

The original article is amended with the addition of the underlined text and original section b was removed

To see if the Town will vote to amend the General By-Laws of the Town Billerica by inserting the following new section as article XXVI

REGULATION OF ELECTRIC GENERATING POWER PLANT FACILITIES

a) **Preamble.** This Section establishes public requirements for regulation and oversight of electric generating power plant facilities in the Town of Billerica. This includes evaluating requests for any local permits relating to the siting, and construction of the facility and related structures (storage tanks, transmission lines etc.) and includes all requests for waivers, variances and/or appeals) as well as for monitoring the operation of electric power plant generating facilities within the town. The intent of this article is to require collaboration, consultation and coordination for thorough oversight by the elected and appointed local authorities in the Town of Billerica.

b) **Authority.** This Section is adopted pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article 89 of the Articles of Amendment.

c) **Definitions** For the purposes of this by-law Electric Generating Power Plant Facilities are defined as any generating unit designed for or capable of operating at a gross capacity of 1 megawatt or more, including associated buildings, ancillary structures, transmission and pipeline interconnections that are not otherwise facilities, and fuel storage facilities.

Every person proposing to construct, maintaining and/or or operating an electric generating power plant facility in the Town of Billerica shall do so in such manner as will protect public health and safety and the environment.

Upon determination by any one or more of the following;

the Town Manager, Board of Selectmen, Fire Department, Police Department, Board of Health, DPW Director, Conservation Commission, Planning Board and/or Board of Appeals,

- that the construction, operation and/or maintenance of such a facility creates the potential for, or results in, a threat to public health and safety or the environment,

- any one or more of the following; the Town Manager, Fire Department, Police Department, Board of Selectmen, Board of Health, DPW Director, Conservation Commission, Planning Board and/or Board of Appeals.

- may take any legal action necessary to protect public health, safety or the environment including to; refuse to grant, rescind, suspend, or modify any related contract, permit, variance, or waiver under their authority, following consultation with the Town Manager, Board of Selectmen, Fire Department, Police Department, Board of Health, Conservation Commission, DPW Director, Planning Board and Board of Appeals with due notice and a public hearing.

In addition to the procedures required by state law and regulation, the Town Manager, Board of Selectmen, Fire Department, Police Department, Board of Health, DPW Director, Conservation Commission, Planning Board and/or Board of Appeals will evaluate the following:

1. the location, nature and extent of any existing or potential sources of public or private drinking water supplies in relation to the site, including the wetlands and recharge area and the potential and/or actual impact to the water supply for the Town of Billerica as well as any other surrounding towns that may be affected in terms of water quantity, quality, and contamination. The project site shall include the facility and all related structures including storage tanks and transmission lines;
2. the relationship of the site to groundwater elevations and consequent impacts;
3. the proximity of wetlands, as defined in XXII and the impact of the alteration and/or destruction of any wetlands in regards to their functional ability to absorb pollutants and prevent any pollutants from migrating into the Concord River or any other “Water of the United States” as defined in the Clean Water Act;
4. the proximity of surface water bodies and consequent impacts;
5. the proximity of flood plains and consequent impacts;
6. the proximity of contaminated soils and consequent impacts;
7. the proximity of residential areas, schools and other public or private facilities and consequent impacts;
8. the availability and suitability of access roads to the site and consequent impacts;
9. the potential for, or actual, adverse impact on air quality;
10. the potential for creation of, or actual, public nuisance from noise;
11. the potential for, or actual, adverse public health and safety impacts;
12. the potential, or actual, impact on agricultural uses;
13. the potential, or actual, adverse impact on wildlife, wildlife habitat and wildlife corridor;
14. the potential, or actual, adverse impact of increased traffic volume on roads to the site;
15. the potential or actual adverse impacts on communities within one mile of the proposed site including the potential or actual adverse impacts on the considerations stated within this section;
16. water usage and withdrawals from the municipal water supply, and adverse impacts to the Town of Billerica’s current and future water withdrawal permits and to the Concord River including water flow and safe yield;
17. potential pollutants in and composition of all of the facility’s process waters, wastewater discharges and stormwater and the potential and or/actual adverse effects of the quality and quantity of these to the Town of Billerica’s WWTF, capacity and infrastructure, to the town’s current and future NPDES discharge permits and to the Concord River;.

d) Severability. Each of the paragraphs within this Section shall be construed as separate to the end that if any sentence, clause or phrase thereof shall be held invalid for any reason the remainder of that paragraph and all other paragraphs of this Section shall continue in force;

or act on anything relating thereto.