

**MONTAGUE SELECTBOARD MEETING
MONTAGUE BOARD OF HEALTH MEETING
AMENDED**

Remote Meeting via ZOOM

1 Avenue A, Turners Falls, MA 01376

Monday, February 14, 2022

Zoom Meeting Link: <https://us02web.zoom.us/j/84550479571>

Meeting ID: 845 5047 9571 **Password:** 188008 **Dial in Option:** (646) 558-8656

Topics may start earlier than specified, unless there is a hearing scheduled

Meeting Being Taped

Votes May Be Taken

1. **6:00 PM** Selectboard Chair opens the meeting, including announcing that the meeting is being recorded and roll call taken

2. 6:00 FERC First Light Recreation Agreement in Principle (AIP)
 - Vote to enter into Recreation AIP with FirstLight MA Hydro LLC and Northfield Mountain LLC (collectively, FirstLight)

- 2A 6:29** **Deb Bourbeau, Town Clerk**
 - **Election Update, Request to add unexpired term of Moderator to May 17th ballot.**

3. 6:30 Public Comment Period: Individuals will be limited to two (2) minutes each and the Selectboard will strictly adhere to time allotted for public comment

4. 6:32 Approve minutes of February 7, 2022

5. 6:34 Board of Health Chair opens the meeting, if quorum present, roll call taken

6. 6:35 COVID-19 Updates
 - Review of COVID case counts and trends

7. 6:50 Liquor License Hearing
 - Crystal Spring Investments, LLC dba Pub General, Tammy Tolzdorf as manager has applied for an Annual § 15 Off Premises Wine and Malt Beverage License, located at 27 East Main Street, Millers Falls, MA

8. 7:00 Public Hearing
 - Proposed 40R Smart Growth Overlay District

9. 7:30 Suzanne LoManto, Assistant Planner
 - Execute Mass Cultural Council Grant for the Turners Falls Cultural District, \$7,500
 - Review and Approval of Lighting Installation at Rock Paper Scissors Sculpture, corner of Avenue A and Third Street

10. 7:40 Personnel Board
 - Appoint Chris Sawyer-Laucanno to the Historical Commission, until June 30, 2025 (vacant seat)

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11. 7:45 Farren Care Center
 - Consider Draft Letter from the Town to Trinity Health New England re: The Farren Care Center and Related Property
 - Letter from Preservation Massachusetts regarding Farren Memorial Hospital Building

12. 7:55 Jon Dobosz, Parks and Recreation Director
 - Discussion of Special Town Meeting Request for Surveillance System Upgrades for Unity Park

13. 8:05 March 3, 2021 Special Town Meeting
 - Town Meeting Warrant – To review, make recommendations and vote to approve and execute draft warrant, attached hereto

14. 8:20 Town Administrator's Business
 - Review of Issues to Discuss with State Legislators on February 28, 2022
 - Topics not anticipated in the 48 hour posting

15. 8:35 Executive Session under G.L. c.30A, §21(a)(3) to discuss strategy with respect to collective Bargaining (NAGE), Votes may be taken

Other

- Anticipated Next Meeting: Monday, February 28, 2022 at **5:30 PM** via ZOOM

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

Franklin, ss.

To either of the Constables of the Town of Montague in the County of Franklin:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Montague qualified to vote in Town affairs to meet remotely, via Zoom Webinar beginning at 6:30 P.M. on March 3, 2022, and to act on the following articles and any motions which may be presented.

Town Meeting members who have email addresses on file with the Town Clerk will be sent instructions via email as to how to log-in, view and participate in the meeting. Those Town Meeting members for whom we do not have a current email address, or any member who does not receive an email from the Town by the close of business on Wednesday, February 16, 2022, should contact the Town Clerk's Office at townclerk@montague-ma.gov or (413) 863-3200 ext. 203 to access support that would enable you to log-in, view and participate in the meeting.

Registered Town of Montague voters, who are not Town Meeting Members, wishing to view and participate in this remote Town Meeting must submit a request to participate in the Meeting to the Town Clerk, at townclerk@montague-ma.gov or (413) 863-3200 ext. 203, by no later than 6:30 pm on Tuesday, February 23, 2021. Upon receipt of the request and verification of the requester's voter registration status, the Town Clerk shall provide to the requester instructions for participating in the remote Town Meeting.

For individuals wishing to view the Town Meeting, it will be broadcast on Montague Community Television, Comcast Channel 17.

Town Meeting members are encouraged to begin the process of joining the meeting at 6:00 pm on March 3, 2022 so as to avoid any delays in the commencement of the meeting.

The first order of business at the Town Meeting shall be for the Town Meeting members present and voting to vote on whether to commence business at the Town Meeting remotely by means of the Zoom webinar.

If the Town Meeting members vote to continue conducting the Town Meeting remotely, the members shall proceed by remote participation to address the remaining articles included in the warrant therefor.

If the Town Meeting members do not vote to continue conducting the Town Meeting remotely, the Town Meeting shall immediately be dissolved without taking any votes on any other

matters and the Select Board may call the Town Meeting for a future date pursuant to a new warrant that provides for the Town Meeting to be held in person at a physical location in accordance with all applicable laws and provisions of the Montague Town Meeting Act.

WARRANT ARTICLES

ARTICLE 1: To see if Town will vote to conduct this Special Town Meeting remotely with the aid of Zoom Webinar.

(Moderator Request)

ARTICLE 2: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$10,000, or any other amount, for the purpose of making emergency repairs to town cemeteries, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

(Cemetery Commission Request)

ARTICLE 3: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$10,000, or any other amount, for the purpose of repairing a retaining wall and for other maintenance, renovations, and improvements at the Burnham Cemetery, including but not limited to grading and clearing of trees, to prevent future problems, and anything else incidental or related thereto, or pass any vote or votes in relation thereto.

(Cemetery Commission Request)

ARTICLE 4: To see if the Town will 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 combination vacuum and sewer cleaner truck, also known as a vactor truck, and any equipment related thereto, and to raise and appropriate, transfer from available funds or otherwise provide the sum of \$125,000, or any other amount, for the first-year payment of such agreement, or pass any vote or votes in relation thereto.

(DPW Request)

ARTICLE 5: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$20,377, or any other amount, for the purpose of increasing the Fiscal Year 2022 Airport Budget, or pass any vote or votes in relation thereto.

(Airport Commission Request)

ARTICLE 6: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$2,500, or any other amount, for the purpose of purchasing and equipping a riding mower for the Parks and Recreation Department, or pass any vote or votes in relation thereto.

(Parks & Recreation Request)

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$4,500, or any other amount, 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, or pass any vote or votes in relation thereto.

(Parks & Recreation Request)

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$10,616, or any other amount, for the purpose of increasing the Fiscal Year 2022 Libraries budget, or pass any vote or votes in relation thereto.

(Library Request)

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$5,270, or any other amount, for the purpose of obtaining an engineered plan for the Carnegie Library's driveway project, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

(Library Request)

ARTICLE 10. To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$25,100, or any other amount, for the purpose of upgrading the Board of Assessors' software and purchasing related computer equipment, including any and all incidental and related costs, or pass any vote or votes in relation thereto.

(Board of Assessors Request)

ARTICLE 11: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$15,463, or any other amount, for the purpose of providing tuition for a Montague resident attending Smith Vocational School, or pass any vote or votes in relation thereto.

(Town Accountant Request)

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide the sum of \$315,000, or any other amount, 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, or pass any vote or votes in relation thereto.

(Gill Montague Regional School District Request)

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise provide the sum of \$66,481, or any other amount, 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, or pass any vote or votes in relation thereto.

(Town Administrator Request)

ARTICLE 14: To see if the Town will 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 below.

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

**PLANNING BOARD APPROVED DRAFT
for Town Meeting Approval
1.6.2022**

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
- 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.

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.
- (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

or pass any vote or votes in relation thereto.

(Planning Board Request)

ARTICLE 15: To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation to ratify validate and confirm the results of this Special Town Meeting. The petition for special legislation shall take the following form; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, or pass any vote or votes in relation thereto.

An Act relative to the March 3, 2022 special town meeting for the town of Montague.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to ratify, validate and confirm the actions taken by the Town of Montague during its March 3, 2022 representative town meeting which was held by remote participation so as to be protective of public health and safety in light of the on-going threat posed by the COVID-19 virus and its variants, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general law, special law, or bylaw to the contrary, all acts and proceedings taken by the Town of Montague at its March 3, 2022 special town meeting and all actions taken pursuant thereto are hereby ratified, validated, and confirmed notwithstanding the fact that said town meeting was conducted by remote video participation in lieu of the town meeting members assembling in person.

SECTION 2. This act shall take effect upon its passage.

Given under our hands this ____ day of February in the Year of Our Lord Two Thousand and Twenty-Two.

Matthew Lord

Christopher M. Boutwell, Sr.

Richard Kuklewicz, Chairman
Selectmen, Town of Montague

Franklin, ss Montague, MA February ____, 2022

Pursuant to the within warrant, I have warned the Inhabitants of the Town of Montague by posting attested copies of the same in a conspicuous place in each of the Post Offices, Libraries, and the Town Hall of the Town of Montague at least fourteen days before said meeting as within directed.

Constable of Montague