



**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HUBBARDSTON**

**ANNUAL TOWN MEETING      Tuesday, June 7, 2022 • 7:00 p.m.      CENTER SCHOOL**

STABILIZATION: \$541,390  
MUNICIPAL CAPITAL STABILIZATION: \$159,732  
FREE CASH: \$585,266

**Worcester, ss.** To either of the Constables of the Town of Hubbardston in the County of Worcester: In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Hubbardston qualified to vote in elections and Town affairs to meet at the Center School located at 8 Elm Street in said Hubbardston on Tuesday, June 7, 2022 at the time of 7 o'clock in the evening, then and there to act on the following articles:

**ARTICLE 1.** To choose all necessary officers.

**CONSENT (See consent motion below)**

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

**CONSENT (See consent motion below)**

**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, 2022; or take any other action relative thereto.

*(Submitted and recommended by the Select Board)*

*(Finance Committee recommends)*

**CONSENT (See consent motion below)**

**ARTICLE 4.** To see if the Town will vote to accept educational grants and aid for Fiscal Year 2023, 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 recommend by the Select Board)*

*(Finance Committee recommends)*

**CONSENT (See consent motion below)**

**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 2023, to be used for the purposes specified in the trust fund settlement; or take any other action relative thereto.

*(Submitted and recommended by the Select Board)*

*(Finance Committee recommends)*

**CONSENT (See consent motion below)**

**CONSENT AGENDA**

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

___ Yes ___ Pass Over
___ No ___ Motion Amended
___ Unanimous Approved
___ Unanimous Disapproved

**MOTION 1**

I move 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.

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

___ Yes ___ Pass Over
___ No ___ Motion Amended
___ Unanimous Approved
___ Unanimous Disapproved

**MOTION 2**

I move 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.

**Explanation**

Warrant articles on a Consent Agenda are exceptions to the general process of Town Meeting. The Select Board, Moderator, and Finance Committee identify, for Town Meeting consideration, those articles that they believe should generate no controversy and can be properly voted without debate. These articles are put on the Consent Agenda to allow motions under these articles to be acted upon as one unit and to be passed.

**ARTICLE 6.** To see if the Town will vote to authorize the Treasurer, with the approval of the Select Board, to borrow money in anticipation of the revenue for the fiscal year beginning on July 1, 2022 in accordance with the provisions of Massachusetts General Law Chapter 44, Section 4 and to issue a note or notes payable within a period of less than one year in accordance with Massachusetts General Law Chapter 44, Section 17, or take any action relative thereto.

*(Submitted by the Town Administrator, Select Board recommends)*

*(Finance Committee recommends)*

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

___ Yes ___ Pass Over
___ No ___ Motion Amended
___ Unanimous Approved
___ Unanimous Disapproved

**MOTION**

I move that the Town authorize the Treasurer, with the approval of the Select Board, to borrow money in anticipation of the revenue for the fiscal year beginning on July 1, 2022 in accordance with the provisions of Massachusetts General Law Chapter 44, Section 4 and issue a note or notes payable within a period of less than one year in accordance with Massachusetts General Law Chapter 44, Section 17.

**Explanation**

This is a housekeeping matter.

The Town of Hubbardston maintains cash reserves sufficient to fund operating costs and routine projects (e.g., Chapter 90 expenditures). In the event that the Treasurer must use additional cash reserves to fund both operating costs and special projects (e.g., major construction projects), this article allows the Treasurer, with the Select Board's permission, to borrow from future revenues in order to make all payments.

This has never happened in Hubbardston, but it nearly did last year with the school roof project. This article is an appropriate tool to manage cash flow.

The Town of Hubbardston should vote on this article annually as a consent agenda item.

There is no cost or impact on taxes for this article.

**ARTICLE 7.** To see if the Town will vote to fix the maximum amount that may be spent during Fiscal Year 2023 beginning on July 1, 2022, for the revolving funds established pursuant to Chapter IV of the Hubbardston General By-Laws for certain departments, boards, committees, agencies or officers as follows, in accordance with Massachusetts General Laws Chapter 44, Section 53E½.

<u>Revolving Fund</u>	<u>Department, Board, Committee or Officer</u>	<u>FY23 Spending Limit</u>
Con Com Fund	Conservation Committee	\$3,000
Temporary Driveway Permit Fund	DPW Director	\$45,000
Hubbardston Special Events Fund	Town Administrator	\$50,000
MART Trans. Manage. Fund	Executive Assistant	\$35,000
Open Burn Pit Fund	Fire Chief	\$11,000
Planning Board Fund	Planning Board	\$10,000
Recycling Fund	Board of Health	\$7,500
Septic Fund	Board of Health	\$20,000
Board of Health Administration Fund	Board of Health	\$25,000
Late Fee Dog License Fund	Town Clerk	\$5,000
Grave Fund	Cemetery Commission	\$10,000

And further to see if the Town will vote to amend Chapter IV Section 6(E) of the Hubbardston General By-Laws for certain departments, boards, committees, agencies or officers as follows, in accordance with Massachusetts General Laws Chapter 44, Section 53E½ by inserting:

<b>Revolving Fund</b>	<b>Authorization by</b>	<b>Revenue Source</b>	<b>Use of Fund</b>	<b>FY 2023 Spending Limit</b>
Plumbing/Gas	Plumbing/Gas Inspector	Plumbing and Gas Permit Fees	Pay inspector for inspection services	\$20,000
Building	Building Inspector	Building Permit Fees	Pay inspector for inspection services	\$40,000
Wiring	Wiring inspector	Electrical Permit Fees	Pay inspector for inspection services	\$20,000

And further, to see if the Town will vote to amend Chapter IV Section 6(E) of the Hubbardston General By-Laws to delete and close the following revolving fund accounts effective June 30, 2022 and to transfer any and all funds in the Revolving Fund Accounts listed below to the General Fund, effective June 30, 2022, at the close of business:

<b>Fund</b>	<b>Authorized By</b>	<b>Balance</b>
Hazmat Fund	Fire Chief	\$0
Hazardous Building Demo Fund	Board of Health, Building Dept.	\$3,900
Public Records	Town Clerk	\$0
Tax Title Collection Fund	Treasurer/Collector	\$0

Or take any actions relative thereto.  
*(Select Board recommends)*  
*(Finance Committee recommends)*

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

<input type="checkbox"/> Yes	<input type="checkbox"/> Pass Over
<input type="checkbox"/> No	<input type="checkbox"/> Motion Amended
<input type="checkbox"/> Unanimous Approved	
<input type="checkbox"/> Unanimous Disapproved	

**MOTION**

I move that the Town fix the maximum amount that may be spent during Fiscal Year 2023 beginning on July 1, 2022, for the revolving funds established pursuant to Chapter IV of the Hubbardston General By-Laws for certain departments, boards, committees, agencies or officers, and amend Chapter IV Section 6 (E) by establishing revolving funds for Plumbing, Gas, and Electrical inspections as per MGL Chapter 44, Section 53E½, and deleting revolving funds for HazMat Fund, Hazardous Building Demolition Fund, Public Records and Tax Title Collection Fund and transferring to the General Fund any available amounts in the designated revolving funds as delineated in Article 7 of the warrant of the Annual Town Meeting held on June 7, 2022 and incorporated by reference herein.

**Explanation**

Part of this is an on-going housekeeping matter. According to law, the Town must approve revolving fund spending limits for each revolving fund established under MGL Chapter 44, Section 53E½.

In addition, old and inactive revolving funds are discontinued, and any amounts remaining are transferred to the General Fund.

Three new revolving funds are established to provide building, electrical, plumbing, and gas inspections. Formerly, these services were provided through an intermunicipal agreement, which expires June 30, 2022 and will not be renewed.

There is no impact on taxes for this article.

**BUDGET ARTICLES**

**ARTICLE 8.** 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 2023 (July 1, 2022 through June 30, 2023) as printed in the attached Appendix A, and to fund the cost items contained in the collective bargaining agreement with the firefighters union for Fiscal Year 2023 included in Appendix A, 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.

<b>PURPOSE</b>	<b>AMOUNT</b>
General Government (100+500+600 Series)	\$818,604.00
Public Safety (200 Series)	\$1,574,727.00
Public Works (400 Series)	\$879,400.00
State and Other Assessments (800 Series)	\$82,073.00
Indirect Costs (900 Series)	\$689,250.00
Debt (700 Series)	\$243,863.00
<b>Total General Fund and Operating Budget</b>	<b>\$4,287,917.00</b>

*Note: The detailed FY23 Operating Budget included in Appendix A is only a guide and non-binding as to the raise and appropriate vote of the category totals shown above and/or as a motion.*

*(Submitted and recommended by the Select Board)*

*(Finance Committee recommends)*

<input type="checkbox"/>	Motion
<input type="checkbox"/>	Second

___	Yes	___	Pass Over
___	No	___	Motion Amended
___	Unanimous Approved		
___	Unanimous Disapproved		

**MOTION**

I move that the Town raise and appropriate from taxation, the sum of **\$4,287,917.00** 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 2023 (July 1, 2022 through June 30, 2023) as printed in the attached Appendix A, and further, to accept and expend Federal and State Funds to offset certain salaries or expenses and outlay.

<b>PURPOSE</b>	<b>AMOUNT</b>
General Government (100+500+600 Series)	\$818,604.00
Public Safety (200 Series)	\$1,574,727.00
Public Works (400 Series)	\$879,400.00
State and Other Assessments (800 Series)	\$82,073.00
Indirect Costs (900 Series)	\$689,250.00
Debt (700 Series)	\$243,863.00
<b>Total General Fund and Operating Budget</b>	<b>\$4,287,917.00</b>

**Explanation**

This article funds the operating expenses of the Town with the exception of the schools, which are presented in the next three articles.

The budget process relies heavily on final numbers from the Commonwealth of Massachusetts and the Quabbin Regional School districts. Neither entity completed their budget process in time for the printing of this warrant; therefore, the numbers shown might change prior to the Annual Town Meeting. Any changes will be clearly highlighted during the Town Meeting presentation and vote.

**ARTICLE 9.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$497,609.00** for the Montachusett Regional Vocational Technical School District assessment for Fiscal Year 2023; or to take any other action relative thereto.

*(Select Board recommends)*

*(Finance Committee recommends)*

<input type="checkbox"/>	Motion
<input type="checkbox"/>	Second

<input type="checkbox"/>	Yes	<input type="checkbox"/>	Pass Over
<input type="checkbox"/>	No	<input type="checkbox"/>	Motion Amended
<input type="checkbox"/>	Unanimous Approved		
<input type="checkbox"/>	Unanimous Disapproved		

**MOTION**

I move that the Town raise and appropriate **\$497,609.00** for the Montachusett Regional Vocational Technical School District assessment for Fiscal Year 2023.

**Explanation**

This article funds the Montachusett Regional Vocational Technical School District. Enrollment of Hubbardston students has declined, resulting in a lowered assessment.

**ARTICLE 10.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$5,241,649.00** to pay its share of the Quabbin Regional School District budget for FY 2023; or take any action relative thereto.

*(Select Board recommends)*

*(Finance Committee recommends)*

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

___ Yes ___ Pass Over
___ No ___ Motion Amended
___ Unanimous Approved
___ Unanimous Disapproved

**MOTION**

I move that the Town raise and appropriate **\$5,241,649.00** to pay the Town of Hubbardston’s share of the Quabbin Regional School District budget for FY 2023.

**Explanation**

The budget process relies heavily on final numbers from the Commonwealth of Massachusetts and the Quabbin Regional School districts. Neither entity completed their budget process in time for the printing of this warrant; therefore, the numbers shown might change prior to the Annual Town Meeting. Any changes will be clearly highlighted during the Town Meeting presentation and vote.

The number printed in this warrant is LOWER than the amount requested by the Quabbin Regional School District School Committee. This means a YES vote to this article is a rejection of the school budget. If two or more towns in the district reject the School Committee budget, the School Committee must reconsider their budget. A rejection would mean the schools operate on a temporary budget until a final budget is approved by the School Committee and four of the five QRSD towns. If the towns cannot compromise on a budget by December, the Commonwealth of Massachusetts will arbitrate a final solution.

**ARTICLE 11.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$28,512.00** to pay its share of the Quabbin Regional School Debt for FY 2023; or take any action relative thereto.

*(Select Board recommends)*

*(Finance Committee recommends)*

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

___ Yes ___ Pass Over
___ No ___ Motion Amended
___ Unanimous Approved
___ Unanimous Disapproved

**MOTION**

I move that the Town raise and appropriate **\$28,512.00** to pay its share of the Quabbin Regional School Debt for FY 2023.

**Explanation**

This article pays for Hubbardston’s portion of regional school debt for a project in Barre. This is the 10<sup>th</sup> payment. There are 4 more to go. Debt retires June 30, 2027.

Interest rate = 3.7%.

QUABBIN RSD DEBT SERVICE				
Estimated Hubbardston Share (based on projected student population of 25%)				
Fiscal Year	Principal	Interest	Total	Hubbardston Estimate 25%
2014	\$ 110,077	\$ 39,152	\$ 149,229	\$ 37,307
2015	\$ 110,000	\$ 36,950	\$ 146,950	\$ 36,738
2016	\$ 110,000	\$ 34,750	\$ 144,750	\$ 36,188
2017	\$ 105,000	\$ 32,550	\$ 137,550	\$ 34,388
2018	\$ 105,000	\$ 30,450	\$ 135,450	\$ 33,863
2019	\$ 105,000	\$ 26,250	\$ 131,250	\$ 32,813
2020	\$ 105,000	\$ 23,100	\$ 131,250	\$ 32,813
2021	\$ 105,000	\$ 19,950	\$ 124,950	\$ 31,238
2022	\$ 105,000	\$ 16,800	\$ 121,800	\$ 30,450
2023	\$ 105,000	\$ 14,700	\$ 119,700	\$ 28,512
2024	\$ 105,000	\$ 12,600	\$ 117,600	\$ 29,400
2025	\$ 105,000	\$ 9,450	\$ 114,450	\$ 28,613
2026	\$ 105,000	\$ 6,300	\$ 111,300	\$ 27,825
2027	\$ 105,000	\$ 3,150	\$ 108,150	\$ 27,038

**ARTICLE 12.** To see if the Town will vote to appropriate the sum of **\$20,000.00** for the salaries, benefits, committee stipends and other operating expenses of the Hubbardston Cable Advisory Committee for Fiscal Year 2023, and to meet said appropriation, that the sum of \$20,000.00 be transferred from the PEG Access and Cable Related Fund; or take any other action relative thereto.  
*(Submitted and recommended by the Select Board)*  
*(Finance Committee recommends)*

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

<input type="checkbox"/> Yes	<input type="checkbox"/> Pass Over
<input type="checkbox"/> No	<input type="checkbox"/> Motion Amended
<input type="checkbox"/> Unanimous Approved	
<input type="checkbox"/> Unanimous Disapproved	

**MOTION**

I move that the Town transfer from the PEG Access and Cable Related Fund **\$20,000.00** for the salaries, benefits, committee stipends and other operating expenses of the Hubbardston Cable Advisory Committee for Fiscal Year 2023.

**Explanation**

This article funds the Cable Advisory Committee through transfers from cable company revenues.

The Town holds a cable franchise agreement with Charter Communications, which is due to expire on November 15, 2026.

There is no impact on taxes for this article.



**ARTICLE 13.** To see if the Town will vote to transfer **\$444,500.00** from Free Cash to pay for the following Fiscal Year 2023 cash capital expenses, including all costs incidental and related thereto, or take any other action relative thereto.

<b>FY2023 Capital Spending Article Table</b>		
	<b>New Obligations</b>	<b>Amount</b>
1	To purchase and equip a mini-excavator for the DPW.	\$50,000
2	To repair roads for the town,	\$100,000
3	To replace a dump truck with plow for the DPW,	\$150,000
4	To purchase a backpack blower for the Cemetery Department	\$500.00
5	To replace basement floors of the library.	\$20,000
6	To repair the library foundation.	\$20,000
7	To purchase and equip a cruiser for the Police Department.	\$71,000
8	To repair the air conditioning for the Police Department.	\$25,000
9	To seal and maintain the existing basketball court at Curtis Field for the Park Commission.	\$8,000
	<b>New Obligations Total</b>	<b>\$444,500</b>

*(Submitted and recommended by the Select Board)*  
*(Capital Improvement Planning Committee recommends)*  
*(Finance Committee recommends)*

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

Yes _____ Pass Over
____ No _____ Motion Amended
____ Unanimous Approved
____ Unanimous Disapproved

**MOTION**

I move that the Town transfer **\$444,500.00** from Free Cash to pay for the Fiscal Year 2023 capital expenses, including all costs incidental and related thereto as delineated in Article 14 of the Warrant of the Annual Town Meeting held on June 7, 2022 and incorporated by reference herein.

**Explanation**

This article conforms to the recommendations of the Capital Planning Committee 5-year plan and addresses the current needs of the town’s departments.

The original Hubbardston Capital Plan (FY23-27) may be seen at this link:  
<https://www.hubbardstonma.us/home/news/capital-improvement-plan-0>

**ARTICLE 14.** To see if the Town will vote to transfer **\$5,000.00** from Free Cash to fund title research for properties where the ownership is unknown and taxes may be due, or take any action relative thereto,

*(Submitted by Town Administrator and Town Treasurer)*

*(Select Board recommends)*

*(Finance Committee recommends)*

<input type="checkbox"/>	Motion
<input type="checkbox"/>	Second

___	Yes	___	Pass Over
___	No	___	Motion Amended
___	Unanimous Approved		
___	Unanimous Disapproved		

**MOTION**

I move that the Town transfer **\$5,000.00** from Free Cash to fund title research for properties where ownership is unknown and taxes may be due.

**Explanation.**

This is a housekeeping matter. There are at least three properties where ownership is unknown and carry a total balance of \$20,500 in past due taxes. Title research will help the Town to get these properties back on the tax rolls.

**ARTICLE 15.** To see if the Town will vote to transfer **\$49,650.00** from Free Cash to pay for the environmental study and implement the remediation of Town-owned property, Assessors Map 03, Lot 57 off Pitcherville Road, or take any other action thereto.

*(Submitted by Town Administrator)*

*(Select Board recommends)*

*(Finance Committee recommends)*

<input type="checkbox"/>	Motion
<input type="checkbox"/>	Second

___	Yes	___	Pass Over
___	No	___	Motion Amended
___	Unanimous Approved		
___	Unanimous Disapproved		

**MOTION**

I move that the Town transfer **\$49,650.00** from Free Cash to pay for the environmental study and implement the remediation of Town-owned property, Assessors Map 03, Lot 57 off Pitcherville Road.

**ARTICLE 16.** To see if the Town will vote to transfer **\$25,000.00** from Free Cash to the General Stabilization Account, and further vote to transfer **\$25,000.00** from Free Cash to the Capital Stabilization Account, or take any other action relative thereto.

*(Submitted by Town Administrator)*

*(Select Board recommends)*

*(Finance Committee recommends)*

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

___ Yes ___ Pass Over
___ No ___ Motion Amended
___ Unanimous Approved
___ Unanimous Disapproved

**MOTION**

I move that the Town transfer **\$25,000.00** from Free Cash to the General Stabilization Account, and further transfer **\$25,000.00** from Free Cash to the Capital Stabilization Account.

**Explanation**

There is no impact on taxes for this article.

Below is a breakdown of Free Cash Expenditures for FY22 and FY23 for informational purposes:

<b>TOWN OF HUBBARDSTON FREE CASH SPENDING PLAN FY 2023 6/7/2023</b>	
<b>Description</b>	<b>Amounts</b>
A. Certified FY22 Free Cash 9/14/2021	\$ 838,739
B. Free Cash Used at STM 10/19/2021	\$ (253,473)
C. Free Cash Available for ATM 6/7/2022	\$ 585,266
E. Free Cash for FY23 Capital (ATM)	\$ (444,500)
E. Free Cash for Tax Title Warrant Article (ATM)	\$ (5,000)
E. Free Cash for environmental study and remediation article (ATM)	\$ (49,650)
F. Free Cash to Transfer to Stabilization	\$ (50,000)
<b>G. Free Cash Available for Other Uses</b>	<b>\$ 36,116</b>

**CPA ARTICLES**

**ARTICLE 17.** To see if the Town will vote to appropriate or reserve from the Community Preservation annual revenue the amounts recommended by the Community Preservation Committee for committee administrative expenses, to set aside from the Community Preservation Fund annual revenue for later spending for historic resources, community housing and open space, for community preservation projects and other expenses in Fiscal Year 2023, with each item to be considered a separate appropriation; or take any other action relative thereto:

Appropriations:

From FY 2023 estimated revenues for Committee Administrative Expenses (5%) **\$6,000.00**

Reserves:

From FY 2023 estimated revenues for Historic Resources (10%)	\$12,000.00
From FY 2023 estimated revenues for Community Housing (10%)	\$12,000.00
From FY 2023 estimated revenues Open Space Reserve (10%)	\$12,000.00
From FY 2023 estimated revenues for Undesignated Reserve (65%)	\$78,000.00

*(Submitted and recommended by Community Preservation Committee)*

*(Select Board recommend)*

*(Finance Committee recommends neither for nor against this article)*

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

<input type="checkbox"/> Yes	<input type="checkbox"/> Pass Over
<input type="checkbox"/> No	<input type="checkbox"/> Motion Amended
<input type="checkbox"/> Unanimous Approved	
<input type="checkbox"/> Unanimous Disapproved	

**MOTION**

I move that the Town appropriate or reserve from the Community Preservation annual revenue the amounts recommended by the Community Preservation Committee for committee administrative expenses, for historic resources, community housing and open space, for community preservation projects and other expenses in Fiscal Year 2023 with each item to be considered a separate appropriation as delineated in Article 18 of the Warrant of the Annual Town Meeting and incorporated herein.

**Explanation**

The CPA Committee should give a report on this project.

This article is required by law and is a housekeeping matter.

CPA articles do not affect taxes.

**ARTICLE 18.** To see if the Town will vote to appropriate and transfer **\$32,520.00** from accrued Community Preservation Act Undesignated Reserve to fund the FY2023 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 by Community Preservation Committee and recommended)*

*(Finance Committee recommends neither for nor against this article)*

*(Select Board recommends)*

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

<input type="checkbox"/> Yes	<input type="checkbox"/> Pass Over
<input type="checkbox"/> No	<input type="checkbox"/> Motion Amended
<input type="checkbox"/> Unanimous Approved	
<input type="checkbox"/> Unanimous Disapproved	

**MOTION**

I move that the Town vote to appropriate and transfer **\$32,520.00** from accrued Community Preservation Act Undesignated Reserve to fund the FY2023 annual debt service obligation for the Rainbow’s End playground improvement project as previously approved under Article 18 of the June 2020 Annual Town Meeting.

**Explanation**

The CPA Committee should give a report on this project.

The voters approved a loan for \$150,000 for the upgrade of Rainbow’s End playground. The loan is for 5 years, and this payment represents the 2nd installment in the scheduled debt service.

Interest rate is 2.1%.

	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Principal	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
Interest	\$3,142	\$2,520	\$1,890	\$1,260	\$630
<b>TOTAL</b>	<b>\$33,142</b>	<b>\$32,250</b>	<b>\$31,890</b>	<b>\$31,260</b>	<b>\$30,630</b>

CPA articles do not affect taxes.

**ARTICLE 19.** To see if the Town will vote to appropriate the sum of **\$20,972.00** from accrued Community Preservation Act Historic Reserve to fund the FY2023 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.

*(Submitted and recommended by Community Preservation Committee)*

*(Finance Committee recommends neither for nor against this article)*

*(Select Board recommends)*

<input type="checkbox"/>	Motion
<input type="checkbox"/>	Second

<input type="checkbox"/>	Yes	<input type="checkbox"/>	Pass Over
<input type="checkbox"/>	No	<input type="checkbox"/>	Motion Amended
<input type="checkbox"/>	Unanimous Approved		
<input type="checkbox"/>	Unanimous Disapproved		

**MOTION**

I move that the Town transfer **\$20,972.00** from accrued Community Preservation Act Historic Reserve to fund the FY2023 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.

**Explanation**

The CPA Committee should give a report on this project.

The voters approved a loan for \$100,000 for the roof replacement of the Hubbardston Public Library. The loan is for 5 years, and this payment represents the 4<sup>th</sup> installment in the scheduled debt service.

Interest rate is 2.43%.

	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Principal	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Interest	\$2,350	\$1,895	\$1,458	\$972	\$486
<b>TOTAL</b>	<b>\$22,350</b>	<b>\$21,895</b>	<b>\$21,458</b>	<b>\$20,972</b>	<b>\$20,486</b>

CPA articles do not affect taxes.

**ARTICLE 20.** To see if the Town will vote to appropriate the sum of **\$25,000.00** from accrued Community Preservation Act Community Housing Reserve to fund the purchase of building materials for the Habitat for Humanity North Central Massachusetts home on Ragged Hill Road in Hubbardston or take any other action relative thereto.

*(Submitted and recommended by Community Preservation Committee)*

*(Finance Committee recommends neither for nor against this article)*

*(Select Board recommends)*

<input type="checkbox"/> Motion
<input type="checkbox"/> Second

___ Yes	___ Pass Over
___ No	___ Motion Amended
___ Unanimous Approved	
___ Unanimous Disapproved	

**MOTION**

I move that the Town appropriate the sum of **\$25,000.00** from accrued Community Preservation Act Community Housing Reserve to fund the purchase of building materials for the Habitat for Humanity North Central Massachusetts home on Ragged Hill Road in Hubbardston.

**Explanation**

The CPA Committee should give a report on this project.

**GENERAL BYLAW**

**ARTICLE 21.** To see if the Town will vote to amend General Bylaw ARTICLE XXIV REGULATION OF DOGS Section 8(b) by deleting the sentence “For the purpose of this provision the penalty to apply in the event of a violation shall be as follows: \$25.00 (twenty-five) dollars for the first offense; Fifty (\$50.00) Dollars for the second offense; One Hundred (\$100.00) for the third offense; and Two Hundred (\$200.00) Dollars for the fourth and any subsequent offense.” And substitute in its place the sentence: “For the purpose of this provision the penalty to apply in the event of a violation shall be as follows: Fifty (\$50.00) Dollars for the first offense; One Hundred (\$100.00) Dollars for the second offense; Three Hundred (\$300.00) for the third offense; and Five Hundred (\$500.00) Dollars for the fourth and any subsequent offense as per the provisions of MGL Chapter 140 Section 173A.”

*(Submitted by Town Clerk)*

*(Select Board recommends)*

<input type="checkbox"/>	Motion
<input type="checkbox"/>	Second

___	Yes	___	Pass Over
___	No	___	Motion Amended
___	Unanimous Approved		
___	Unanimous Disapproved		

**MOTION**

I move that the Town amend ARTICLE XXIV REGULATION OF DOGS Section 8 (b) as delineated in Article 21 of the Annual Town Meeting warrant held on June 7, 2022 and incorporated by reference herein.

**Explanation:** This is a housekeeping issue. The state law was amended to increase the penalties for violating dog licensing, and the Town’s bylaw needs to match.

A copy of MGL Chapter 140, Section 173A is presented here for comparison.

Section 173A. Whenever a complaint is sought in a district court for a violation of an ordinance or by-law, made under the provisions of section one hundred and seventy-three, the clerk shall send a written notice to the person complained against stating that such a complaint has been sought and will issue unless such person appears before such clerk and confesses the offense either personally or through an agent duly authorized in writing, or by mailing to such clerk, with the notice the fine provided herein. The fine for the first offense committed by a person shall be \$50. The fine for a second offense shall be \$100. The fine for a third offense shall be \$300. For a fourth or subsequent offense, the fine shall be \$500 and the municipality may order the animal spayed or neutered. Payment shall be made only by money order or check. Notwithstanding the foregoing procedure and schedule of fines, but subject to all other provisions of this section, a city or town may, by ordinance or by-law, provide for an alternative procedure and a different schedule of fines; provided, however, that the fines shall not be lower than those stated in this section. Notwithstanding this section, a municipality may seek a remedy under section 157 for a nuisance dog.

Proceedings under this section shall not be deemed criminal; and no person notified to appear before the clerk of a district court as provided herein shall be required to report to any probation officer, and no record of the case shall be entered in the probation records.

If a person notified to appear, as hereinbefore provided, fails to appear or pay the fine within twenty-one days of the sending of the notice, or having appeared, does not desire to avail himself of the procedure established by this section, the clerk shall issue the complaint and the procedure established for criminal cases shall be followed.

If any person fails to appear in accordance with the summons issued upon such complaint, the clerk of the court shall send such person, by registered mail, return receipt requested, a notice that the complaint is pending and that, if the person fails to appear within twenty-one days from the sending of such notice, a warrant for his arrest will be issued.

**ZONING ARTICLES**

**ARTICLE 22.** To see if the Town will vote to amend Article 2 Definitions (including adding new definition for “Accessory Dwelling Unit”) and Article 4 Use Regulations of the Zoning Bylaws by adding language (Underlined) and deleting language (~~Crossed Through~~) and including a new Zoning Bylaw, Article 24, Accessory Dwelling Units, as follows:

**ARTICLE 2 DEFINITIONS**

1.1 Accessory Building or Structure.

An accessory building structure is one which is subordinate or incidental to the main building structure on a lot. The term “accessory building or structure” when used in connection with a farm shall include all buildings or structures customarily used for farm purposes and without limitations in size. Additional restrictions apply to Accessory Dwelling Units as provided in Section 2.37<sup>1</sup>

## 1.2 Accessory Use.

A use related, but clearly incidental and subordinate to the permitted principal use of the premises, which can take place within the principal structure or building on a single lot or parcel of land, or in an accessory structure or building, either attached or detached to the principal structure on the lot, including but not limited to a home occupation on a lot containing a single-family dwelling, or a subordinate use on a non-residential lot. The principal use shall not be subordinated by an accessory use, or accessory uses in the aggregate. Additional restrictions apply to Accessory Dwelling Units (see Sections 2.37 and Article 24 of the Zoning Bylaws.)<sup>2</sup>

## ~~2.13 Housekeeping Unit.~~

~~Any room or suite of rooms forming a habitable unit for one family with its own cooking and food storage equipment, its own bathing and toilet facilities and its own living, sleeping and eating areas wholly within such room or suite of rooms.~~

## ~~2.37 In-Law Apartment.~~

~~A group of rooms in an owner-occupied single-family residence, with its own kitchen and bathroom facilities, used as a separate apartment for a limited number of people (not to exceed four) related to the owner occupants, such as in-laws, elderly relatives, or grown children.~~

## 2.37 Accessory Dwelling Unit<sup>3</sup>

A group of rooms located within or attached to an owner-occupied single-family residence, or above a garage of a single-family residence, consisting of a kitchen, bathroom, and bedroom(s), which are used as a separate apartment for a limited number of occupants. Occupants may include relatives, dependents and guests of owners; caregivers, nannies and other service providers to owners or tenants. See Article \_\_\_ Accessory Dwelling Units, for terms and conditions applicable to Accessory Dwelling Units.

## ~~2.38 Accessory Apartment~~

~~A group of rooms in an owner-occupied residence, with its own bathroom and kitchen facilities, used as a separate apartment, created from existing space in the residential structure, which place has been part of the structure for the life of the structure or for at least five years, and built in such a way that exterior alterations do not alter the single-family appearance of the structure, with sufficient additional on-site parking space to serve the needs of the inhabitants of the apartment.~~

# ARTICLE 4 USE REGULATION

## 4.1 Uses Permitted By Right in Residential Districts

O. ~~In-Law Apartment~~ 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.

<sup>1</sup> Amended 6/7/2022

<sup>2</sup> Amended 6/7/2022

<sup>3</sup> Amended 6/7/2022



4.2 Uses Permitted by Special Permit in Residential Districts.

1. ~~Accessory Apartment~~ 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.

4.3 Uses Permitted By Right in the Town Center District

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.

4.4 Uses Permitted By Special Permit in Town Center District.

c. 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.

ARTICLE 24 ACCESSORY DWELLING UNITS<sup>4</sup>

The following terms and conditions apply to Accessory Dwelling Units, as defined in Section 2.37.

A. Location, types, and when Special Permit required.

1. Accessory Dwelling Units are allowed either by-right or by special permit in all zoning districts.
2. Accessory Dwelling Units are allowed only as part of an owner-occupied single-family residence, and title to an Accessory Dwelling Unit and the owner-occupied residence cannot be separated.
3. Only one Accessory Dwelling Unit is allowed per single-family residence.
4. An Accessory Dwelling Unit can be: \_\_\_\_\_
  - a. Located entirely within the walls of an existing single-family residence,
  - b. Added as an addition to a single-family residence,
  - c. Located partially within the single-family residence and partially in an addition to the single-family residence,
  - d. Built as part of a new single-family residence, or
  - e. Located above the garage of an owner-occupied single-family residence.
5. An Accessory Dwelling Unit can be added by right to a single-family residence, if the single-family residence and the lot on which the owner-occupied single-family house is located and the Accessory Dwelling Unit conform to the dimensional regulations contained in Article 5, Section 5.1 and other applicable zoning by-laws.

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<sup>4</sup> Article added 6/7/22.

6. A Special Permit is required to build an Accessory Dwelling Unit on a lot that does not conform to the dimensional regulations contained in Article 5, Section 5.1, and to build or add an Accessory Dwelling Unit above a garage that is detached from the single-family house. The addition of an Accessory Dwelling Unit may not make the house lot more non-conforming than was prior to the addition.

B. Size and Occupancy Restrictions.

1. The living area of an Accessory Dwelling Unit can be no larger than 50% of the living area contained the single-family residence to which it is attached, or 1000 square feet, whichever is less.
2. An Accessory Dwelling Unit may have no more than two (2) bedrooms.
3. An Accessory Dwelling Unit cannot be occupied by more than four people.
4. The owner of the single-family residence must reside in either the single-family residence or in the Accessory Dwelling Unit for at least five (5) months per year.

C. Architectural and Aesthetic Requirements.

1. Accessory Dwelling Units must be constructed in such a way that the entire structure maintains the appearance of a Single-Family Residence.
2. Accessory Dwelling Unit additions must be attached to the owner-occupied single-family residence through a common wall. A “breeze-way” connection is insufficient.
3. Exterior stairways to second floor Accessory Dwelling Units must be located on the side or back of the structure.

D. Parking, Driveway, and Septic Requirements.

1. The owner-occupied single-family residence and Accessory Dwelling Unit must be served by the same driveway.
2. Two (2) additional designated off-street parking spaces must be provided for the Accessory Dwelling Unit and cannot be located in the front yard setback and must be located so as not to block emergency vehicle access along the driveway.
3. The septic system must be correctly sized to serve both the single-family house and the Accessory Dwelling Unit, and existing or revised septic plan must be approved by the Board of Health prior to the issuance of building permit.

Or take any action relative thereto.

*(Submitted by Planning Board; recommended)*

*(2/3 Vote Required)*

<input type="checkbox"/>	Motion
<input type="checkbox"/>	Second

___ Yes	___ Pass Over
___ No	___ Motion Amended
___ Unanimous Approved	
___ Unanimous Disapproved	

**MOTION**

**The Planning Board is required to report on this Article as per MGL Chapter 40A, Section 5.**

**The Planning Board public hearing = 2/24/22.**

I move that the Town amend the zoning bylaws as delineated in Article 23 of the Annual Town Meeting held on June 7, 2022 and incorporated by reference herein.

**ARTICLE 23.** To see if the Town will vote to amend the Zoning Bylaws relating to solar installations by adding Article 23 as follows:

**Article 23  
Grid-Scale Battery Energy Storage Systems (GS-BESS)**

**SECTION**

- (1) Purpose**
- (2) Definitions**
- (3) Applicability**
- (4) General Requirements**
- (5) Zoning and Special Permit Provisions Applicable to GS-BESS**
- (6) Permitting Requirements**
- (7) Design Standards**
- (8) Decommissioning**
- (9) Safety Standards**
- (10) Emergency Operation Plan**
- (11) Ownership Changes**
- (12) Abandonment**
- (13) Enforcement**
- (14) Severability**
- (15) Financial Surety**
- (16) Certificate to Generate**
- (17) Annual Reporting Requirement**

**1. Purpose**

This Zoning Bylaw is adopted under MGL Chapter 40A and applies only to Tier 2 Grid-Scale Battery Energy Storage Systems (GS-BESS) connected to the public utility grid for use in supplementing the public energy supply. All other GS-BESS are not permitted in Hubbardston. Its purpose is to advance and protect the public health, safety, welfare, and quality of life of the Town of Hubbardston by creating zoning regulations for the installation and use of GS-BESS with the following objectives:

- a. To designate properties suitable for the location, construction and operation of GS-BESS;
- b. To ensure compatible land uses in the vicinity of the areas affected by GS-BESS;
- c. To mitigate the impacts of GS-BESS on environmental resources, other protected resources, and private property; and

- d. To create synergy between GS-BESS development and the August 2018 Commonwealth of Massachusetts Act to Advance Clean Energy that established the Clean Peak Standard Energy Storage System.

## **2. Definitions:**

The definitions below are specific to the requirements of this section and are intended to supplement the standard definitions of the Zoning Bylaws, Article 2.

**ABANDONMENT:** A battery energy storage system shall be deemed to be abandoned if:

- a. It is not continuously used for a period of six (6) months or more.
- b. If ownership change notifications are not properly or timely filed pursuant to Section 8E.
- c. The Building Commissioner determines that insufficient or incomplete maintenance, upkeep, monitoring or reporting has occurred which may create a public hazard or nuisance.

**ANSI:** American National Standards Institute.

**BATTERY(IES):** A single cell or a group of cells connected electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically.

**BATTERY ENERGY STORAGE MANAGEMENT SYSTEM:** A system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

**BATTERY ENERGY STORAGE SYSTEM:** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time. Battery Energy Storage Systems are classified as Tier 1 non-Grid-Scale, or Tier 2 Grid-Scale. This bylaw applies only to Tier 2 Grid-Scale Battery Energy Storage Systems (GS-BESS).

**TIER 2 GRID-SCALE BATTERY ENERGY STORAGE SYSTEMS (GS-BESS):** Battery energy storage systems that have an aggregate energy capacity greater than 600kWh, or are comprised of more than one storage battery technology, in room or enclosed area. GS-BESS are located on Participating Property and enable power system operators and utilities to store energy for later use.

**BUILDING PERMIT:** A construction permit issued by the Building Inspector; evidencing that the proposed project is consistent with state and federal building codes and the Town's Zoning Bylaws (including provisions governing GS-BESS) <sup>1</sup>.

**CELL:** The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

**COMMISSIONING:** A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

**DEDICATED-USE BUILDING:** A building built to contain a GS-BESS and other related equipment, classified as Group F-1 occupancy as defined in the International Building Code, and that complies with the following:

- 1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.

2) No other occupancy types are permitted in the building.

3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.

4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage systems, provided the following: a. the areas do not occupy more than ten [10] percent of the building area of the story in which they are located. b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

**LARGE SCALE SOLAR PHOTOVOLTAIC INSTALLATION:** As defined in Article 20 “Use of Large-Scale Solar Photovoltaic Installations of these Zoning Bylaws.”

**MEC: Massachusetts Electrical Code:** as contained in 527 CMR 12.

**NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL):** A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.<sup>5</sup>

**NEC:** National Electric Code- NFPA 70 (2020) Article 480, “Storage Batteries” and Article 706 “Energy Storage Systems”.

**NFPA:** National Fire Protection Association, NFPA 1-2018, Chapter 52. <sup>1</sup>

**OPERATOR:** The Operator of the facility shall be the entity who is responsible for adherence to the Operations Plan, the Emergency Operations Plan, compliance with regulations. Permits, and utility company requirements, and be responsible for day to day functions at the facility. The Operator may simultaneously be the Owner of the property or a separate entity.

**OWNER:** When referenced in this bylaw, the Owner shall be the fee-interest owner of the real property upon which the facility is built and operated. The Owner may simultaneously be the Owner of the property and the Operator.

**PARTICIPATING PROPERTY:** The parcel of land on which a GS-BESS system is located, or proposed to be located, that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the GS-BESS owner (or Operator) regardless of whether any part of a battery energy storage system is constructed on the property. <sup>1</sup>

**SITE PLAN REVIEW:** review by the Site Plan Review Authority to determine conformance with Article 09 “Site Plan Approval” of these Zoning Bylaws.

**SITE PLAN REVIEW AUTHORITY:** For purposes of this bylaw, Site Plan Review Authority refers to the Hubbardston Planning Board.

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<sup>5</sup> References to non-zoning regulations, codes and similar requirements (Building Code, National Electric Code, NFPA, etc.) are intended to include the latest version of such requirement, as applicable to the proposal, as in effect on the date of submittal of the application for a permit.

**SPECIAL PERMIT:** The document issued after review by the Special Permit Granting Authority determining that the proposed use conforms with Article 7 -Special Permit and Article 8 Environmental and Community Impact of these Zoning Bylaws, and stating the terms and conditions by which the proposed use is allowed.

**SPECIAL PERMIT REVIEW AUTHORITY:** For purposes of this bylaw, Special Permit Review Authority refers to the Hubbardston Planning Board.

**UL:** Abbreviation for Underwriters Laboratory, a bureau of the National Board of Fire Underwriters. <sup>1</sup>

**Uniform Code:** the Massachusetts Comprehensive Fire Safety Code, Fire Prevention and Building Code (527 CMR 1.00) and the Massachusetts Electrical Code (527 CMR 12.00). <sup>1</sup>

**ZONING ENFORCEMENT AUTHORITY:** The person or board charged with enforcing the zoning bylaws of the Town of Hubbardston.

### **3. Applicability.**

- a. This by-law applies to all GS-BESS as defined above, which are permitted, installed, or modified in the Town of Hubbardston after the effective date of this by-law, excluding general maintenance and repair.
- b. Modifications to, retrofits or replacements of an existing GS-BESS that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this by-law.

### **4. General Requirements.**

- a. A building permit and an electrical permit are required prior to the installation of a GS-BESS.
- b. All GS-BESS, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a GS-BESS and (2) are subject the Uniform Code and/or the Energy Code, shall be designed, erected, and installed in accordance with these Codes, and with regulations and industry standards referenced in these Codes, and with the Town of Hubbardston Zoning by-laws.

### **5. Zoning and Special Permit Provisions Applicable to GS-BESS.**

- a. **Zoning District.** GS-BESS are an allowed use only in the Commercial Zoning District, or within Large-Scale Solar Photovoltaic Installations.
- b. **Lot Size and Frontage.** The minimum lot size and frontage requirement for the Commercial Zoning District apply to GS-BESS (80,000 square feet of land and 200 feet on public way, unless GS-BESS is located within a solar installation.
- c. **Special Permit and Site Plan Review.** A Special Permit and Site Plan Review is required to install a GS-BESS on a Participating Property; but if the GS-BESS is being installed as part of a new Large-Scale Solar Photovoltaic Installation, only one Special Permit is required for both installations. The Special Permit and Site Plan review processes may be conducted concurrently if the application is submitted in that manner.
- d. **Utility Access.** GS-BESS can only be located in areas with suitable utility-approved interconnections.
- e. **Participating Property.** GS-BESS can only be sited on a Participating Property.

- f. **Dedicated Use Building(s).** GS-BESS can only be located within Dedicated Use Building(s). Multiple Dedicated Use Buildings can be located on a Participating Property, if approved by Special Permit.
- g. **Other Building(s) on Participating Property.** In some circumstances, commercial use buildings, in addition to Dedicated Use Building(s), may be permitted on a Participating Property, if the commercial use is compatible with GS-BESS and approved by the Special Permit.
- h. **BESS Size Limit.** A GS-BESS facility in Hubbardston cannot exceed **10 MW** and land may not be subdivided into additional Participating Properties to exceed this limit.
- i. **Minimum Setbacks for Dedicated Use Building, Clearing and Fencing.** Minimum setbacks for a GS-BESS Dedicated Use Building are as follows:
  - 1. Front yard: 200 feet from road
  - 2. Side and rear yards: 75 feet from neighboring property lines.
  - 3. Cleared area and fencing as required in Sections 6D and 6E below may not be located in the standard Commercial Zoning District setbacks (front yard 100 feet, side and rear yards 30 feet).
- j. **Minimum Setbacks for Other Buildings on Participating Property.** Minimum setbacks for the Commercial Zoning District shall apply for other buildings on Participating Property, if the buildings are allowed under the Special Permit.
- k. **Height.** GS-BESS shall comply with the building height limitations for principal structures of the underlying zoning district.
- l. **Zoning Exemptions or Variances:** If exemptions or variances to the Zoning Bylaws are required to permit the proposed facility, the applicant must first obtain such permissions prior to making an application under the requirements of this bylaw.

## **6. Permitting Requirements**

**A. Applicable provisions.** GS-BESS siting, construction, regulation, development, generating and distribution are regulated by the Hubbardston Planning Board through the following Articles of the zoning bylaws:

- 1. Article 7-Special Permits
- 2. Article 8-Environmental and Community Impact Analysis
- 3. Article 9-Site Plan Approval

**B. Additional Requirements for Site Plan Review.** Any site plan application shall include the information required by the Articles listed above, and shall include the following information:

- 1. Property lines and physical features, including roads, easements, both existing and proposed, for the project site, as prepared by a Professional Land Surveyor.
- 2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting,
- 3. Exterior lighting, with related photometric plan and screening vegetation or structures.
- 4. A one or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code compliant disconnects, overcurrent devices, short circuit current ratings and amperage interrupting capacity ratings.

5. Evidence from the Public Utility indicating suitable utility-approved interconnections are available.
6. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
7. Name, address, and contact information of proposed or potential system installer and both the Owner and Operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
8. Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
9. Fire Safety Compliance Plan. Such a plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Town of Hubbardston by-laws and the requirements of 527 CMR 1.00.
10. Operation and Maintenance Manual. Such a plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information. The manual shall indicate and identify testing, maintenance activities and the schedule for each activity based on a full year's schedule.
11. Erosion and sediment control and stormwater management plans prepared to Massachusetts Department of Environmental Protection standards, if applicable, and to such standards as may be established by the Planning Board.
12. A Noise Analysis that includes documentation by an acoustical engineer of the noise levels projected to be generated by both the installation and operations of the facilities as required in Section 7(E).
13. Prior to the issuance of the building permit or final approval by the Planning Board, but not required as part of the application, engineering documents (as defined by 250 CMR) must be signed and certified by a Massachusetts Licensed Professional Engineer.
14. The Planning Board's GS-BESS application fee is as per latest fee schedule issued by the Planning Board, which includes the fees for the Special Permit and Site Plan Review applications. All engineering fees, legal fees, publication fees, etc. incurred by the Planning Board during the application process and the Site Plan Review, are paid by the applicant, as estimated in advance, and are in addition to the application fee.

**C. Siting Requirements:** GS-BESS facilities shall not be in areas that are subject to flooding or inundation as described in Article 13 of these zoning bylaws, or within "Resources Areas" regulated by the Wetlands Protection Act (310 CMR 10.0) or within Massachusetts Department of Conservation and Recreation (DCR) "Primary Protection Zone", as described in the Watershed Protection Act (313 CMR 11.0)

**7. Design Standards.** The following design standards apply to GS-BESS installations.

**A. Utility Lines and Electrical Circuitry.** All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.



## **B. Signage.**

1. Signage shall comply with ANSI Z535, and the Hubbardston Zoning Sign Bylaw, and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number. Emergency notification signs shall be clearly posted.
2. As required by the MEC, NFPA 70 (2020) Article 705.10 and Article 712.10, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

**C. Lighting.** Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties. Continuously “on” lights used for operational status or other indicators shall be shielded from view of the street or any abutter’s property. All lighting shall comply with International Dark Sky Standards FSA Certification Requirements.

**D. Vegetation and Tree-cutting.** Areas within 20 feet on each side of the GS-BESS shall be cleared of combustible vegetation and other combustible growth, unless a greater distance is required by the Fire Department, or applicable code or regulation. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt, provided they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

**E. Fencing Requirements.** GS-BESS, including all mechanical equipment shall be within an enclosed structure which shall be shielded by a 7-foot-high fence with gates installed that are to be self-locking and self-latching to prevent unauthorized access and not interfering with ventilation or exhaust ports. In addition, each gate shall have an Emergency Access System Knox padlock or box at each gate, in the location as directed by the Fire Department, and access is to be maintained for easy opening by Fire and Rescue personnel.

**F. Screening and Visibility.** Views of GS-BESS from adjacent properties shall be minimized to the extent reasonably practicable, using architectural features, earth berms, landscaping, fencing, or other screening methods that will harmonize with the character of the property and surrounding area and not interfere with ventilation or exhaust ports. The suitability of the screening method shall be determined by the Planning Board.

## **G. Noise.**

1. Noise generated by battery storage energy systems and associated equipment such as air conditioners, cooling fans, inverters, and other machinery shall conform at a minimum to applicable state and local noise regulations, including the DEP’s Division of Air Quality noise regulations, (310 CMR 7.10).
2. Noise reduction shall be considered and incorporated as needed during the design phase of the installation including the location of the noise generator, shielding, noise cancellation, filtering, and noise suppression.
3. Applicants may submit equipment and component manufacturers’ noise ratings to demonstrate compliance. Any noise assessment for multiple components shall be assessed on

the cumulative impact of the multiple components. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

## **8. Decommissioning.**

**A. Decommissioning Plan.** The applicant shall submit a decommissioning plan to be implemented upon discontinuance, abandonment and/or in conjunction with removal of the GS-BESS facility. The decommissioning plan shall include:

1. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all GS-BESS components, structures, equipment, security barriers, and transmission lines from the site;
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
3. The anticipated life of the GS-BESS system;
4. The estimated decommissioning costs and how said estimate was determined;
5. The method of ensuring that funds will be available for decommissioning and restoration;
6. The method by which the decommissioning cost will be kept current;
7. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the GS-BESS, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed;
8. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event; and
9. The timelines needed to discontinue, de-energize, decommission and dis-assemble and remove all Battery Energy Storage System components and stabilize/replant surfaces if required shall be provided.

**B. Decommissioning Fund.** The Owner and/or Operator of the GS-BESS shall continuously maintain a fund or bond as described in Section 15. Financial Surety payable to The Town of Hubbardston, in a form approved by The Town of Hubbardston for the removal of the battery energy storage system, in an amount to be determined by The Town of Hubbardston, for the period of the life of the GS-BESS facility. All costs of the financial security shall be borne by the applicant.

**C. Decommissioning Inspection.** An inspection of the completed decommissioned area shall be reviewed by a Planning Board appointed engineer before the Board approves the decommissioning work in accordance with the Decommissioning Plan. The Owner and/or Operator shall pay for the cost of this review with such payment being provided by the Owner and/or Operator prior to the engineer undertaking said review.

**D. Decommissioning as a Result of Abandonment.** As a condition of the Special Permit, the Applicant shall provide the Town of Hubbardston Planning Board a document which will allow the Town to enter onto the property to decommission the system, if conditions of abandonment of the system occur as defined in Section 2, and/or if the conditions are not completely remedied by the Owner and/or Operator in the timeline approved above pursuant to section 8., A., 9. Such a document shall be filed at the Registry of Deeds, prior to the issuance of the Certificate to Generate for the system(s), as outlined in Section 16, Certificate to Generate. See also the requirements of this Bylaw, Section 15, Financial Security.

## **9. Safety Standards**

**A. System Certification Requirement.** All GS-BESS and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540<sup>1</sup> (Standard for battery energy storage systems and equipment) with subcomponents meeting each of the following standards as applicable:

1. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications);
2. UL 1642 (Standard for Lithium Batteries);
3. UL 1741 or UL 62109 (Inverters and Power Converters); and
4. Applicable electrical, building, and fire prevention codes as required.

A Field Evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.

**B. Site Access.** GS-BESS shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained and secured in accordance with Section 7(E) including snow removal at a level acceptable to the local fire department.

**C. Clearances and Enclosures.** GS-BESS, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70 and MEC.

## **10. Emergency Operations Plan (EOP).**

**A. Submission Requirement.** The applicant shall provide a copy of the GS-BESS Emergency Operations Plan (EOP) to the Hubbardston Fire and Police Departments and Building Commissioner upon filing of the Special Permit Application.

**B. Review Process.** The Planning Board reserves the right to require additional consultation with other town, regional or state agencies after the date of submission of the application and EOP, if it believes such consultation is needed. The Applicant will be responsible for providing the required materials to the designated parties as a part of the overall permit process.

**C. Approval Process.** The Planning Board shall approve the EOP after consultation with Public Safety officials, as part of the issuance of the GS-BESS Special Permit. The approved copy shall

also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders.

**D. EOP CONTENTS.** The EOP shall include the following information:

1. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions;
2. Procedures for inspection and testing of associated alarms, interlocks, and controls;
3. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure;
4. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire;
5. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required;
6. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility;
7. Other procedures as determined necessary by The Town of Hubbardston to provide for the safety of occupants, neighboring properties, and emergency responders; and
8. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

## **11. Ownership Changes.**

**A. Effect on Special Permit.** If the Owner and/or Operator of the GS-BESS changes or the Owner of the Participating Property changes, the Special Permit shall remain in effect, provided that the successor Owner and/or Operator of the GS-BESS assumes in writing all of the obligations of the Special Permit, Site Plan, surety requirement and decommissioning plan.

**B. Notification Requirement.** A new Owner and/or Operator of the GS-BESS shall notify the Zoning Enforcement Officer in writing of such change in Owner and/or Operator within [30] days of the change.

**C. Penalty for Failure to Provide Notice.** The Special Permit and all other local approvals for the GS-BESS will become void if a new Owner and/or Operator fails to provide written notification to the Zoning Enforcement Officer in the required timeframe. Reinstatement of a voided Special Permit will be subject to the same review and approval processes for new applications under these zoning bylaws.

## **12. Abandonment.**

**A. Result of Abandonment.** If the GS-BESS is abandoned (as defined Section 2), the Town of Hubbardston may, at its discretion, enter the property and utilize the available security (as required in Section 15) for the removal of the GS-BESS and restoration of the site in accordance with the decommissioning plan.

**B. Extension for Good Cause.** The Planning Board may allow an additional six-month period for the GS-BESS to not be considered abandoned, upon written request of the Owner and/or Operator, based upon a good cause determination by the Board to grant such an extension.

## **13. Enforcement.**

Any violation of this GS-BESS zoning bylaw shall be subject to enforcement, including the imposition of civil and criminal penalties and fees, as provided in Section 4.14 of these zoning bylaws.

## **14. Severability.**

Should any provision of this bylaw be determined to be void, invalid, unenforceable or illegal for whatever reason, such provision(s) shall be null and void; provided, however, that the remaining provisions of this bylaw shall be unaffected thereby and shall continue to be valid and enforceable

## **15. Financial Surety.**

**A. Surety Requirement.** Owners and/or Operators of GS-BESS 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 one hundred twenty-five (125%) percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and reviewed and approved by the Planning Board. If surety is provided in the form of a certified bank check, the Owner and/or Operator shall periodically update said surety to remain current.

**B. Payment of Surety.** This surety will be due and payable prior to 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 before the permits are issued. Such surety will not be required for municipal or state-owned facilities.

**C. Removal Cost Estimate and Access.** 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.

## **16. Certificate to Generate**

**A. Issuance and Recording.** No GS-BESS facility may operate until all conditions of the issued Special 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 a document which will allow the Town to enter onto the property to decommission the system is created. Both are to be recorded in the Worcester Registry of Deeds. The Certificate to Generate shall not be considered issued until proof of filing at the Registry of Deeds has been provided to the Planning Board.

### **B. Grounds for Revocation, Alteration or Suspension.**

The Hubbardston Planning Board may, after a public hearing, revoke, alter, or suspend the “Certificate to Generate” on any of the following grounds:

1. For failure to pay license fees;
2. For failure to comply with the MA state laws regarding the operation of the GS-BESS facility;
3. Failure to comply with the requirements of the Special Permit and/or Site Plan permit issued under these regulations.
4. For failure to provide timely and complete annual reports as outlined under the Reporting Requirements section;
5. Failure to pay all filing, use and administrative fees, including all review fees for the use by the Board of outside consultants, legal services and related costs incurred by the Planning Board for design review, construction review, required inspection and related costs;
1. Failure by the property Owner or Operator to regularly pay all property, excise or other taxes and fees imposed by the Town of Hubbardston; or
2. Failure to comply with applicable requirements for the operation and maintenance as required by the applicable utility company.

## **17. Annual Reporting Requirement.**

In addition to the requirements of 11, above, the following shall also apply:

**A. Annual Report Contents.** Once per year, the Owner or Operator of the GS-BESS installation must provide a report to the Planning Board with the following information:

1. total amount of electricity acquired, stored and distributed during the past calendar year;
2. major maintenance performed;
3. planned or actual major system modifications;
4. change of ownership; and
5. changes to bond amounts.

The annual report must also include a professional safety inspection that is signed and certified by a Massachusetts Licensed Professional Engineer.

**B. Filing Requirement.** Reports are due to the Hubbardston Planning Board by the last day of January of each calendar year.

**C. Penalty for Failure to File.** Failure to provide a timely annual report will prompt the Hubbardston Planning Board to invoke a public hearing on the GS-BESS operation that fails to provide a report. The purpose of the public hearing is to gather the required reporting information, and review if cause exists to revoke the Certificate to Generate. Costs incurred to publish and advertise the public hearing are borne by the Owner of the GS-BESS. Energy Storage System installation.

Or take any actions relative thereto.

*(Planning Board recommends)*

*(2/3 Vote Required)*

<input type="checkbox"/>	Motion
<input type="checkbox"/>	Second

<input type="checkbox"/>	Yes	<input type="checkbox"/>	Pass Over
<input type="checkbox"/>	No	<input type="checkbox"/>	Motion Amended
<input type="checkbox"/>	Unanimous Approved		
<input type="checkbox"/>	Unanimous Disapproved		

**MOTION**

**The Planning Board is required to report on this Article as per MGL Chapter 40A, Section 5.**


**The Planning Board public hearing was held on 3/3/22.**

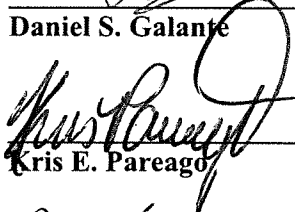
I move that the Town amend the zoning bylaws as delineated in Article 24 of the warrant of the Annual Town Meeting held on June 7, 2022 and incorporated by reference herein.

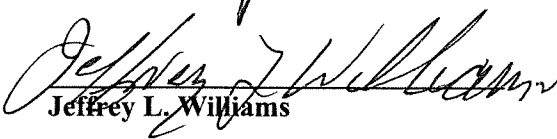
You are hereby directed to serve this warrant by posting attested copies thereof at the Place of Meeting, Hubbardston Center School, Hubbardston One Stop Shop convenience store, the Town Office and the Post Office fourteen days, at least, before the day of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of meeting as aforementioned.

Given under our hands this 23<sup>rd</sup> day of May, 2022:

**SELECT BOARD of HUBBARDSTON**

  
 \_\_\_\_\_  
 Daniel S. Galante

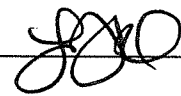
  
 \_\_\_\_\_  
 Kris E. Pareago

  
 \_\_\_\_\_  
 Jeffrey L. Williams

\_\_\_\_\_  
 Heather M. Munroe

  
 \_\_\_\_\_  
 Kathryn V. Young

A true copy, Attest:

  
 \_\_\_\_\_  
 Laurie J. Reed, Town Clerk

Date of Posting: May 24, 2022

Method: \_\_\_\_\_

By: \_\_\_\_\_, Constable