



**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HUBBARDSTON**

Annual Town Meeting
Tuesday June 4, 2024 at 7 pm
Hubbardston Center School

WORKING DRAFT

**DOCUMENT HAS NOT YET BEEN APPROVED OR REVIEWED BY LEGAL COUNSEL
FOR DISCUSSION PURPOSES ONLY**

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 4, 2024 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.

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, 2024; or take any other action relative thereto.

ARTICLE 4.

To see if the Town will vote to accept educational grants and aid for Fiscal Year 2025, 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.

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 2025, to be used for the purposes specified in the trust fund settlement; or take any other action relative thereto.

ARTICLE 6.

To see if the Town will vote to fix the maximum amount that may be spent during Fiscal Year 2025 beginning on July 1, 2024, 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.

<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

BUDGET ARTICLES

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 2025 (July 1, 2024 through June 30, 2025) 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	\$677,923
Public Safety	\$155,2762
Public Works	\$905,481
Human Services	\$31,454
Culture and Rec	\$92,544
Debt	\$146,862
Indirect Costs	\$943,442
TOTAL	\$4,350,469

Note: The detailed FY25 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.

ARTICLE 8.

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$357,138 for the Montachusett Regional Vocational Technical School District assessment for Fiscal year 2025; or to take any other action relative thereto.

ARTICLE 9.

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$6,343,869 to pay its share of the Quabbin Regional School District budget for FY 2025; or take any action relative thereto.

ARTICLE 10.

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$56,318 to pay its share of the Quabbin Regional School Debt for FY 2025; or take any action relative thereto.

ARTICLE 11.

To see if the Town will vote to appropriate the sum of \$30,000 for the salaries, benefits, committee stipends and other operating expenses of the Hubbardston Cable Advisory Committee for Fiscal Year 2025, and to meet said appropriation, that the sum of \$30,000 be transferred from the PEG Access and Cable Related Fund; or take any other action relative thereto.

ARTICLE 12.

To see if the Town will vote to transfer the sum of \$271,235 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.

Department	New Obligation	Amount
DPW	Gasboy Fuel Pump	\$13,235
DPW	Additional Road Repair (Annual)	\$100,000
Library	Heat Pump Grant Match	\$12,000
DPW	John Deere Z920M Mower	\$9,000
Town Clerk	Vault Organization and Management	\$10,000
Police	Police Cruiser (cycle)	\$87,000
Town Administration	Town Office IT Replacements (Annual)	\$20,000
Fire	SCBA Replacement	\$20,000

ARTICLE 13.

To see if the Town will vote to appropriate \$15,000 from Free Cash to fund an overnight on-call stipend program for the Hubbardston Fire Department's ambulance service or take any other action in relation thereto.

ARTICLE 14.

To see if the Town will vote to transfer the sum of \$75,000.00 from Free Cash to the General Stabilization Account, or take any other action relative thereto.

ARTICLE 15.

To see if the Town will vote to transfer the sum of \$25,000.00 from Free Cash to the Capital Stabilization Account, or take any other action relative thereto.

ARTICLE 16.

To see if the Town will vote to appropriate \$65,000.00 from the Capital Stabilization account to complete the funding for the purchase of a new boiler at Hubbardston Center School, or take any other action relative thereto.

ARTICLE 17.

To see if the Town will vote to authorize the Select Board to enter into a lease agreement with Pitney Bowes for a mail machine, for a term not to exceed five years, or take any other action relative thereto.

CPA ARTICLES

ARTICLE 18.

To see if the Town will vote to appropriate and transfer \$10,000 from the accrued Community Preservation Act Open Space reserve account as a portion of the required town matching contribution toward an \$85,000 state MassTrails grant. This appropriation will be combined with ARPA funds and community labor to form the full match amount. The grant will fund a fully accessible trail to the Dottie Rock scenic vista at Malone Conservation area.

ARTICLE 19.

To see if the Town will vote to appropriate and transfer \$31,260 from accrued Community Preservation Act Undesignated Reserve account to fund the FY2025 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.

ARTICLE 20.

To see if the Town will vote to appropriate or reserve from the Community Preservation annual revenue the following 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 2025, with each item to be considered a separate appropriation; or take any other relative there to:

Appropriations:

From FY 2025 estimated revenue for Community Administrative Expenses (5%) \$5,000

Reserves:

From FY 2025 estimated revenue for Historic Reserves (10%) \$10,000

From FY 2025 estimated revenue for Community Housing Reserves (10%) \$10,000

From FY 2025 estimated revenue for Open Space Reserves (10%) \$10,000

From FY 2025 estimated revenue for Undesignated Reserves (65%) \$65,000

General Bylaw Articles

Article 21.

To see if the Town will vote to amend the Chapter XIV of the General Bylaws as follows:

"CHAPTER XIV COMMUNITY PRESERVATION COMMITTEE

SECTION 1. Establishment

There is hereby established a permanent committee of the Town to be known as the Community Preservation Committee, consisting of nine voting members, pursuant to G.L. c. 44B, §5. The composition of the committee, the appointing authority and the term of office for the committee members shall be as follows:

- (1) One member of the Conservation Commission as designated by the Commission;
- (2) One member of the Historical Commission as designated by the Commission;
- (3) One member of the Planning Board as designated by the Board;
- (4) One individual with relevant experience in housing matters to be appointed by the Select Board to represent the interests of housing;
- (5) One member of the Board of Park Commissioners as designated by the Commissioners;
- (6) One member of the Open Space Committee as designated by the Committee;
- (7) One at-large member as designated by the Select Board;
- (8) One at-large member as designated by the Select Board;
- (9) One at-large member as designated by the Select Board.

Each member of the Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier.

Should any of the officers and commissions, boards, or committees who have appointing authority under this bylaw be no longer in existence for whatever reason, the Select Board shall appoint a suitable person to serve in their place.

Any member of the Committee may be removed for cause by their respective appointing authority after hearing."

Or take any other action relative thereto.

Zoning Articles

Article 22.

To see if the Town will vote to amend the Zoning Bylaws relating to solar installations by amending article 25 as follows:

“Article 25
ACCESSORY RURAL ENTERPRISE REGULATION

Section

- 25.1 Purpose
- 25.2 Applicability & Authority
- 25.3 Definitions
- 25.4 Permit Procedures, Authority
- 25.5 Use Provisions
- 25.6 Appeals
- 25.7 Severability

25.1 Purpose

Consistent with the Town’s General Bylaw, Chapter XXXI-Right To Farm and General Law Chapter 40A, § 3 of the Zoning Act, the purpose of this by-law is to provide opportunities for the agricultural community to supplement their farm operation income by diversifying their operations to include accessory businesses related activities that may combine agriculture, tourism, outdoor recreation, and other farm related activities. This bylaw is enacted to provide economic incentives to keep agricultural land and uses active in the Town of Hubbardston. Nothing herein is intended to limit any use protected by G.L. c. 40A, § 3 as an agricultural or agritourism use.

25.2 Applicability & Authority

Authority: This regulation is adopted as allowed under M.G.L. Chapter 43B, Massachusetts Home Rule Amendment. Applicability: This Bylaw shall apply to any property meeting the definition of a “Farm” as defined in M.G.L. c.40A § 3. It is intended that the uses provided for herein are accessory to the principal use of a “Farm” as hereinafter defined.

25.3 Definitions

- a. Agriculture and Agricultural - shall include farming in all of its branches:
 - (1) Production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities;
 - (2) Growing and harvesting of forest products;
 - (3) Keeping of livestock including horses, poultry, swine, cattle, sheep, goats and other domesticated animals. Keeping bees, and ratites (emus, ostriches, rheas) and camelids (llamas and alpacas). Uses shall include food production or other agricultural production;
 - (4) Keeping of horses as a commercial enterprise; These farming operations may include the following as primary or incidental uses :
 - (5) preparations for market,
 - (6) agricultural support or processes related to any of the above uses,
 - (7) storage and delivery of raw or manufactured products.

- b. Agritourism – A range of uses accessory to an agricultural use to promote agriculturally related educational, entertainment, historical, cultural, or recreational activities conducted on a farm that may include the public. Such uses include
- (1) “you-pick” operations,
 - (2) Seminars or classes
 - (3) Farmers markets,
 - (4) Retail stores with agricultural, food, craft, art or similar products principally or wholly manufactured or grown on the site.
- c. Living History Farm Use: recreates historical settings to simulate a specific past time period. Visitors experience history firsthand through immersive, experiential encounters.
- d. Farm - means a farming operation engaged in agriculture or agricultural activities, whether or not those activities are entitled to protection under G.L. c. 40A§ 3 or meeting the following criteria:
- a. The farm must generate no more than 25% of the gross farm income. Of the remaining income at least 65% must come from the sale of product grown on the farm or another qualifying Massachusetts farm, a minimum of 35% of which must be produced at the farm at which the farming takes place.
 - b. A non farming property owner shall be considered a farm for the purposes of this bylaw provided that at least 75% of the acreage of the property is dedicated to traditional agricultural activities and at least 50% of the agricultural product produced on the property, by either gross sales or volume are purchased by the property and utilized in farming operations.
 - c. The burden of proof as to the status of a “Farm” shall be the applicant’s responsibility.
- e. Farmers’ Market - a public market for the primary purpose of connecting and mutually benefiting Massachusetts farmers, communities, and consumers while promoting and selling products grown and raised by participating farmers. Farmers’ markets must adhere to the minimum qualifications for Massachusetts Farmers’ Markets as set forth by the Massachusetts Department of Agriculture.
- f. Non-Exempt Use -a land use that is not entitled to protection under G.L. c. 40A,§ 3.
- g. Open-space –undeveloped land or working lands that contain natural, scenic, ecological, cultural, hydrological, or geological values that preserve or enhance the rural patterns of land use and development of the Town.
- h. Seasonal Butchering: The provision of butchering for distinct periods of time to accompany the harvest of animals such as deer in the fall, fall slaughter of meat animals, or where the provision of this service does not exceed 3 consecutive months.

25.4 Permit Procedures, Authority

1. The Planning Board shall act as the administering authority for Site Plan Review and Special Permit application review, if required under this Bylaw. Otherwise, for uses allowed by right and not requiring a special permit, the applicant shall request review of said use and advice from the Building Inspector by applying to the Building Inspector for the proposed use at least thirty (30) days prior to commencing said use. Such application shall be on an application form developed by for this purpose and all application fees shall be paid for. The Building Inspector shall determine if a proposed use is by-right and shall provide the

applicant with a written opinion stating so or indicating that additional permitting shall be required. If additional permitting is required, the requirements noted herein shall be followed to make an application to the Planning Board. Such an opinion shall be provided within the 30 day period. Failure of the Building Inspector to act within the 30 period, shall act as the issuance of a favorable opinion, allowing the use.

2. Uses requiring a Special Permit/Site Plan Review shall apply to the Planning Board on the form provided, the requirements for application shall be as per Articles 7 (Special Permit) & 9 (Site Plan) of the Zoning Bylaw.

3. Appeals to the determination of the Building Inspector shall be made in accordance with Section 25.6 of the Bylaw.

4. The dimensional requirements of the underlying RA zoning district contained in Article 5 Section 5.1 shall apply to each use allowed by this Bylaw.

5. The Applicant shall be responsible for obtaining any and all other necessary and applicable federal, state, and local permits and/or licenses as may be required prior to issuance of a building permit.

~~Applicants are advised that the Hubbardston Board of Health has jurisdiction (not a fully inclusive list) on:~~

- ~~a. Commercial kitchens and the safety/selling of foods for human consumption~~
- ~~b. Provision of sanitary facilities~~
- ~~c. Provision of water supplies~~
- ~~d. Nuisances created by activities or people~~
- ~~e. Currently limits the sale of animals for pets~~

~~Applicants are advised that the Hubbardston Selectboard jurisdiction (not a fully inclusive list) on:~~

- ~~a. The sale of alcoholic beverages~~
- ~~b. Uses impacting public properties including roadways~~
- ~~c. Sales of items such as in a carnival or fair.~~

25.5 Use Provisions

- a. Uses Allowable By-right ~~Allowable Uses~~

Allowable non-exempt agritourism uses shall include but are not limited to the following:

- (1) U-pick operations except for Christmas trees;
- (2) Educational and demonstrative tours;
- (3) Agricultural museums;
- (4) Living history farms;
- (5) Processing demonstrations;
- (6) On-farm farmers' markets and roadside stands; which must include in part, the processing and packaging of the agricultural output of the farm including the operation of a farmer's market or a farm stand (including related signage);

- (7) Making of wine, mead, cider or beer (fermented alcoholic beverages) or distillery operations including tours and tasting rooms where products are either grown or prepared on site;
- (8) Ice cream and bakery facilities where products sold are either grown or prepared on-site;
- (9) Outdoor recreation (e.g. fishing, hunting, bird watching, horseback riding, game preserves, natural features);
- (10) Art galleries or sculpture parks; related to agricultural activities;
- (11) Aquaculture and product sales;
- (12) Beekeeping and honey sales;
- (13) Agricultural stores; as defined by 25.3 , 5. to 7;
- (14) Services directly supportive of agriculture (e.g. agricultural consulting, farrier, saddlery, tack and equipment service or repair);
- (15) Sale of agriculturally produced products the majority of which are produced on the site.
- (16) Greenhouses or nurseries for the raising of flowers and horticultural products including the sale of products grown on site;
- (17) Consuming agricultural or food products; and
- (18) Garden tours.

b. Allowable Uses by-right requiring 5 or more acres of land and subject to the following:

1. Agritourism activities requiring larger lots shall be a permitted use, provided that the owner has no fewer than 5 acres on one or more contiguous parcels.
2. Open areas suitable for temporary parking of no less than 100 vehicles, which shall not include any land within a right of way and shall include maintenance and emergency vehicle access.
3. No use allowed under this section ~~allowable use~~ shall have more than 350 visitors, customers or users at the site at any one time, per day.

Allowable non-exempt agritourism uses requiring larger lots include but are not limited to the following:

- (1) Corn mazes, crop art or related activities;
- (2) Tours and trail systems for walking, riding, skiing, bicycling, and other non-motorized trail uses. Exceptions include:
 - i) motorized wheelchairs or similar equipment reasonably necessary for ADA compliance, or

- ii) pedal-assist electric bicycles capable of a maximum speed of not more than 20 miles per hour,
 - iii) vehicles necessary for the maintenance and operation of the use or
 - iv) official vehicles for public safety patrols and rescue.
- (3) Petting and feeding of farm animals;
 - (4) Hay rides;
 - (5) Cut your own Christmas tree farms;
 - (6) Special events, weddings, receptions, or private parties for a commercial purpose where events are held less than four times per year or are expected to have a maximum capacity of less than 350 attendees;
 - (7) Concerts, festivals, or time-specific special events where events are held less than four times per year or are expected to have a maximum capacity of less than 350 attendees.

c. Allowable Uses by Special Permit

The following non-exempt uses require a site plan submission and special permit application to the Planning Board:

- (1) Any event, function, operation or business that will exceed 350 attendees.
- (2) On farm restaurant
- (3) Special events, weddings, receptions, or private parties for a commercial purpose where events are held more than four times per year or are expected to have a maximum capacity of more than 350 attendees;
- (4) Concerts, festivals, or time-specific special events where events are held more than four times per year or are expected to have a maximum capacity of more than 350 attendees.
- (5) Rural campgrounds;
- (6) Lodging, other than bed and breakfast; and
- (7) Nonmotorized active recreational uses including but not limited to: disc golf; zip lines; and mini-golf.
- (8) Seasonal Butchering services of animals not raised on premises

Uses allowed by special permit under this article shall submit site plans and special permit applications to the Planning Board in conformance with Article 7 and Article 9, respectively, of the Hubbardston Zoning Bylaws, with the exception of item 9.2 f. An Environmental and Community Impact Analysis shall not be required for proposed uses allowable under the Accessory Rural Enterprise Bylaw.

b. Prohibited Accessory Uses: The following uses are strictly prohibited as they have been found to have unsuitable environmental impacts and are not consistent with the purpose of this bylaw:

- (1) Slaughterhouse the commercial slaughter of animals for food or other purposes, where such animals are not grown, raised or produced on the property and where such operation is non seasonal.
- (2) Fur Bearing Animal Farms, farms for the raising and production of fur bearing species such as mink, ermine, rabbits or other species dedicated to fur production only purposes.
- (3) Commercial composting or waste disposal using imported material, except for on-site manure management programs, which are permitted.

25.6 Appeals

Appeals to any determination, permit or permit condition issued under the provisions of this bylaw shall be made to the Hubbardston Zoning Board of Appeals, who shall act on such appeals as proscribed in the Hubbardston Zoning Bylaws.

25.7 Enforcement:

Enforcement of this Bylaw and its conditions shall be made as described in the Hubbardston Zoning Bylaws, Section 4.14.

25.8 Severability

If any provision of this Bylaw is held invalid by a court of competent jurisdiction, the remainder of the Bylaw shall not be affected thereby. The invalidity of any Section or Sections or parts of any Section or Sections of this Bylaw shall not affect the validity of the remainder of the Town of Hubbardston Zoning Bylaw

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

Battery Energy Storage Systems (BESS)

SECTION

- (1) Purpose
- (2) Definitions
- (3) Applicability
- (4) General Requirements
- (5) Permitting Requirements for Tier 1 Battery Energy Storage Systems
- (6) Permitting Requirements for Tier 2 and Tier 3 Battery Energy Storage Systems
- (7) Safety Standards
- (8) Emergency Operation Plan
- (9) Ownership Changes

- (10) Abandonment
- (11) Severability
- (12) Financial Surety
- (13) Annual Reporting Requirement

1. **Purpose.** The purpose of this Section is to advance and protect the public health, safety, welfare, and quality of life by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

- 1.1. To provide a regulatory scheme for the location, construction and operation of battery energy storage systems consistent with best practices and safety protocols;
- 1.2. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems and to mitigate any potential impacts on abutting and nearby properties; and
- 1.3. To mitigate the impacts of battery energy storage systems on environmental resources such as agricultural lands, forests, wildlife, wetlands, water supply, and other natural resources.

This Section shall be construed to be consistent with state law, including but not limited to the provisions of General Laws chapter 40A, section 3, and state regulations, including but not limited to the provisions of the State Building Code, State Fire Code, and State Electrical Code. In the event of any conflict between the provisions of this section and the provisions of state law or regulations, the state law and regulations shall prevail.

2. **Applicability**

2.1. The requirements of this bylaw shall apply to battery energy storage systems permitted, installed, decommissioned or modified after the effective date of this bylaw, excluding general maintenance and repair. BESS subject to this bylaw are only those that exceed the following capacities:

- Lead-acid with a capacity of greater than 70 kWh
- Nickel with a capacity of greater than 70 kWh
- Lithium-ion with a capacity of greater than 30 kWh
- Sodium nickel chloride with a capacity of greater than 20 kWh
- Flow with a capacity of greater than 20 kWh
- Other battery technologies with a capacity of greater than 10 kWh BESS that do not meet the threshold capacities above are not subject to this bylaw and are allowed by right in all zoning districts.

2.2. A battery energy storage system that is subject to this bylaw is classified as a Tier 1, Tier 2 or Tier 3 Battery Energy Storage System as follows:

2.2.1. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than 0.5MWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

2.2.2. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity equal to or greater than 0.5 MWh but less than 1MWh or are composed of more than one storage battery technology in a room or enclosed area.

2.2.3. Tier 3 Battery Energy Storage Systems have an aggregate energy capacity greater than 1MWh or are composed of more than one storage battery technology in a room or enclosed area.

3. **General Requirements**

3.1. All permits required by state codes, including but not limited to building permit, an electrical permit, and a fire department permit shall be required for installation of all battery energy storage systems.

3.2. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (a) contain or are otherwise associated with a battery energy storage system and (b) subject to the requirements of the State Building Code, shall be designed, erected, and installed in accordance with all applicable provisions of the State Building Code 780 CMR, State Fire Code 527 CMR 1.00, and State Electrical Code 527 CMR 12.00. All battery energy storage systems shall comply with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems.

3.3. Energy storage system capacities, including array capacity and separation, are limited to the thresholds contained in NFPA 855.

3.4. All access roads should be at least 12' wide, constructed of an all-weather surface, and be cleared of obstructions on both sides by at least 2'. A 16' vertical clearance should be maintained for large vehicle access. Access gates erected onsite should be at least 12' wide, accessible via Hubbardston Fire Department lock. Access to all four sides of each enclosure should be provided where practical.

4. **Permitting Requirements for Tier 1 Battery Energy Storage Systems** Tier 1 Battery Energy Storage Systems are allowed by right in all zoning districts, subject to applicable provisions of the State Building Code, Electrical Code, Fire Code, and other applicable codes, and are subject to minor site plan review and such provisions of this bylaw as are applicable.

5. **Permitting Requirements for Tier 2 and Tier 3 Battery Energy Storage Systems** Tier 2 and Tier 3 Battery Energy Storage Systems are subject to this bylaw and require the issuance of a special permit in those zoning districts identified in Use Regulations Schedule in Article 4, and are subject to Site Plan Review pursuant to Article 9. Tier 1 and Tier 2 BESS shall comply with the applicable requirements set forth in this bylaw, as well as this Zoning Bylaw, and the Hubbardston General Bylaws. The following requirements apply to all Tier 1, Tier 2 and Tier 3 BESS subject to this bylaw, except where it is specifically noted to apply only to Tier 2 and Tier 3 BESS:

5.1. Utility Connections. All utility connections including associated equipment and utility equipment shall be placed underground or pad mounted, unless soil conditions, shape, or topography of the site as verified by the Town's Consulting Engineer dictate above ground installation. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

5.2. Signage. Signage shall comply with the requirements of Article 17 of this Zoning Bylaw and the following additional requirements; in the event of a conflict between the provisions of Article 17 and this section, the requirements of this section shall prevail.

5.2.1. The signage shall be in compliance with ANSI Z535 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.

5.2.2. As required by the NEC, 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. Signage compliant with ANSI Z535 shall be provided on doors to rooms, entrances to BESS facilities, and on BESS outdoor containers.

5.3. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety, security and operational purposes and shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, shall be shielded to eliminate glare from abutting properties, shall be directed downward, and shall incorporate cut-off fixtures to reduce light pollution. All lighting shall comply with International Dark Sky Standards FSA Certification Requirements.

5.4. Vegetation and tree-cutting. Areas within thirty feet on each side of Tier 2 or Tier 3 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. 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 provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

5.5. Setbacks. Tier 1, 2 and 3 Battery Energy Storage Systems shall be set back a minimum of 50 feet from all side, rear, and front lot lines. Tier 2 and Tier 3 BESS shall be set back a minimum of 200 feet from side, rear, and front lot lines that abut or are across a street from residential zoning districts or existing single, two-family, or multi-family structures. The minimum setback areas shall include a vegetated Buffer/Screening Area at least twenty feet wide along all property lines. Access drives and parking are allowed in the setback areas, but shall not intrude into the required Buffer Areas except where necessary to provide access or egress to the property. In addition, a minimum of 10 feet must be maintained, if within a building, between BESS components and all stored combustible materials, hazardous materials, high-piled storage, and infrastructure. Other Setbacks: Battery Energy Storage Systems shall be sited at least one hundred fifty feet (150') from abutting properties' wells and septic systems.

5.6. Dimensional. Tier 2 and Tier 3 Battery Energy Storage Systems shall comply with the dimensional limitations for principal structures of the underlying zoning district as provided in Section 2300 of this Zoning Bylaw, unless otherwise provided in this bylaw.

5.7. Fencing Requirements. Tier 2 and Tier 3 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a minimum eight-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building. Security barriers,

fences, landscaping, and other enclosures must not inhibit required air flow to or exhaust from the BESS and components. Electrical equipment greater than 1,000V require a separate and additional means to restrict access. NFPA 855 requires specialty safety systems to be provided based on the BESS chemistry and installed location.

5.8. Screening and Visibility. Tier 2 and Tier 3 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area. Such features may not inhibit required air flow to or exhaust from the BESS and components and must comply with the setbacks established in paragraph 6 above.

5.9. Noise: An Acoustic Study shall be provided in order to ensure that any increase in sound complies with Mass DEP requirement limiting any increase in ambient noise to be less than 10 decibels at the property line.

5.10. Mitigation for Loss of Carbon Sequestration and Forest Habitat. If land that is Forestland or has been Forestland within one year immediately preceding the filing an application to install a Tier 2 or Tier 3 BESS, the plans shall designate thereon an area of unprotected (meaning, not subject to G.L. c. 184, sections 31-33 at time of application) land on the same lot and of a size equal to two times the total area of Forestland that will be eliminated, cut, destroyed, or otherwise disturbed by such installation. Such designated land shall remain in substantially its natural condition without alteration, including prohibition of commercial forestry or tree cutting not related to the maintenance of the installation, until such time as the installation is decommissioned; except in response to a natural occurrence, invasive species or disease that impacts the trees and requires cutting to preserve the health of the forest.

5.11. Mitigation for Disruption of Trail Networks. If existing trail networks, old roads, or woods or cart roads are disrupted by the location of a Tier 2 or Tier 3 BESS, the plans shall show alternative trail alignments to be constructed by the applicant, although no rights of public access may be established hereunder.

5.12. Mitigation for Disruption of Historic Resources and Properties. Historic resources, structures and properties, such as cellar holes, farmsteads, stone corrals, marked graves, water wells, or pre-Columbian features, including those listed on the Massachusetts Register of Historic Places or as defined by the National Historic Preservation Act, shall be excluded from the areas proposed to be developed for a Tier 2 or Tier 3 BESS. A written assessment of the project's effects on each identified historic resource or property and ways to avoid, minimize or mitigate any adverse effects shall be submitted as part of the application. A suitable buffer area as determined by the PEDB shall be established on all sides of each historic resource.

5.13. Batteries. Failed battery cells and modules shall not be stored on the site and shall be removed no later than 30 days after deemed failed by the BESS operator or cell/module manufacturer. The operator shall notify the Hubbardston Fire Department in advance if the type of battery or batteries used on site is to be changed.

5.14. Decommissioning Plan. The applicant shall submit with its application a decommissioning plan for Tier 2 or Tier 3 BESS to be implemented upon abandonment and/or in

conjunction with removal of the facility. The owner or operator of the BESS shall notify the Building Commissioner in writing at least twenty days prior to when a Tier 2 BESS or Tier 3 will be decommissioned. Decommissioning of an abandoned or discontinued Tier 2 BESS or Tier 3 shall be completed within six months after the facility ceases operation. The decommissioning plan shall include:

5.14.1. 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 battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;

5.14.1.1. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

5.14.1.2. The anticipated life of the battery energy storage system;

5.14.1.3. The estimated decommissioning costs and how said estimate was determined;

5.14.1.4. The method of ensuring that funds will be available for decommissioning and restoration;

5.14.1.5. The method by which the decommissioning cost will be kept current;

5.14.1.6. 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 battery energy storage system, 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; and

5.14.1.7. 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.

5.15. Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or other surety acceptable to the Town, in a form approved by the Planning Board and Town Counsel, for the removal of the battery energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.

5.16. Proof of Liability Insurance. The applicant or property owner shall provide evidence of commercially liability insurance in an amount and type generally acceptable in the industry and approved by the PEDB prior to the issuance of a building permit, and shall continue such insurance in effect until such facility has been decommissioned, removed, and the site restored in accordance with this bylaw.

6. Site plan application. For a Tier 2 or Tier 3 Battery Energy Storage System the site plan application shall include the following information, in addition to that required by Article 9 of this Zoning Bylaw:

- 6.1.** A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all State Electrical Code compliant disconnects and overcurrent devices.
- 6.2.** 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.
- 6.3.** Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- 6.4.** Large-scale fire test data, evaluation information, and calculations, and modeling data. For any of the following, UL 9540A fire test data must be made available to the Planning Board and Fire Department for review: - BESS systems with a capacity of greater than 50kWh - BESS systems with spacing between arrays of less than 3 feet.
- 6.5.** Safety data sheet (SDS) that address response safety concerns and extinguishment.
- 6.6.** Commissioning Plan. The system installer or commissioning agent shall prepare a commissioning plan prior to the start of commissioning. Such a plan shall be compliant with NFPA 855 and document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in applicable state codes. Where commissioning is required by the Building Code, battery energy storage system commissioning shall be conducted by a Massachusetts Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required by applicable state codes shall be provided to the Zoning Enforcement Officer and the Hubbardston Fire Department prior to final inspection and approval and maintained at an approved on-site location.
- 6.7.** 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 state codes, including documentation that BESS components comply with the safety standards set forth in subsection 6.
- 6.8.** Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth state codes and NFPA 855. Maintenance provisions will be driven by manufacturer requirements for the specific listed system.
- 6.9.** Depending on the location of the BESS in relation to and its interaction with the electrical grid, interconnection will be completed per 527 CMR 12.00. System interconnections into utility grids shall be in accordance with NFPA 855. An accessible disconnect is required per 527 CMR 12.00.
- 6.10.** Prior to the issuance of the building permit, engineering documents must be signed and sealed by a Massachusetts Licensed Professional Engineer.

6.11. Emergency Operations Plan. An Emergency Operations Plan compliant with NFPA 855 is required. A copy of the Emergency Operations Plan approved by the Hubbardston Fire Department shall be given to the system owner, the local fire department, and local fire code official. For so long as the BESS is operational, the operator shall provide the Fire Department, Police Department, Building Commissioner, and Town Manager's office with contact information for personnel that can be reached 24 hours per day every day, and this contact information shall be updated by the operator whenever there is a change in the information. The operator shall also be required to have an official representative be present onsite not later than two hours after notification by the Fire Chief, Police Chief, or their designee. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

6.11.1. 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.

6.11.2. Procedures for inspection and testing of associated alarms, interlocks, and controls, including time intervals for inspection and testing.

6.11.3. 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.

6.11.4. 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.

6.11.5. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

6.11.6. Procedures for safe disposal of 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 and any affected soils from the facility.

6.11.7. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.

6.11.8. 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.

7. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Building Commissioner of such change in ownership or operator within 14 days of the ownership change.

A new owner or operator must provide such notification to the Building Commissioner in writing and meet with any permitting authority from which the original applicant received a permit.

8. Safety

8.1. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

8.1.1. UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),

8.1.2. UL 1642 (Standard for Lithium Batteries),

8.1.3. UL 1741 or UL 62109 (Inverters and Power Converters),

8.1.4. Certified under the applicable electrical, building, and fire prevention codes as required.

8.1.5. Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

8.2. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

8.3. Battery energy storage systems, 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.

8.4. Abandonment. The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than 90 days. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, after compliance with any applicable state and federal constitutional requirements, enter the property and utilize the available bond and/or security for the removal of a Tier 2 BESS or Tier 3 and restoration of the site in accordance with the decommissioning plan.

9. 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.

10. Financial Surety.

10.1. Surety Requirement. Proponents of tier 2 or Tier 3 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.

10.2. 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.

10.3. 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.

11. Annual Reporting Requirement. Once per year, the Owner or Operator of the tier 2 or tier 3 BESS installation must provide a report to the Planning Board

11.1. The report must contain

- 11.1.1. total amount of electricity acquired, stored and distributed during the past calendar year;
- 11.1.2. major maintenance performed;
- 11.1.3. planned or actual major system modifications;
- 11.1.4. change of ownership; and
- 11.1.5. changes to surety amounts.

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

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

11.4. 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 other action relative thereto.

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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 XXth day of May 2024:

HUBBARDSTON SELECT BOARD

Jeffrey L. Williams

Kathryn V. Young

Heather M. Munroe

Kris E. Pareago

Peter J. Walker

A true copy, Attest:

Melody Green, Town Clerk

Date of Posting: _____

Method: _____

By: _____, Constable

DRAFT