation, Development, Generating and Distribution of Large-Scale Photovoltaic Installations: All installations shall be regulated by the Planning Board through Article 7-Special Permits, Article 8-Environmental and Community Impact Analysis, and Article 9-Site Plan Approval of the Town of Hubbardston Zoning Bylaws.²⁷

20.2.2 ~~Building Inspector~~Building Commissioner: The inspector of buildings, building commissioner, or local inspector, or person or board designated by local ordinance or bylaw charged with the enforcement of the Town's Zoning Bylaws

20.2.3 Building Permit: A construction permit issued by the ~~Building Inspector~~Building Commissioner; the building permit evidences that the project is consistent with the state and federal building codes as well as Town's Zoning Bylaws, which include those provisions governing ground-mounted large-scale solar photovoltaic installations.

20.2.4 Designated Location: Large scale ground mounted solar photovoltaic installations may be sited by Special Permit in all zoning districts in the Town of Hubbardston.²⁸

20.2.5 Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground or a roof, with solar panels covering 20,000 square feet or more on one lot or minimum nameplate capacity of 250kW DC.²⁹ A Large-Scale Ground-Mounted Solar Photovoltaic Installation may also include a Battery Energy Storage System (BESS).

20.2.6 Battery Energy Storage System (BESS): A device that reserves energy for later consumption that is charged by a connected solar system. The stored electricity is consumed after sundown, during energy demand peaks, or during a power outage.

20.2.6-7 On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

20.2.7-8 Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

20.2.8-9 Site Plan Review: review by the Site Plan Review Authority to determine conformance with the Town's Zoning Bylaws.

20.2.9-10 Site Plan Review Authority: For purposes of this bylaw, Site Plan Review Authority refers to the Planning Board.

20.2.10-11 Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

20.2.11-12 Zoning Enforcement Authority: The person or board charged with enforcing the zoning ordinances or bylaws.

20.2.12-13 Lot Size: A minimum of ~~80,000~~five acres (217,800 square feet) will be required for lots to have large solar ground mounted panels facilities placed on them. ~~Lots must conform to zoning setbacks for each district they are located in. A minimum of one contiguous acre (43,560 square feet) must be available for siting.~~ No dwelling or other structures – except those structures that are part of the facility are allowed on designated

²⁷ Amended 6/2/2015

²⁸ Amended 6/5/2018

²⁹ Amended 6/5/2018

parcel. The aggregation of parcels in order to create a parcel of sufficient size to construct a qualifying facility will be considered.

20.3 General Requirements

The following requirements are common to all solar photovoltaic installations to be sited in designated locations:

20.3.1 Compliance with Laws, Ordinances and Regulations

The construction and operation of all large scale solar photovoltaic installations, including BESS, shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

20.3.2 Building Permit and Building Inspection

No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

20.3.3 Fees

20.3.3.1 The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

20.3.3.2 The large Scale Solar Photovoltaic Installation Fee shall be \$2,000.00 which shall include the fees for the Special Permit and Site Plan Review applications.³⁰

20.3.3.3 All engineering fees, legal fees, publication fees, etc. incurred by the Planning Board during the application process and the Site Plan Review will be paid for by the applicant.

20.3.4 Site Plan Review

Large scale solar photovoltaic installations shall undergo site plan review by the Site Plan Review Authority, as set forth in this Section and Article 9 of the Zoning Bylaws prior to construction, installation or modification as provided in this section.³¹

20.3.4.1 General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

20.3.4.2 Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents:

(a) A site plan showing:

- i. Property lines and physical features, including roads, for the project site;

³⁰ Amended 6/2/2015

³¹ Amended 6/5/2018

- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
- iv. One- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- v. Documentation of the major system components to be used, including the PV panels, mounting system, ~~and~~-inverter ~~and~~ BESS, with technical specifications of the major system components, including the solar arrays, mounting system, electrical equipment and other supporting equipment and structures;
- vi. Name, address, and contact information for proposed system installer;
- vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- viii. The name, contact information and signature of any agents representing the project proponent; ~~and~~
- a. Drawings, photographs and study showing:
 - ix. Color renderings not less than 1 inch = 50 feet showing site line views from abutting streets and properties of the proposed installation;
 - b. Color aerial view both before and after proposed installation showing tree coverage and buffer zone not less than 1 inch = 50 feet;
 - a-c. A glare analysis and proposed mitigation, if any, to minimize the impact of glare on affected properties and roads;
- (b) Documentation of actual or prospective access and control of the project site (see also Section 20.3.5);
- (c) An operation and maintenance plan (see also Section 20.3.6);
- (d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (e) Proof of liability insurance;~~and~~
- (f) Description of financial surety that satisfies Section 3.12.3-~~i~~;
- (g) Decommissioning Plan³²

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

20.3.5 Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation. Any special permit issued under this section

³² Added 6/2/2015

shall include a condition stating the above requirement and further stating that, in accepting the special permit the Applicant and Owner grant the Town permission to enter the property for the purpose of assessing and removing an abandoned or discontinued facility. This letter shall be signed and notarized by the applicant and owner.³³

20.3.6 Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation. This plan shall include measures for maintaining year-round safe access for emergency vehicles, snow plowing, storm water controls, and general procedures for operating and maintaining the energy facility including the fencing, fire access roads and landscaping. Use of pesticides and herbicides is prohibited.

20.3.7 Utility Notification

No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

20.3.8 Dimension and Density Requirements

20.3.8.1 Setbacks

For large - scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

(b) Front yard: The front yard depth shall be ~~distance allowed in zoning districts~~ at least 100 feet.

(c) Side yard. Each side yard shall have a depth at least ~~50-75~~ feet.

(d) Rear yard. The rear yard depth shall be at least ~~50-75~~ feet.

20

20.3.8.2 Solar Panels and Appurtenant Structures and Fencing³⁴

All appurtenant structures to large- scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, BESS facilities, transformers, and substations, shall be architecturally compatible with each other. All structures will be hidden from view whenever reasonable by vegetation and/or joined or clustered to avoid adverse visual impacts.

All Solar Panels shall be screened from view by vegetation and in place prior to issuing the Certificate to Generate for the system. Such screening shall be provided in the required setback areas where existing vegetation setbacks is insufficient for year-round screening. Screens shall consist of evergreen vegetation 1.5 times the height of

³³ Amended 6/5/2018

³⁴ Amended 6/5/2018

the highest solar panels. Berms or other methods to adequately screen the facility, depending on site specific conditions may be considered. Screen shall be maintained and replaced as necessary by the owner/operator of the solar energy system.

Fencing:

- e. Shall be not greater than eight (8) feet in height and shall surround the entire field.
- f. Shall be placed four (4) inches off the ground to allow migration of wildlife.
- g. Solid fencing may also be required if necessary to adequately screen view of the facility.
- e-h. Fencing shall consist of a commercial grade, high quality (HF40 or better) framework, galvanized chain link, ends, corners and posts. The Planning Board may require additional measures such as coated galvanized fencing and screening bands or aluminized chain link.

20.3.9 Design Standards

20.3.9.1 Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. All lighting on the premises shall be by motion activated devices and no all-night lighting will be allowed unless so allowed by Planning Board. Lighting of ~~other-all~~ parts of the installation, ~~such as including~~ appurtenant structures, shall be limited to that required for safety and operational purposes, ~~and shall be reasonably shielded from abutting properties, and shall comply with International Dark Sky Standards Fixture Seal of Approval Certification Requirements. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution. There shall be no illumination without personnel on site.~~

20.3.9.2 Signage

Signs on large- scale ground-mounted solar photovoltaic installations shall comply with the Town's Zoning Bylaws, Article 17-Signs. A sign consistent with a municipality's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

20.3.9.3 Utility Connections

Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

20.3.10 Safety and Environmental Standards

20.3.10.1 Emergency Services

The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief.

Upon request the owner or operator shall cooperate with local emergency services in

developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

20.3.10.2 Land Clearing, Soil Erosion, Habitat Impact, Screening Requirements³⁵

- (a) Land clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the solar energy systems or otherwise prescribed by applicable laws, regulations and bylaws. Existing vegetation shall remain in required setback areas ~~except where such vegetation would shade the solar energy system. However, in no event shall clearing of existing vegetation in setbacks exceed half the required setback width.~~ Adequate erosion control measures shall be provided for all proposed land clearing.
- (b) Protection of Natural Resources and Habitat – Large-scale ground-mounted solar energy systems shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land whenever possible. Access driveways shall be constructed to minimize grading, removal of stone walls or roadside trees, and to minimize impacts to environmental or historic resources.
- (c) Screening/Buffering: Large-scale ground-mounted solar energy systems shall be screened year-round from all adjoining properties in all zoning districts and from public and private ways. Screening will be in place prior to issuing the Certificate to Generate in all zoning districts. Such screening shall be provided in the required setback areas and where existing vegetation in setbacks is insufficient for year-round screening purposes. The screen shall consist of dense evergreen vegetative screening 1.5 times the height of the highest solar panels. Berms or other methods to adequately screen the facility, depending on site specific conditions may be considered. Screen shall be maintained and replaced as necessary by the owner/operator of the solar energy system.

20.3.11 Monitoring and Maintenance

20.3.11.1 Solar Photovoltaic Installation Conditions

The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

20.3.11.2 Modifications

All material modifications to a solar photovoltaic installation, including the addition of BESS made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

20.3.12 Abandonment or Decommissioning

20.3.12.1 Removal Requirements

³⁵ Amended 6/5/2018

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has reached the end of its useful life consistent with Section 3.12.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Removal shall consist of:

- (a) Physical removal of all large- scale ground-mounted solar photovoltaic installations, structures, equipment, BESS, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

20.3.12.2 Abandonment

Absent notice of a proposed date of decommissioning and removal or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than six months without the written consent of the Site Plan Review Authority. If the owner or operator of the large- scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 120 days of abandonment or the proposed date of decommissioning, the Town may enter onto the property and physically remove the installation.

20.3.12.3 Financial Surety³⁶

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide surety in the form of cash or certified bank check, held by and for the Town of Hubbardston in an interest bearing account to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. This surety will be due and payable at the issuance of the building permit. Proof of payment in the form of a receipt from the Town Treasurer will be shown to the ~~Building Inspector~~Building Commissioner before the permits are issued. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. As a condition of approval, an applicant shall bind itself to grant the necessary license or easement to the Town to allow entry to remove the structure. The Town shall have the right, but not the obligation to remove the facility.

³⁶ Amended 6/2/2015

20.4 Certificate to Generate^{37,38}

No solar facility may sell or distribute generated power until all conditions of the issued permit and requirements of this bylaw are approved and certified at a meeting of the Planning Board, and the “Certificate to Generate” is issued and recorded in the Worcester Registry of Deeds.

The Planning Board may revoke the “Certificate to Generate” for cause after a public hearing.

20.5 Reporting Requirements³⁹

The owner of the solar installation shall provide a report to the Planning Board in January of each calendar year with the following information: total amount of electricity generated, major maintenance performed; planned or actual major system modifications; change of ownership; changes to bond amounts.

(Submitted and recommended the Planning Board)

(Select Board Recommends)

(Finance Committee Recommends)

Motion, Heather Munroe moved that the Town amend the Zoning Bylaws as printed in Article 24 of the warrant. (2/3 vote required)

Second: Peter Walker

1 Opposed, Majority in Favor, **Motion Passes**

The Moderator declared the annual town meeting adjourned at 10:01pm

Respectfully Submitted:



Candace M. Livingston
Town Clerk

³⁷ Added 6/2/2015

³⁸ Amended 6/5/2018