



**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HUBBARDSTON**

Annual Town Meeting
Monday June 2, 2025, at 7:00 pm
Hubbardston Center School

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 Monday, June 2, 2025 at the time of 7 o'clock** in the evening, then and there to act on the following articles:

CONSENT AGENDA

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, 2025; 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 2026, 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 2026, 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 2026 beginning on July 1, 2025, 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.

Revolving Fund	Department, Board, Committee or Officer	FY26 Spending Limit
Con Com Fund	Conservation Committee	\$3,000.00
Temporary Driveway Permit Fund	DPW Director	\$2,500.00
Grave Fund	Cemetery Commission	\$10,000.00
Hubbardston Special Events Fund	Town Administrator	\$50,000.00
Late Fee Dog License Fund	Town Clerk	\$10,000.00
MART Trans. Manage. Fund	Executive Assistant	\$35,000.00
Open Burn Pit Fund	Fire Chief	\$11,000.00
Planning Board Fund	Planning Board	\$20,000.00
Recycling Fund	Board of Health	\$5,000.00
Septic Fund	Board of Health	\$7,500.00
Board of Health Fund	Board of Health	\$20,000.00
48 Gardner Road Revolving	Town Administrator	\$20,000.00

BUDGET ARTICLES

Article 7. To see if the Town will vote to transfer the sum of \$453.30 from Free Cash to pay outstanding invoices from prior fiscal years, in accordance with Massachusetts General Laws Chapter 44, Section 64, or take any other action relative thereto. *(A 9/10 vote is required.)*

Vendor	Amount	Description
First Citizens	\$183.69	Unpaid copier invoice
First Citizens	\$183.69	Duplicate unpaid copier invoice
Verizon	\$38.80	Unpaid bill for radio frequency
Amazon Business	\$47.12	Unpaid office supply invoice
Total	\$453.30	

ARTICLE 8.

To see if the Town will vote to raise and appropriate from taxation, transfer from available funds, utilize the sum of **\$98,509 from Free Cash**, and repurpose **\$65,000 from the Fiscal Year 2023 Annual Town Meeting appropriation for the School Boiler Project** (which was subsequently covered by a grant), to meet the salaries and compensation of Town Employees and Town Officers, as provided by M.G.L. c.41 §108, as well as the expenses and outlays of Town Departments, and other sundry and miscellaneous, but regular, expenditures necessary for the operation of the Town for Fiscal Year 2026 (July 1, 2025 through June 30, 2026), as printed in the attached Appendix A. This amount does not include funding for the Montachusett Regional Vocational Technical School District assessment or the Quabbin Regional School District budget and debt. Further, to accept and expend Federal and State Funds to offset certain salaries, expenses, or outlays; or take any other action relative thereto.

PURPOSE	AMOUNT
General Government	\$759,252.64
Public Safety	\$1,602,584.33
Public Works	\$920,699
Human Services	\$32,034.60
Culture and Rec	\$93,789.70

Debt	\$146,861.88
Indirect Costs	\$1,008,362.50
TOTAL	\$11,804,504.28

Note: The detailed FY26 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 9.

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$396,826 for the Montachusett Regional Vocational Technical School District assessment for Fiscal Year 2026; or to take any other action relative thereto.

ARTICLE 10.

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$6,788,846.63 to pay its share of the Quabbin Regional School District budget for Fiscal Year 2026; or take any action relative thereto.

ARTICLE 11.

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$55,247 to pay its share of the Quabbin Regional School Debt for Fiscal Year 2026; or take any action relative thereto.

Article 12.

To see if the Town will vote to appropriate, transfer from free cash, the sum of \$6,130.00 from Free Cash for Fiscal Year 2026 to fund state-mandated landfill testing (\$5,865.00) and mowing services (\$265.00). These expenses have traditionally been included in the annual budget over the past 29 years. Approval of this article will ensure continued compliance with state environmental regulations and proper maintenance of the landfill site; or take any other action relative thereto.

Article 13.

To see if the Town will vote to accept the provisions of the Massachusetts General Laws permitting trust funds to be invested beyond the current restricted "legal list" of stocks. This acceptance would mitigate the concentration risk posed by the current investment limitations, which have resulted in approximately 25% of the Town's investments being concentrated in pharmaceutical companies. Acceptance of this provision will expand investment opportunities, allowing the Town Treasurer greater flexibility to fulfill fiduciary duties and optimize investment returns; or take any other action relative thereto.

Article 14.

To see if the Town will vote to appropriate the sum of \$10,000 from Free Cash for the purpose of securing grant services to support the application and administration of grants in alignment with the Town's established grant priorities or take any other action relative thereto.

ARTICLE 15. To see if the Town will vote to appropriate the sum of \$30,000 for the salaries, benefits, committee stipends and other operating and project 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 16.

To see if the Town will vote to appropriate the sum of Forty Five Thousand Dollars (\$45,000) from the PEG Access Fund for the purpose of relocating PEG broadcast equipment to 48 Gardner Road and constructing a dedicated meeting and broadcast room, including all related labor, equipment installation, and infrastructure improvements, or take any action relative thereto.

CAPITAL IMPROVEMENT

ARTICLE 17.

To see if the Town will vote to transfer the sum of \$135,000 from Free Cash, \$20,000 from the 2024 Special Town Meeting Municipal Optimization Special Project (reclassified), and \$30,000 from the Holden Hospital Account to pay for the following Fiscal Year 2025 cash capital expenses, including all costs incidental and related thereto; or take any other action relative thereto.

PROJECT	AMOUNT
Annual Road Improvement	\$100,000
Annual Technology Infrastructure Support	\$20,000
Fire Dept Pickup Truck Replacement	\$65,000
TOTAL	\$185,000

CPA ARTICLES

ARTICLE 18. To see if the Town will vote to appropriate and transfer \$30,630 (payment 5 of 5) from the accrued Community Preservation Act Undesignated Reserve account to fund the FY2026 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. This FY 2026 payment retires the playground note.

ARTICLE 19. To see if the Town will vote to appropriate and transfer a total of \$40,710 from accrued Community Preservation Act monies - \$10,000 from Historic and \$30,710 from Undesignated Reserves to fund the rehabilitation project of the library basement.

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 2026 with each item to be considered a separate appropriation; or take any other relative there to:

From FY 2026 estimated revenue for Community Administrative Expenses (5%) \$5,000
Reserves:

From FY 2026 estimated revenue for Historic Reserves (10%) \$10,000

From FY 2026 estimated revenue for Community Housing Reserves (10%) \$10,000

From FY 2026 estimated revenue for Open Space Reserves (10%) \$10,000

From FY 2026 estimated revenue for Undesignated Reserves (65%) \$65,000

ARTICLE 21.

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase or eminent domain, a parcel of land, with any improvements thereon, known as the First Parish Unitarian Church, located at 2 Main Street, Hubbardston, and being the property described in a deed recorded with the Worcester South District Registry of Deeds in Book 52164, Page 87, for general municipal purposes, and to accept a deed for said property; and, further, to authorize the Select Board to enter into a historic preservation restriction on said property; and, further, to authorize the Select Board to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to carry out the purposes of this article, or to take any other action relative thereto.

Article 22.

To see if the Town will vote to accept the alteration of the layout of a portion of Williamsville Road as a public way, as shown on a plan entitled "Existing Layout and Easement Plan of Williamsville Road," dated December 11, 2024, prepared by Greenman-Pedersen, Inc., a copy of which is on file with the Town Clerk; and to authorize the Select Board to acquire, by gift, purchase, or eminent domain, any interests in land necessary to accomplish such alteration, including the permanent utility easement shown as "Parcel PUE-1" and the temporary construction easements shown as "Parcel TE-1" and "Parcel TE-2," for the purpose of undertaking the Williamsville Road Bridge Project; or take any action relative thereto.

Article 23.

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money in the amount of \$600,000 (Six Hundred Thousand Dollars) for the purpose of purchasing and equipping a new Fire Truck for the Fire Department; and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of a Proposition 2½ **debt exclusion** question allowing the Town to raise the funds needed to pay the annual debt service for this project outside the limits of Proposition 2½, so-called; or take any other action relative thereto. *(Two-thirds vote required)*

Article 24.

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money in the amount of \$200,000 (Two Hundred Thousand Dollars) for the purpose of purchasing and equipping a used Plow Truck for the Department of Public Works; and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of a Proposition 2½ **debt exclusion** question allowing the Town to raise the funds needed to pay the annual debt service for this project outside the limits of Proposition 2½, so-called; or take any other action relative thereto. *(Two-thirds vote required)*

ARTICLE 25.

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of

money in the amount of \$220,000 (Two Hundred and Twenty Thousand Dollars) for the purpose of purchasing and equipping a new Brush Mower for the Department of Public Works; and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of a Proposition 2½ **debt exclusion** question allowing the Town to raise the funds needed to pay the annual debt service for this project outside the limits of Proposition 2½, so-called; or take any other action relative thereto. *(Two-thirds vote required)*

Zoning Bylaw Articles

Article 26. Battery Energy Storage System

To see if the Town will vote to amend the Zoning Bylaws by adding a new Article 23, Battery Energy Storage Systems, as follows, or take any other action related thereto:

“Article 23 Battery Energy Storage Systems (BESS)

SECTION

(1) Purpose

(2) Applicability

(3) General Requirements

(4) Permitting Requirements for Tier 1 Battery Energy Storage Systems

(5) Permitting Requirements for Tier 2 and Tier 3 Battery Energy Storage Systems

(6) Site Plan Application

(7) Ownership Change

(8) Safety Standards

(9) Severability

(10) Financial Surety

(11) Annual Reporting

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 (BESS) 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 less than 0.5 MWh 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 1 MWh 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 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, including permits required thereunder. All battery energy storage systems shall comply with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems.

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

3.3. All access roads to a BESS should be at least 16' 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, but are subject to site plan review under Article 9 of the Zoning Bylaw and this bylaw.

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. 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 State Electrical Code, 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 trespassing onto 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. 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 requires a separate and additional means to restrict access. Applicants shall also comply with NFPA 855, as adopted under 527 CMR Chapter 52, requiring specialty safety systems to be provided based on the BESS chemistry and installed location.

5.7. 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 applicable setbacks.

5.8. Noise: Applicants shall provide an Acoustic Study to ensure that any increase in sound complies with Mass DEP Noise Pollution Policy and limits any increase in ambient noise to be less than 10 decibels at each property line of the BESS facility and at the property line of the nearest residence or occupied school, hospital or similar use.

5.9. 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. 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, 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.

5.10. Mitigation for Disruption of Trail Networks. If existing trail networks, 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.

5.11. 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 Planning Board shall be established on all sides of each historic resource.

5.12. 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.

5.13. 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:

5.13.1. 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;

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

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

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

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

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

5.13.1.6. 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

5.13.1.7. 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.

5.14. 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.

5.15. 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 Planning Board 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 the 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 regarding the final system installer shall be submitted prior to the issuance of building permit.

6.4. Large-scale fire test data, evaluation information, 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 addresses 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 Administrator'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 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 Change: 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 1 year. 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 Commissioner 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 may prompt the Hubbardston Planning Board to schedule a public hearing, the purpose of which is to gather the required reporting information, and review if any violation of the Zoning Bylaw or condition of a Special Permit or Site Plan Review may have occurred, in which case the matter is referred to the Building Commissioner as Zoning Enforcement Officer. Costs incurred to publish and advertise the public hearing are borne by the Owner of the BESS. Energy Storage System installation.”

Or take any other action relative thereto.

Article 27. Accessory Dwelling Unit

To see if the Town will vote to amend the Zoning Bylaws by deleting Article 24 in its entirety, and adopting a new Article 24, Accessory Dwelling Unit (ADU), as follows, or take any other action related thereto:

“ Article 24 Accessory Dwelling Unit (ADU)

SECTION

(1) Definition (2) Siting and Regulations

Section 1 Definition: an Accessory Dwelling Unit (ADU) shall mean a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that:

1.1 the ADU maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress;

1.2 the ADU is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 1000 square feet, whichever is smaller; and

1.3 the ADU may be attached or detached, on the same lot as the principal dwelling unit or on an adjacent lot under common ownership.

Section 2. Siting and Regulations

An ADU shall be allowed by right within a single-family dwelling or in an accessory structure. The Inspector of Buildings may grant a building permit and occupancy certificate for an ADU subject to the following regulations:

2.1 The ADU shall conform to the minimum setbacks of the district it is located within.

2.2 No more than one ADU may be located on a lot.

2.3 The ADU shall be the lesser of 1/2 the gross floor area of the principal dwelling or 1000 square feet.

2.4 Any addition to an existing single family dwelling needed to create an ADU shall aggregate to be no larger than the lesser of 1/2 the gross floor area of the existing principal dwelling or 1000 square feet.

2.5 The domestic water and wastewater disposal system shall be adequate to serve both the existing single-family dwelling and the ADU.

2.6 One additional parking space shall be required for an ADU that is more than 1/2 mile from a commuter rail station, or bus station.

2.7 By right siting of an ADU is allowed only within single family residential zoning districts.”

Or take any other action relative thereto.

Article 28. Flood Plane Bylaw

ARTICLE 13 FLOODPLAIN DISTRICT

Section

- 1.1 Purposes
- 1.2 District Delineation
- 1.3 Use Regulations and Bylaws
- 1.4 Planning Board
- 1.5 Definitions

13.1 Purposes

The purposes of this district (in addition to those enumerated elsewhere in this zoning bylaw) are:

1. To provide that lands in the Town of Hubbardston subject to seasonal or periodic flooding, as described hereinafter, shall not be used for residence or other purposes in such a manner as to endanger the health, safety, or welfare of the occupants thereof, or of the public generally, or so as to burden the public with costs resulting from unwise individual choices of land use.
2. To protect, preserve and maintain the water table and water recharge areas within the town so as to preserve present and potential water supplies for the public health and safety of the town.
3. To assure the continuation of the natural flow pattern of the water courses within the town, in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.
4. Ensure public safety through reducing the threats to life and personal injury
5. Eliminate new hazards to emergency response officials
6. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
7. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
8. Eliminate costs associated with the response and cleanup of flooding conditions
9. Reduce damage to public and private property resulting from flooding waters

13.2 District Delineation

1. The Floodplain District delineations are established by elevations of area subject to inundation by 100-year frequency floods, as delineated by the Federal Emergency Management Agency (FEMA).
2. Use of FEMA maps and supporting studies
 - a. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Hubbardston designated as Zone A and AE on the Worcester County Flood Insurance Rate Map (FIRM) dated July 8, 2025, issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.
3. The Floodplain District also includes all that land along any named or unnamed water body or water course for a horizontal distance of fifty (50') feet from the permanent or seasonal banks thereof except as otherwise defined on the Flood Insurance Rate Maps.
4. Unnumbered A Zones
 - a. In A Zones, in the absence of FEMA BFE data and floodway data, developer/applicant shall obtain any existing flood elevation data to provide to the building department to review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

13.3 Use Regulations and Bylaws

1. The Floodplain District is established as an overlay district to all other zoning districts. The Town of Hubbardston requires a special permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties. Additionally, all proposed development must be in compliance with Massachusetts General Laws Chapter 131, Section 40 and the requirements of the Massachusetts State Building Code pertaining to construction in floodplains and any federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. Assure that all necessary permits are obtained
 - a. The town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.
2. The following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed as a matter of right, provided they are permitted in the underlying district and they do not require structures, fill or storage of materials or equipment:
 - a. Agricultural uses such as farming, grazing, and horticulture;
 - b. Forestry and nursery uses;
 - c. Outdoor recreational uses, including fishing, boating, play areas;
 - d. Conservation of water plants and wildlife;
 - e. Wildlife management areas, foot, bicycle, and/or horse paths;
 - f. Temporary (installed for less than 180 days) non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises; and
3. The Following uses are prohibited in the Floodplain District:
 - a. The erection of new buildings or structures, or the construction of new buildings or structures, except as may be permitted in Sections 13.3(b) or 13.3(d);
 - b. The removal, filling, dredging, or altering of any lake, pond, river, stream, brook, marsh, swamp, bog, or meadow, except as may be permitted in Sections 13.3(b) or 13.3(d);
 - c. The installation of septic tanks or leach fields; and
 - d. The storage of salt, petroleum or other chemical products.
4. The following uses may be allowed by the special permit from the Planning Board, subject to the requirements of Section 13.4:
 - a. Municipal, county or state parks;
 - b. Forestry management;
 - c. Wells or other structures necessary for proper functioning of municipal or private water supplies;
 - d. Public utilities;
 - e. In case of fire, natural catastrophe, or total rehabilitation of structures existing in the Floodplain District prior to the adoption of these provisions, said structure may be rebuilt to the original size, subject to the requirement that the new structure shall conform to the provision for flood-resistant standards found in the State Building Code;
 - f. Construction and maintenance of dams and other water control devices; and
 - g. Roadways, driveways and walkways ancillary to uses otherwise permitted by this section.
5. Designation of community Floodplain Administrator

- a. The Town of Hubbardston hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town.
6. Permits are required for all proposed development in the Floodplain Overlay District
 - a. The Town of Hubbardston requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
7. Recreational vehicles
 - a. In A, A1-30, AH, AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
8. Watercourse alterations or relocations in riverine areas
 - a. In a riverine situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse:
 - i. Adjacent Communities, especially upstream and downstream
 - ii. Bordering States, if affected
 - iii. NFIP State Coordinator
 - iv.

Massachusetts Department of Conservation and Recreation
NFIP Program Specialist
9. Requirement to submit new technical data
 - a. If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:
 - i.

NFIP State Coordinator

Massachusetts Department of Conservation and Recreation
 - ii.

NFIP Program Specialist

Federal Emergency Management Agency, Region I
10. Variances to building code floodplain standards
 - a. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.
 - b. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

- c. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.
- 11. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)
 - a. A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if:
 - i. Good and sufficient cause and exceptional non-financial hardship exist;
 - ii. The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
 - iii. The variance is the minimum action necessary to afford relief.
- 12. Abrogation and greater restriction section
 - a. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.
- 13. Disclaimer of liability
 - a. The degree of flood protection required by this bylaw [ordinance] is considered reasonable but does not imply total flood protection.
- 14. Severability section
 - a. If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

13.4 Planning Board

The Planning Board may issue a special permit for the uses described in Section 13.3(d). In the Floodplain District, no structure or building shall be erected, constructed, substantially improved, or otherwise created or moved; and no earth or other materials may be dumped, filled, excavated, or transferred, unless a special permit is granted by the Planning Board. Said Board may issue a special permit hereunder (subject to the other applicable provisions of this bylaw) only if the application complies with the following provisions:

- 1. The proposed use shall comply in all respects with the provisions of the underlying zoning district; and
- 2. The application (which shall conform to the plan requirements described in Section 8.2 through 8.4 {Site Plan Approval}) shall be reviewed by the Conservation Commission, Planning Board, Board of Health and Building Inspector. Within ten (10) days of the receipt of the application, the Planning Board shall transmit one (1) copy of the development plan to each of the above named Boards. The Planning Board shall take no final action until reports have been received from the above Boards or until thirty-five (35) days have elapsed; and
- 3. Floodway encroachment
 - a. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development in the floodway are prohibited unless certification by a registered professional engineer is provided by the applicant, demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood.
 - b. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

- c. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 4. The Planning Board may specify such additional requirements and conditions it finds necessary to protect the health, safety, and welfare of the public and the occupants of the proposed use.

13.5 Definitions

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted

by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, or AH [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

Hubbardston Subdivision Rules and Regulations (Page 22)

A. Flood Hazard Avoidance Any subdivision located partially or wholly within the Zone A or Zone AE of the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency (FEMA) shall comply with the following:

1. Subdivision design shall be consistent with the need to minimize flood damage within the flood-prone area, through use of clustering, open space reservation, street profile design, and drainage.
2. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage.
3. Drainage systems shall be designed in consideration of possible flooding to the Base Flood Elevation.
4. Base flood elevation data for subdivision proposals
 - a. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

Article 29. Site Plan Review

To see if the Town will vote to amend the Section 9 of the Hubbardston Zoning Bylaw, by deleting the text shown as struck through(~~example~~), and adding the text shown in bold(**example**), as follows, or take any other action related thereto:

ARTICLE 9

SITE PLAN APPROVAL

Section

- 9.1 Application and Purpose
- 9.2 Site Plan Submission
- ~~9.3 Site Plan Form~~
- ~~9.4 Site Plan Content~~
- ~~9.5~~ Review by Other Agencies
- ~~9.6~~ Public Hearing
- ~~9.7~~ Decision and Enforcement
- 9.6 Associate Member**
- 9.7 Appeal of a Decision**
- 9.8 Amendment**
- 9.9 Conditions**
- 9.10 Recording**
- 9.11 Regulations**

9.1 Application and Purpose.

This article sets forth the process of submission and review of any site plan required to be approved by the Planning Board. The purpose of site plan review is to assure that development proposals are consistent with the environmental and siting objectives of the Town of Hubbardston. The site plan provides the basic information necessary for reasoned review by citizens and agencies of the Town. Site plan review is applicable when required under Article 4 of these bylaws (subsections 4.2, 4.3.1, 4.5, 4.7) and Articles 13, 15,⁴⁶ and 20.⁴⁷

The site plan application shall include:

- ~~a. A summary description of the proposed use, its location, purpose and zoning district.~~
- ~~b. A citation to sections of these zoning bylaws which apply to the site plan.~~
- ~~c. A list of abutters in accordance with Massachusetts General Laws Chapter 40A Section 11 and the required cost to publish hearing notices and notify abutters.⁴⁸~~

9.2 Site Plan Submission.

Applications and plans shall be filed by the petitioner in accordance with Planning Board Rules & Regulations for Site Plan Approval, subject to Section 9.11 herein.

An applicant for site plan approval shall submit the following:

- ~~a. Two (2) original mylar drawings of the site plan and six (6) contact prints. The prints are to be dark line on white background. One of the original drawings will be returned after approval or disapproval.~~
- ~~b. Three (3) copies of the Planning Board's Site Plan Review Application Form. The applicant shall state in his application the time within which the required work on the ground will be completed.~~
- ~~c. The required fee established by the Planning Board.~~
- ~~d. A location plan of the site at a scale of 1 inch = 200 feet (1" = 200') showing all proposed uses, ways, driveways, buildings, parking and loading areas and their relation to one or more existing streets.~~
- ~~e. A sketch plan, acceptable to the Planning Board, showing a prospective layout for any adjacent land owned or controlled by the owner or application.~~
- ~~f. A community and environmental assessment report as required by Article 8.~~
- ~~g. The plan shall not be deemed to have been submitted until the application form, site plan, and fee herein required have been delivered to the Planning Board at a regular or special meeting. Receipt will~~

be acknowledged by signature of a majority of the Planning Board on each copy of the application, two (2) of which will be returned to the applicant.

h. When deemed necessary by the Board the plan may be reviewed by an engineer selected by the Planning Board.⁴⁹

i. All consultants fees for legal, engineering, and other professional reviews required by the Planning Board shall be paid for by the applicant.⁵⁰

9.3 Site Plan Form.

The site plan shall be prepared by a registered engineer or surveyor and shall be clearly and legibly drawn at a scale of not less than 1 inch = 40 feet (1" = 40') on a material which is suitable for reproduction. If multiple sheets are used, an index sheet showing the entire site plan shall be provided.

9.4 Site Plan Content.

The site plan shall contain the following information:

- a. Plan name, boundaries, true north point, date, scale, and zoning district(s).
- b. Names and addresses of present record owner(s) and applicant and name(s) of the engineer and surveyor who prepared the plan; certificates and seals of the engineer and surveyor; and a certificate that all surveying conforms to the requirements of the Massachusetts Land Court.
- c. Zoning district boundaries, if any.
- d. Suitable space to record the action of the Planning Board and the signatures of the Planning Board on each sheet of the site plan.
- e. Major site features, such as existing stone walls, fences, buildings, rock ridges, rock outcroppings, swamps, trees over twelve (12") inches in diameter, or the perimeter of heavily wooded areas.
- f. Location of natural waterways, water bodies and wetlands within and adjacent to the site.
- g. Existing and proposed topography of the land to be shown at five (5') foot intervals.
- h. Size, material, type, and location of existing and proposed storm drains, sewers, utility services, septic or sanitary disposal systems, hydrants.
- i. Existing and proposed layout of driveways, parking areas, storage and loading areas, buildings, structures, lighting, signs, fire alarm systems.
- j. Profiles of all buildings, structures, signs.
- k. Landscape and maintenance plan.

9.53 Review by Other Agencies.

The Planning Board shall transmit the site plan and environmental assessment to the Board of Health, Highway Department, Police Department, Fire Department and Conservation Commission for review and comment. These agencies may submit recommendations to the Planning Board within twenty (20) days from transmittal.

9.64 Public Hearing.

The Planning Board shall hold a public hearing on the proposed site plan within sixty-five (65) days from the date of submission, unless by written agreement between the applicant and the Planning Board, such time limit is extended. Legal notice of the hearing shall be given by the Planning Board to the applicant, abutters, and to the Planning Boards of the towns abutting the Town of Hubbardston. Legal notice shall be posted in the Town Hall. Legal notice shall be published once in each of two successive weeks in a local newspaper; the first notice is to be published not less than fourteen (14) days prior to the hearing. The Public Hearing on the site plan may be held simultaneously with the Public Hearing on the Special Permit.

9.75 Site Plan Decision and Enforcement.

The Planning Board may approve, modify, or reject the application within ninety (90) days following the date of the Public Hearing, unless by written agreement between the applicant and the Planning Board, such time limit is extended. The Planning Board shall issue a written statement of reasons for its decision.⁵¹ A decision to approve or modify the site plan shall require an affirmative vote of four (4) members.

The Planning Board's decision shall be based upon a determination that the development shown on the site plan, as approved or modified, will have an acceptable level of community or environmental impact, will be consistent with the land use objectives of the town, will comply with the purpose of these zoning bylaws as stated in Section 1.2, and will comply with these zoning bylaws, Rules and Regulations of the Town of Hubbardston and applicable laws and regulations of the Commonwealth of Massachusetts.

An approved site plan is valid for two (2) years; development must be completed within that time unless an extension is granted. Failure to comply with the Planning Board's site plan decision will result in a penalty of \$300.00 for each day of continuing violation.

~~The Planning Board may waive or modify the requirements listed under section 9.2, 9.3, 9.4.⁵²~~

9.86 Associate Member

The Associate Member of the Planning Board shall sit on the Board for purposes of acting on site plan reviews and applications in the case of absence, inability to act, or conflict of interest in the part of any member of the Planning Board in the event of a vacancy on the Board.⁵³

9.7 Appeal of a Decision.

An appeal of the Planning Board's decision or failure to act may be made in accordance with MGL Ch. 40A s. 17.

9.8 Amendment.

In its decision, the Planning Board may reserve the power to amend the terms and conditions of a decision on application of the owner, lessee, or mortgagee. All provisions of this Section 9 shall apply to any modification or amendment.

9.9 Conditions.

The Planning Board may impose conditions, safeguards, and limitations on time or use to assure that the proposed structure or use will be in harmony with the purposes and intent of this Bylaw.

9.10 Recording.

Upon approval of an application, the recipient shall comply with the provisions of G.L. c. 40A, § 11, and record the decision with the Worcester County Registry of Deeds. Proof of recording shall be required of the recipient of a decision prior to the issuance of any building permit or the beginning of construction.

9.11 Regulations.

The Planning Board may periodically adopt or amend rules and regulations for the implementation of this Section 9, by majority vote of the board.

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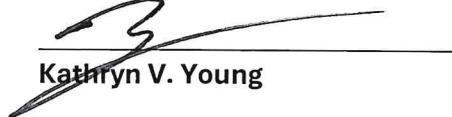


You are hereby directed to serve this warrant by posting attested copies thereof at the Place of Meeting, Hubbardston Center School, Hubbardston One Stop Shop convenience store, the Town Office and the Post Office fourteen days, at least, before the day of said meeting. Hereof, fail not, and make do 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 5th day of May 2025:


HUBBARDSTON SELECT BOARD


Jeffrey L. Williams



Kathryn V. Young

Heather M. Munroe


Kris E. Pareago


Peter J. Walker

A true copy, Attest:


Melody E. Green, Town Clerk

Date of Posting: 5-7-2025

Method: By Hand

By: Bella Kaldera, Constable

