

**SPECIAL TOWN MEETING
TOWN OF MONTAGUE
COMMONWEALTH OF MASSACHUSETTS
March 3, 2022**

MOTIONS and BACKGROUND

ARTICLE 1. Allow remote meeting (Moderator Request)

MOVED: That the Town vote to conduct this Special Town Meeting remotely with the aid of Zoom Webinar.

BACKGROUND INFORMATION: This vote is required to conduct the meeting remotely.

Selectboard Recommends 3-0

ARTICLE 2. Emergency Repairs to Town Cemeteries. (Cemetery Commission Request)

MOVED: That the Town vote to appropriate the sum of \$10,000 for the purpose of making emergency repairs to town cemeteries, including any and all incidental and related costs, said sum to be raised from Sale of Highland Cemetery Lots.

BACKGROUND INFORMATION: The Sale of Highland Cemetery Lots represents the funds of the Highland Cemetery being transferred to the custody of the town. These, unlike specific perpetual care funds, can be used for general cemetery maintenance, but must be appropriated prior to use. This appropriation from those funds would allow the Cemetery Commission to respond to emergency repairs without needing a Reserve Fund transfer or having to wait for a town meeting to appropriate funds each time money was needed.

Selectboard Recommends 3-0

Finance Committee Recommends 7-0

ARTICLE 3. Repair Retaining Wall at Burnham Cemetery (Cemetery Commission Request)

MOVED: That the Town vote to appropriate the sum of \$10,000 for the purpose of repairing a retaining wall and for other related maintenance, renovations, and improvements at the Burnham Cemetery, including but not limited to the grading and clearing of trees to prevent future problems, and anything else incidental or related thereto, said sum to be raised from Free Cash.

BACKGROUND INFORMATION: The Burnham Cemetery is a town-owned cemetery located on South High Street in Montague City. A retaining wall is collapsing into an abutter's yard, in part due to pressure on the embankment it contains from substantial overgrowth of trees. The wall requires reconstruction, including bringing in new fill and retaining wall materials, as well as substantial tree work and grading to reduce the likelihood that this or other similar problems will occur again. Quotes relying on external vendors led to an original expected cost in excess of \$30,000, but the DPW is able to perform much of this

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work and requires only a budget for materials and some specialized tree work that may need to be subcontracted.

Selectboard Recommends 3-0
Finance Committee Recommends 7-0

ARTICLE 4. Vactor Truck (DPW Request)

MOVED: That the Town vote to authorize the Board of Selectmen to enter into a lease purchase agreement in accordance with the provisions of G.L. c.44, §21C for a period in excess of three years for the purchase of a new combination vacuum and sewer cleaner truck, also known as a vactor truck, and any equipment related thereto and to appropriate the sum of \$125,000 for the first-year payment of such agreement, said sum to be raised from the Town Capital Stabilization Fund.

BACKGROUND INFORMATION: This truck will allow to DPW to router the main line sewer and to vacuum the sewer manholes as well as clean and vacuum out the nearly 4 thousand catch basins that we have. The truck will also unplug sewer lines that can cause backups in the lines. This will replace a vehicle purchased in 2004. The past rationale for splitting the cost between the town and sewer users is no longer applicable, and DPW Superintendent Bergeron strongly recommends that this be funded from town funds.

Selectboard Recommends 3-0
Finance Committee Recommends 4-0-1
Capital Improvements Committee Recommends 3-0

ARTICLE 5. Increase FY22 Airport Budget (Airport Commission Request)

MOVED: That the Town vote to appropriate the sum of \$20,377 for the purpose of increasing the FY22 Airport Budget, with \$3,000 to be transferred from Airport Benefits and \$17,377 to be raised from Airport Retained Earnings.

BACKGROUND INFORMATION: The main reason for this request is significant unexpected costs of over \$20K to get the house ready for rental. Unexpectedly high utility costs for the new property will take up any other slack in the budget. The Workers Compensation amount in the Airport Benefits budget is not needed, and can fund part of the appropriation, with the balance of Airport Retained Earnings covering the rest.

Selectboard Recommends 3-0
Finance Committee Recommends 7-0

ARTICLE 6. Parks & Recreation Riding Mower (Parks & Recreation Request)

MOVED: That the Town vote to appropriate the sum of \$2,500 for the purpose of purchasing and equipping a riding mower for the Parks and Recreation Department, said sum to be raised from Free Cash.

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BACKGROUND INFORMATION: The previous one died and needs to be replaced. The new riding lawn mower that will primarily be used as a utility vehicle to groom the infields, in addition to providing needed transport of supplies and equipment for other facility maintenance duties. The department's previous mower was 20+ years old when it died this past summer.

Selectboard Recommends 3-0
Finance Committee Recommends 7-0

ARTICLE 7. Unity Park Surveillance System (Parks & Recreation Request)

MOVED: That the Town vote to appropriate the sum of \$4,500 for the purpose of purchasing and installing additional security cameras and updating the surveillance system at Unity Park, 56 1st Street, including any and all incidental and related costs, said sum to be raised from Free Cash.

BACKGROUND INFORMATION: The current surveillance system includes one camera focused on a small area of the playground, with information recorded and stored to a DVR unit for two weeks. This request includes the installation of three additional cameras (and one replacing the current unit) directed towards other areas of the playground, ballfield, and main parking lot/skatepark, with surveillance coverage stored in a cloud-based system that can be accessed 24/7. These cameras will also be equipped with night vision capabilities, similar to our current system. Unity Park has experienced an increase in vandalism in the last year, and feels that enhanced surveillance will help mitigate such behavior.

Selectboard Recommends 2-1
Finance Committee Recommends 3-1-3

ARTICLE 8. Increase FY22 Library Budget (Library Request)

MOVED: That the Town vote to appropriate the sum of \$10,616 for the purpose of increasing the Fiscal Year 2022 Libraries budget, said sum to be raised from Free Cash.

BACKGROUND INFORMATION: The retirement buyouts of former Library Director Linda Hickman were not anticipated or covered in the library's Fiscal Year 2022 budget. These additional funds would cover those costs.

Selectboard Recommends 3-0
Finance Committee Recommends 7-0

ARTICLE 9. Engineering Plan for Carnegie Driveway (Library Request)

MOVED: That the Town vote to appropriate the sum of \$5,270 for the purpose of obtaining an engineered plan for the Carnegie Library's driveway project, including any and all incidental and related costs, said sum to be raised from Free Cash.

BACKGROUND INFORMATION: The basement of the Carnegie Public Library currently suffers from water leaking and seeping through the building façade. A professional

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assessment of the building found that the grade of the library's driveway contributed to the amount of water entering the building's foundation and recommended that we dig up the current driveway and regrade it to ensure that water flows away from the building's foundation. An engineering firm developed a plan for re-grading the driveway, making space for a retaining wall, and ensuring the work integrates into the existing accessibility ramp. This has been completed, funded with State Aid to Libraries grant funds. This request would allow those engineering costs to instead be charged to this special article, which would allow the State Aid to Libraries grant funds to be used for other intended purposes.

Selectboard Recommends 3-0
Finance Committee Recommends 7-0

ARTICLE 10. New Assessing Software and Computers (Board of Assessors Request)

MOVED. That the Town vote to appropriate the sum of \$25,100 for the purpose of upgrading the Board of Assessors' software and purchasing related computer equipment, including any and all incidental and related costs, said appropriation to be funded with the remaining \$4,750 in Article #13 of the May 3, 2014 Annual Town Meeting, which appropriated funds for this same purpose, and \$20,350 from Free Cash.

BACKGROUND INFORMATION: The current version of the software is outdated and does not work with Windows 10. As a result, we must log in separately to the old server to use this software, which adds technical issues from the mundane (data is not refreshed) to the significant (security issues, glitches with updates.) This article covers the cost of a new server and licenses (\$8,500), 2 new workstations (\$2,500) (the current computers are scheduled for replacement in FY23), and the Patriot Properties' AssessPro software conversion (\$14,100). The Assessing software is a critical component of our appraisal functions. It is important to have software that is both secure and problem free to ensure continuation of timely cash flow via the tax billing process. The conversion program will be complex and require most of this year to accomplish therefore it is best to begin soon.

Selectboard Recommends 3-0
Finance Committee Recommends 5-0
Capital Improvements Committee Recommends 5-0

ARTICLE 11. Montague Student at Smith Vocational (Town Accountant Request)

MOVED: That the Town vote to appropriate sum of \$25,000 for the purpose of providing tuition and transportation for a Montague resident attending Smith Vocational School, said sum to be raised from Free Cash.

BACKGROUND INFORMATION: In October, a student at Smith Vocational High School moved to Montague. Since the student was already enrolled at Smith before they moved to Montague, they have the right to stay in their program through graduation per M.G.L. Chapter 74, with tuition and transportation to be paid by the town of residency.

Selectboard Recommends 3-0
Finance Committee Recommends 7-0

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ARTICLE 12. Hillcrest Flooring (Gill Montague Regional School District Request)

MOVED: That the Town vote to appropriate the sum of \$315,000 for the purpose of abating, replacing, and/or covering existing tile flooring in the Hillcrest Elementary School, including any and all incidental and related costs, said sum to be raised from the Town Capital Stabilization Fund.

BACKGROUND INFORMATION: See separate handout.

Selectboard Recommends 3-0
Finance Committee Recommends 5-0
Capital Improvements Committee Recommends 5-0

ARTICLE 13. Montague City Road Flooding (Town Administrator Request)

MOVED: That the Town vote to appropriate the sum of \$66,481 for the purpose of making improvements to reduce flooding and related issues on and along Montague City Road, including any and all incidental and related costs, said sum to be raised from the Town Capital Stabilization Fund.

BACKGROUND INFORMATION:

The Montague City Road Flooding Relief Project combines nature-based solutions and traditional stormwater engineering to address the routine flooding of a main thoroughfare that is an emergency evacuation route. This road regularly floods after moderate rainfall due to an undersized drainage channel that runs parallel to the road.

The project is engineered to accommodate a 100-year flood event through restoration of the floodplain and wetlands surrounding the channel with a backstop of additional catch basins at the road shoulder to accommodate extreme rain events. The project has a matching grant of \$237,287 from a FEMA Pre-Disaster Mitigation Grant as well as a Town appropriation (10.16.21 STM) of \$135,000. This totals \$372,287, approximately \$6,647 over the expected project cost as it was designed in 2019.

This request would establish “bid contingency” of 20% for the project. Bidding is expected to be complete in early March. Bid contingency of 20% on a project estimated at \$365,640 would be \$73,126. The requested \$66,481 reflects the 20% bid contingency figure, less the \$6,647 currently in hand that is over and above the expected project cost.

This appropriation is timely because the terms of the FEMA grant require the work be completed by the end of the 2022 construction season, which will require the project to be funded this winter. If this contingency is not necessary, the appropriation will not be spent and could later be returned to capital stabilization.

Selectboard Recommends 3-0
Finance Committee Recommends 5-0
Capital Improvements Committee Recommends 5-0

ARTICLE 14. Zoning Bylaw for Battery Energy Storage Facilities (Planning Board Request)
MOVED: That the Town vote to amend Montague Zoning Bylaws sections 2, 5.2.8, 5.2.9, 8.9 and 9.1.2 to adopt a Zoning Bylaw Amendment relating to the regulation of Battery Energy Storage Facilities as shown below.

**Proposed Zoning Bylaw Amendment relating to the regulation of
Battery Energy Storage Facilities**

Proposed new text shown in *italicized yellow highlight*. Proposed text deletion shown as **bold red strikethrough**

Remove and replace the definition of Public Utility in Section 2 with the following text:

Section 2 Definitions

PUBLIC UTILITY: shall include power lines, power transmission, power generation facilities, and telecommunication facilities (See Section §8.6) but shall exclude solar energy installations, *solar energy facilities, small scale battery energy storage systems, and battery energy storage facilities* (See §8.9). A public utility may be privately owned but is otherwise regulated by the Mass Department of Public Utilities, the Federal Communications Commission, the Federal Energy Regulatory Commission, or other governmental agencies.

Add “battery energy storage facilities” to the list of uses allowed by Special Permit in the Industrial District (Section 5.2.8 (b) ii.) and Historic Industrial District (Section 5.2.9(b)v) with the following text:

5.2.8 ID. Industrial District

(a) Permitted Uses:

- i. Business office or professional office
- ii. Manufacturing, processing, or research
- iii. Bulk storage, warehousing, distribution
- iv. Agriculture or forestry products processing

(b) Uses allowed by Special Permit from the Planning Board

- i. All uses in §5.2.8(a) that involve the construction or alteration of over 20,000 square feet of floor area or the development of over 217,800 square feet (5 acres) of land.
- ii. Solar energy *and battery energy storage* facilities, per §8.9
- iii. Self-service storage facilities, per §8.7
- iv. Retail sales and services
- v. Hotels
- vi. Earth removal, per §8.2
- vii. Open recreational enterprises
- viii. Public utilities
- ix. Marijuana cultivation, production, research, or testing, medical marijuana treatment center, or retail if accessory to cultivation or production as a primary use, per §8.10

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- x. Other uses similar to §5.2.8(a) in externally observable attributes.

5.2.9 HI. Historic Industrial District

(a) Permitted Uses:

- i. Business, professional, or medical office in an existing building
- ii. Retail sales and services in an existing building
- iii. Manufacturing, processing, or research in an existing building
- iv. Bulk storage, warehousing, distribution in an existing building
- v. Craft workshop or light assembly shop in an existing building

(b) Uses allowed by Special Permit from the Planning Board:

- i. Uses listed in § 5.2.9(a) that are in new structures or additions to existing buildings
- ii. Multi-family dwelling
- iii. Hotels
- iv. Public utilities
- v. Solar energy **and battery energy storage** facilities, per §8.9
- vi. Marijuana retailer, medical marijuana treatment center, cultivation, production, research, or testing, per §8.10
- vii. Self-service storage facilities, per §8.7
- viii. Open recreational enterprises
- ix. Farming and forestry on 5 acres or less
- x. Other uses similar to § 5.2.9(a) in externally observable attributes.

(c) Special Requirements

- i. Demolition of an existing structure requires a special permit from the Planning Board, excepting structures that have been deemed unsafe by the Inspector of Buildings.

Remove and replace Section 8.9 (Solar Energy Installations and Facilities) with the following text:

8.9 Solar Energy Installations & Facilities and *Battery Energy Storage Facilities*

8.9.1 Purpose

To facilitate the transition from fossil fuels to renewable energy through the following:

- To encourage solar energy collection on roofs, over parking lots, and on degraded areas and to minimize the environmental impact when that is not otherwise practical.
- ***To allow properly sited battery energy storage facilities.***

8.9.2 Definitions

BUILDING MOUNTED SOLAR ENERGY INSTALLATION: A solar energy installation that is permanently affixed to a building, as defined by the building code. This definition is inclusive of canopy structures.

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ACCESSORY GROUND MOUNTED SOLAR ENERGY INSTALLATION: A solar energy installation that primarily supports on-site energy needs that is mounted on the ground, either directly or on supports which do not constitute a building under the building code.

SOLAR ENERGY FACILITY: a ground-mounted solar energy installation that exceeds 2,000 square feet of panel surface area. Solar Energy Facilities shall not constitute a Public Utility for the purposes of this bylaw.

BATTERY ENERGY STORAGE FACILITY: a physical container providing secondary containment to one or more battery cells for storing electrical energy that is equipped with cooling, ventilation, fire suppression, and an electronic battery management system. It may be a primary use or accessory to a solar energy facility, power generation facility, an electrical substation or other similar uses. Battery Energy Storage Facilities shall not constitute a Public Utility for the purposes of this bylaw. For the purpose of this bylaw, the aggregate rating of the facility shall exceed 80 kWh.

SMALL SCALE BATTERY ENERGY STORAGE SYSTEM: a battery storage system that is ancillary to a residential, commercial, or industrial use. For the purpose of this bylaw, the aggregate rating of the system shall not exceed 80 kWh.

8.9.3 Building Mounted Solar Energy Installations

Building Mounted Solar Energy Installations are permitted in all zoning districts.

8.9.4 Accessory Ground-Mounted Solar Energy Installations

Ground Mounted Solar Energy Installations shall be considered an accessory structure and shall meet the setback requirements of the Zoning District in which it is located. Ground-Mounted Solar Energy Installations are permitted in accordance with the following table:

Zoning District	Requirement
Neighborhood Business, Central Business, and Recreation-Education	Special Permit Required
RS-1	Special Permit Required if exceeding 150 square feet of panel surface area
All other districts	Special Permit Required if exceeding 500 square feet of panel surface area

8.9.5 Solar Energy Facilities and Battery Energy Storage Facilities

Solar Energy Facilities and Battery Energy Storage Facilities are allowed in the Industrial and Historic-Industrial Districts by Special Permit and Site Plan Review from the Planning Board, subject to the submittal requirements and standards of this section. The Planning Board may require additional conditions or vary the prescribed conditions upon a finding that such action is reasonably necessary to meet the purpose and intent of the Bylaws.

- (a) Required Submittals. In addition to the required Site Plan elements in §9, the following materials are required for permitting approval of Solar Energy *and Battery Storage* Facilities:
- i. A plan for the general procedures of operation and maintenance of the installation including security measures, maintenance of emergency access and the clear and available means of shutting down the facility in the event of an emergency.
 - ii. A fully inclusive estimate of the costs associated with removal and site restoration, prepared by a professional engineer.
 - iii. Owners and successors in title shall provide a satisfactory form of surety, either through escrow account, bond or otherwise, to cover the cost of removal and restoration of the landscape, in an amount determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal. Such surety may be waived for municipally or state owned facilities. *The form of surety shall be subject to review and approval of Town Counsel.*
 - iv. A stormwater management report prepared by a professional engineer.
 - v. *A native flowering planting and maintenance plan that supports pollinator habitat within the project area and its perimeter. Plan to be developing in consistency with UMASS Clean Energy's Extension Pollinator Friendly Solar PV Guide.*

(b) Special Permit Standards

- i. Adequate access and parking shall be provided for service and emergency vehicles; however there shall be no exterior long term storage of equipment or service vehicles on the site.
- ii. For every mature tree cleared for construction, measured in board feet of wood; at least an equivalent mass of living mature trees shall be retained on-site.
- iii. An 8 foot security fence shall be installed no closer to a property line than the setback required for a principal building. In addition, the site and its fencing shall be screened by buffering vegetation from general view from the surrounding ground level unless the Planning Board determines that there is no public benefit from such screening.
- iv. The facility shall provide a vegetated buffer strip of at least 100 feet from any street line property boundaries or from the property line of any abutting residential use.
- v. To the extent feasible, all network interconnections and power lines, to and from the facility, shall be via underground lines.
- vi. Drainage from impervious surfaces shall be fully accommodated onsite.
- vii. No *array facility* shall be floodlit.
- viii. Herbicides may not be used to control vegetation at the *solar electric installation facility*. *The operator shall conduct annual monitoring of the pollinator plantings and will remove invasive species and replant native flowering plants as needed.*

- ix. The owner of the **array facility** must provide for and post a 24 hour emergency contact phone number and identification of the owner. The information shall remain current and shall also be provided to the Police Chief and Fire Chief.
- x. **Decommissioning Requirements.** Any facility which has reached the end of its useful life or has been abandoned shall be decommissioned by the owner or operator who shall notify the Board by certified mail of the proposed date of shut down and removal. Decommissioning shall consist of the following:
 - Physical removal of all panels, structures, equipment, security barriers and transmission lines from the site **within 180 days following the date of notice to the Board.**
 - Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - Stabilization and re-vegetation of the site and erosion prevention.
 - The Town shall have the right, upon determination of abandonment, but not the obligation, to claim the financial surety, enter the site and remove the facility in accordance with the requirements of this section.
 - All facilities, attachments, and accessory structures which have not been used for a period of **one (1) year two (2) years** shall be considered abandoned. The removal expense shall be secured with the performance guarantee.
- xi. **Battery Energy Storage Facilities are encouraged to co-locate with solar energy facilities, energy, power generation stations, and electrical sub-stations. Facilities that are a primary use shall be located within a physical building that is harmonious with the adjacent architecture. Relief from this requirement may be granted for exceptional screening or the provision of publicly accessible open space or recreational amenities.**
- xii. **All facilities must comply with the Massachusetts Electrical Code (527 CMR 12.00) and Fire Code (527 CMR 1.00).**

8.9.5 Small Scale Battery Energy Storage System

Small Scale Battery Energy Storage Systems that are ancillary to and located within a permitted primary use are allowed in all zoning districts. All such systems must comply with the Massachusetts Electrical Code (527 CMR 12.00) and Fire Code (527 CMR 1.00).

Remove and replace Site Plan Review section 9.1.2(e) with the following text:

9.1.2 Applicability

The following activities and uses are subject to site plan review:

- (a) All uses that involve the construction or expansion or change of use of over 3,000 square feet of floor area.
- (b) All uses that involve the development of over 130,680 square feet (3 acres) of land.

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- (c) Any new structure, group of new structures, changes of use, or additions which result in an increase of 500 or more vehicle trips per day, as proposed in an applicant’s business plan acceptable to the reviewing authority or estimated by a professional engineer.
- (d) All uses that involve the construction or expansion of a parking area that creates ten (10) or more new parking spaces, per §7.2.6
- (e) Specific Uses identified elsewhere in this bylaw:
 - Accessory Apartments within existing single family homes, per §8.5
 - Self-storage facilities, per §8.9
 - Solar energy *and battery energy storage* facilities, per §8.9
 - Medical Marijuana Treatment Center or Marijuana retailer, cultivation, production, research, or testing, per §8.10
 - Open Space Residential Development, per §8.11
 - Planned Unit Development, per §8.12

BACKGROUND INFORMATION: The proposed bylaw amendment was developed by the Planning Board in anticipation of the proliferation of commercial-scale battery energy storage technology in response to renewable energy initiatives at the state and federal level. The Board recognizes that such technologies will help facilitate the transition from fossil fuel dependency to renewable energy, however such uses must be properly planned and located in order to protect the public health, safety, and welfare.

Under current zoning, a battery energy storage facility would be considered a “Public Utility” use which is allowed by Special Permit in all zoning districts except RS-1 and RS-2. The proposed bylaw represents an increase in restrictiveness in terms of land area and permit standards over a “public utility” use, however the proposed amendments are intended to prescribe a clearer set of standards/expectations that would facilitate the granting of a special permit for a properly sited and planned facility.

Summary of Recommended Bylaw Changes:

- Allow battery energy storage facilities by Special Permit and Site Plan Review from the Planning Board in Historic-Industrial and Industrial Districts
- Regulate battery storage facilities to the same standards as solar energy facilities
- Additional regulation to encourage battery storage to co-locate with like uses such as solar facilities, generation plants, and electrical substations. For a facility that does not co-locate, there are additional requirements that the facility be housed within a building or will otherwise require additional mitigation.
- Incorporate new standards for pollinator-friendly plantings at solar and battery storage facilities
- Establishes an exemption for battery storage less than 80kWh in size that is accessory to residential and small scale commercial. Every home and business can have a battery, subject to current fire and electrical codes

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- Minor housekeeping amendments recommended by town counsel relating to decommissioning and surety requirements

Selectboard Recommends 3-0
Planning Board Recommends 5-0