

**Commonwealth of Massachusetts
Town of Shutesbury**

**Annual Town Meeting Minutes
April 27, 2024**

The Town of Shutesbury held Annual Town Meeting on Saturday, April 27 2024, in the gymnasium of the Shutesbury Elementary School at 23 West Pelham Road. This was the first time Annual Town Meeting was held indoors since the onset of the Covid-19 pandemic four years ago. 204 registered voters checked in for Annual Town Meeting.

Town Moderator Paul Lyons opened Annual Town Meeting at 9:15 AM with a review of rules and procedures, introduced new members of town government, and asked any non-voters present to identify themselves.

Article 1. A motion was made and seconded that the Town of Shutesbury vote to hear, and receive reports of town officers, committees, and boards.

Article 1 passed unanimously. Town Meeting heard reports from Mary Anne Antonellis on behalf of the Library, from Meryl Mandell on behalf of the Recycling & Solid Waste Committee, from April Stein on behalf of the Personnel Board, from Michael DeChiara on behalf of the Energy & Climate Action Committee, from Stephen Dallmus on behalf of the Buildings Committee, from Ellen McKay on behalf of the Tax Collectors Office, and from Henry Geddes on behalf of the Historical Commission.

Article 2. A motion was made and seconded that the Town of Shutesbury vote to amend Section VI of the Amherst Pelham Regional School District Agreement by replacing subsection j) as follows: "For Fiscal Year 2025 only, the alternative operating budget assessment shall be calculated as a five-year average of minimum contributions with the remainder of the assessment allocated to the member towns in accordance with the per-pupil method found in Section VI e) of the Amherst Pelham Regional School District Agreement. Additionally, if any member town's assessment based on this method increases or decreases more than 6.0% from their Fiscal Year 2024 assessment, the Fiscal Year 2025 assessment shall be limited to a 6.0% change provided that the requirements of Minimum Local Contribution are still met. The five-year average of minimum contributions will include the five most recent years."

Article 2 passed by majority.

Article 3. A motion was made and seconded that the Town of Shutesbury vote to appropriate, transfer from available funds, borrow, or otherwise provide a sum of money to meet town expenses including operations, capital, salaries and school expenses of **\$7,207,878** by raising the sum of **\$7,117,453** and transferring **\$70,000 from Free Cash**, and **\$20,425 from the Septic Betterment Fund**, for the fiscal year beginning July 1, 2024

An amendment was proposed to reduce the sums in Article 3 by \$2,064 each, to \$7,205,814 and \$7,115,389. **The amendment passed.**

Article 3 as amended passed by majority.

A motion was made and seconded to combine Articles 4, 5 and 6. Motion to combine passed by majority.

Article 4. To see if the Town of Shutesbury will vote to set the salary compensation for all elected officials of the town (Select Board, Town Clerk, Moderator and Constable) as provided by MGL Chapter 41, Section 108, to be made effective from July 1, 2024, as contained in the budget.

Article 5. To see if the Town of Shutesbury will vote to authorize the Treasurer to enter into compensating balance agreements during Fiscal 2025 as permitted by M.G.L. c. 44, section 53F.

Article 6. To see if the Town of Shutesbury will vote to allow the Select Board to apply for, accept and expend state, federal and other grants, which do not require a town appropriation.

Article 4, Article 5 and Article 6 passed unanimously.

Article 7. A motion was made and seconded that the Town of Shutesbury vote to approve the appointment pursuant to MGL Chapter 268A, Section 21A, of Catherine Hilton as a Board of Health Administrative Consultant while also serving as an elected official on the Board of Health.

Article 7 passed unanimously.

Article 8. A motion was made and seconded that the Town of Shutesbury vote to approve the appointment pursuant to MGL Chapter 268A, Section 21A, of Walter Tibbetts as a Cemetery Groundskeeper while also serving as an elected official on the Cemetery Commission.

Article 8 passed unanimously.

A motion was made and seconded to table Article 9. The motion passed unanimously.

Article 9 was tabled.

Article 10. A motion was made and seconded that the Town of Shutesbury vote to adopt Chapter 138, sec. 33B, for the Shutesbury Athletic Club to sell liquor at 10 am on Saturdays and Sundays.

An amendment was made and seconded to rephrase the article, so it states “to allow for the sale of alcohol beverages between the hours of 10:00am and 12:00pm on Sundays, the last Monday in May, on Christmas Day, and on the day following when said day occurs on Sunday.”

Amendment passed unanimously.

Article 10 as amended passed unanimously.

Article 11. A motion was made and seconded that the Town of Shutesbury vote to amend the Town Revolving Fund Bylaws to add a Cemetery Commission Revolving Fund with a spending limit of \$2000, to be spent on cremation and burial costs from contractors and groundskeeping work, source of funds to come from cremation and burial fees, with only Cemetery Commissioners having access to the

revolving funds, pursuant to MGL c. 44, sec. 53E1/2, to (1) authorize revolving funds for certain Town Departments.

An amendment was proposed to change the text “source of funds to come from cremation and burial fees” to read “source of funds to come from internment of cremated remains and burial fees.” Amendment passed unanimously.

Article 11 as amended passed unanimously.

Article 12. A motion was made and seconded that the Town of Shutesbury vote to approve annual spending limits for FY2025 for revolving funds established in the Town Bylaws, pursuant to MGL c. 44, sec. 53E1/2, as most recently amended, to (1) authorize revolving funds for certain Town Departments for:

Revolving fund	FY2025 spending limit
Dog license and control	\$1,000
Recycling	\$25,000
Fire Inspections	\$3,000
Electrical Inspections	\$4,000
Plumbing Inspection	\$5,000
Cemetery	\$2,000
Library	\$10,000
Conservation	\$3,000
SRECS Solar Renewable Energy Certificates	\$30,000
COA Seniors	\$ 5,000

Article 12 passed unanimously.

Article 13. A motion was made and seconded that the Town of Shutesbury vote to appropriate a sum of money, not to exceed one hundred and fifty thousand dollars (\$150,000.00) be and hereby is appropriated to pay costs of PFAS Mitigation construction activities, and the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Select Board, is hereby authorized to borrow said amount under and pursuant to M.G.L. c. 44, §§7 and 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. All, or any portion, of this borrowing may be obtained through the Massachusetts Clean Water Trust (the “Trust”) in accordance with Chapter 29c, as amended, of the General Laws. The Town Administrator, the Treasurer and any other appropriate official of the Town are authorized to execute and deliver any and all agreements and other documents that may be required by the Trust, or by The Commonwealth of Massachusetts’ Department of Environmental Protection in connection with any financing to be obtained through the Trust. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with

M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Article 13 passed by a clear majority.

Article 14. A motion was made and seconded that the Town of Shutesbury vote to transfer from Free Cash \$30,000 for the Building Committee Renovation Fund.

Article 14 passed unanimously.

Article 15. A motion was made and seconded that the Town of Shutesbury vote to transfer from Free Cash \$12,000 for body cameras.

Article 15 passed by clear majority.

Article 16. A motion was made and seconded that the Town of Shutesbury vote to transfer from Free Cash \$70,588 for a new pick-up cruiser.

Article 16 passed by a clear majority.

Article 17. A motion was made and seconded that the Town of Shutesbury vote to transfer from Free Cash \$4500 for a new storage unit at the highway dept.

Article 17 passed unanimously.

Article 18. A motion was made and seconded that the Town of Shutesbury vote to transfer from Free Cash \$25,000 for a new generator and propane tank at the highway dept.

Article 18 passed unanimously.

Article 19. A motion was made and seconded that the Town of Shutesbury vote to transfer from Capital Stabilization \$12,000 for additional funds for material to rebuild portions of gravel roads.

Article 19 passed unanimously.

Article 20. A motion was made and seconded that Town of Shutesbury vote to act on the recommendation of the Community Preservation Committee on the fiscal year 2025 budget to transfer from the Community Preservation Fund estimated annual revenues the sums of \$6,000 to Open Space and Recreation; \$6,000 to Historic Preservation; \$6,000 to Community Housing; and \$35,000 to the FY25 Community Preservation Fund budgeted reserve.

Article 20 passed by clear majority.

Article 21. A motion was made and seconded that the Town of Shutesbury vote to appropriate \$2,500 from fiscal year 2025 Community Preservation Fund estimated annual revenues for necessary and proper administrative and operational expenses of the Shutesbury Community Preservation Committee.

Article 21 passed unanimously.

Article 22. A motion was made and seconded that the Town of Shutesbury vote to appropriate the sum of **\$351,120.00** for the MLP Enterprise Fund beginning July 1, 2024 in accordance with the provisions of M.G.L. c.44, sec 53 F ½, amount to be funded from the following sources

MLP ENTERPRISE FUND OPERATING BUDGET FY2025

Expenses	Amount	NOTES
Routine network maintenance	\$ 70,000	<i>Annual Maintenance</i>
Insurance	\$ 13,000	<i>Insurance via MIIA with 15K deductible</i>
Backhaul	\$ 51,156	<i>10GB CrownCastle connection \$2,938/ month; 1GB MBI/backup \$1,125/mo. TOTAL = \$4,063/month AND monitoring \$200/mo x 12</i>
MLP Manager Salary	\$ 25,540	<i>MLP Manager Stipend</i>
Employment Overhead	\$ 657	<i>Medicare & Workers Comp Overhead</i>
Bond fee for poles	\$ 6,750	<i>3K for Ngrid and Verizon; 750 for Eversource</i>
Pole rental	\$ 20,670	<i>\$13.78 x 1,500 poles</i>
Calix Essentials Support	\$ 7,975	<i>Annual Maintenance contract with Calix. Provides direct support and emergency electronic equipment replacement.</i>
Supplies	\$ 500	<i>Office supplies, postage, data backup</i>
Legal	\$ 1,000	<i>Legal Services from Town Counsel</i>
Electronics Hut Operations	\$ 6,500	<i>HVAC maintenance \$500, Security Monitoring \$336, Building Maintenance \$464, Electricity to power hut (\$3,600), shared propane (\$600, full tank fill), shared generator maintenance (\$1,000). Indirect Costs reimbursed to town.</i>
Electronics Depreciation	\$ 45,000	<i>To replace electronics in 7-10 years. Hut servers and switches, home routers and ONTs. (Broadband Capital Stabilization)</i>
Debt Service	\$ 97,900	<i>\$97,900 Payment due 4/3/2025 on \$883,333 10 year note</i>
Accounting, Treasurer, Auditor Support	\$ 4,145	<i>Indirect Costs reimbursed to town. Portion based on current town budget. Audit \$435, Accountant \$1,330, Treasurer \$2,380</i>
Subscriber Support	\$ 5,000	<i>Reduced subscriber fees for low-income households</i>
Lifeline CAFII Administration	\$ 7,000	<i>\$2K per year flat admin cost plus \$80 for each new recipient application, then \$50 annual renewal for each recipient (estimating < 100 applications annually)</i>

CAF II Funding	\$ (14,730)	<i>Grant funds - annual payment until 2030</i>
Fiber Rental Earnings	\$ (1,992)	<i>Town of New Salem fiber pathway rental</i>
OPERATIONS SUBTOTAL	\$ 346,071	
Extraordinary & Unforseen	\$ 5,049	
OPERATIONS TOTAL	\$ 351,120	

Income

MLP FEES	\$ 351,120	<i>Subscriber # x Monthly Fee x 12 (770 x \$38 x 12 months)</i>

An amendment was proposed to change the Amount in the Operations Total line to “\$367,842.”

The amendment passed unanimously.

Article 22 as amended passed unanimously.

Article 23. A motion was made and seconded that the Town of Shutesbury vote to pay two bills from prior years, MacNicol & Tombs, invoice no. 1297, \$967.25, for title insurance for the Kestrel Trust land purchase, and a bill from Associated Elevator, invoice #295353, \$1,375, Annual Safety Test, Oct. 24, 2022.

Article 23 passed unanimously.

Article 24. A motion was made and seconded that the Town of Shutesbury vote to pay bills from prior years, first a bill from Cartelli Ford, 1/5/23, \$384.89, for maintenance of the 2018 police cruiser, and second, two invoices from Election Systems & Software for the annual local election on 5/21/22, invoice #CD2027767 for \$34.57, and invoice #CD2027686, for \$669.55.

Article 24 passed unanimously.

Article 25. A motion was made and seconded that the Town of Shutesbury vote to approve the Shutesbury Solicitation Bylaw

“Proposed Shutesbury Solicitation Bylaw

1. Persons engaged in solicitation canvassing as defined in this Bylaw must have the registration certificate on their person at all times during solicitation or canvassing and show such certificate to any person solicited or upon the request of any police officer.

2. Registration certificates are only valid for the specific dates or time-period specified thereon and in no case for longer than 60 days.

3. Upon going into any residential premises in the Town of Shutesbury, every solicitor, canvasser or other persons must first examine any notice that may be posted prohibiting solicitation, trespassing, or other activities. If such notice is posted, the solicitor, canvasser or other person shall immediately and peacefully depart from the premises.

4. Any solicitor, canvasser or other person who has gained entrance to any residence, whether invited or no, shall immediately peacefully depart from the premises when requested to do so by the occupant.

5. Any solicitor, canvasser or other person shall notify the Shutesbury Police Department prior to conducting any solicitation or canvassing.

NO PERSON SHALL:

6. Falsely represent, directly or by implication, that the solicitation, canvassing or other activity is being done on behalf of a governmental organization, or on behalf of any municipal employee or elected official.

7. Solicit or canvass or conduct any other activity at any residence where there is a sign posted prohibiting the same, without express prior permission of the occupant.

8. Solicit, canvass, or conduct any other activity at any residence without express prior permission of an occupant, before 9:00 am or after 9:00 pm, where there is no sign posted otherwise limiting solicitation or the hours of solicitation or such activities.

9. Utilize any form of endorsement from any department head currently employed or serving the Town of Shutesbury.

10. Solicit, canvass or conduct any other activity at any residence in a threatening, abusive, or illegal fashion.”

Following discussion and several proposed amendments which were not brought to a vote, **Article 25 was tabled. The motion to table Article 25 passed unanimously.**

Article 26. Municipal Energy Storage General Bylaw A motion was made and seconded that the Town of Shutesbury vote to adopt the Municipal Energy Storage Systems Bylaw as a general bylaw for the Town of Shutesbury.

“GENERAL BYLAW REGARDING ENERGY STORAGE SYSTEMS

1. Purpose

The purpose of this bylaw is to protect the health, safety, and welfare of the residents of Shutesbury while supporting appropriately sited energy infrastructure.

It is understood that:

- All residents of the Town of Shutesbury rely upon private wells for clean potable water. Given this, groundwater resources must be protected from contamination and disruption in order to meet current and future residential needs.
- Shutesbury is a small rural town and its emergency response system is staffed, trained, and equipped to respond to residential house fires, minor wild fires, traffic accidents, and similar-scale emergencies. The Town’s capacity to effectively respond to large-scale or complex industrial incidents is limited. Surrounding rural towns capable of rendering mutual aid are similarly staffed and equipped. Therefore, industrial facilities with the potential to cause large or complex fires may pose a heightened risk to public health and safety.
- The Town of Shutesbury is approximately 92 percent forested and the effects of climate change (e.g. increased frequency of drought conditions, decreased forest health, etc.) may increase the risk of catastrophic wildfires, including those caused by industrial fire incidents.

2. Definition

Energy Storage System (ESS) shall mean any mechanical, thermal, electrical, chemical, electrochemical, or other device that is used to store energy for use by the utility grid or to serve as an onsite energy backup system. Technologies may include but are not limited to pumped hydro, compressed air, molten salt (thermal), solid state, lithium-ion battery, lead-acid battery, flow battery, hydrogen, or flywheel.

3. Applicability

This bylaw shall apply to all non-residential operations of Energy Storage Systems in the Town of Shutesbury. Subsequent references to ESS shall exclusively apply to non-residential uses of energy storage systems.

4. Energy Storage System Licensing

To operate a non-residential energy storage system in the Town of Shutesbury, an Energy Storage System License shall be required.

The Energy Storage System Licensing Board (the Licensing Board) shall be the license granting authority for energy storage systems. The Energy Storage System Licensing Board shall consist of seven (7) voting members: All three members of the Select Board; one member appointed by the Conservation Commission; one member appointed by the Board of Health; one member appointed by the Planning Board; one member appointed by the Zoning Board of Appeals.

An application for an Energy Storage System shall be considered submitted to the Town of Shutesbury if it has been received by registered mail or hand delivered to the Town Clerk. The Licensing Board shall convene within 65 days after receipt of an Energy Storage System application the purpose of holding a public hearing regarding an application for an Energy Storage System License. The Licensing Board shall have up to 60 days from the close of the hearing to render a decision.

At its discretion the Licensing Board may create forms and procedures to apply to the energy storage system application and review process. The Licensing Board shall designate an individual to oversee and coordinate the application review process as defined in this bylaw or as determined by the Licensing Board.

The Licensing Board shall require all documentation established in this bylaw and may require additional data and documentation, at its discretion, to provide a basis for a decision. The Licensing Board is empowered to approve, reject, or approve with conditions any application for a Energy Storage System License. Licensing approval shall require a two-thirds vote of the voting members of the Licensing Board. If approved, applicant will receive an Energy Storage System License from the Town of Shutesbury.

If approved, an ESS license shall be in effect for a period determined by the Licensing Board of no less than ten years and no greater than twenty years. Renewal of an ESS License shall require a process whereby the Licensing Board can meet the requirements set out in Section 11, Licensing Findings.

5. Required Documentation

To receive a license for operations from the Energy Storage System Licensing Board, an applicant shall submit an Energy Storage System application and the required documents. Two copies of each document shall be provided in hardcopy and one copy in digital form.

A. An application for an Energy Storage System License shall be provided to the Town Clerk and shall include the following information:

- Name, address, phone and email contact for the applicant.
- Name, address, phone and email contact for the landowner.
- Name, address, phone and email contact for the site operator.
 - Location of the proposed ESS storage system.
- Nameplate power rating, storage capacity, and net generation capacity of the proposed ESS equipment.

B. The following documentation is required for an ESS license application to be considered complete:

1. A project summary and site plan for the ESS. Additional copies of the project summary shall be mailed or hand delivered to the Fire Chief, Police Chief, and the Emergency Management Director in addition to the ESSLB.
2. Material Safety Data Sheets for the energy storage system unit and components, including but not limited to fire suppression chemicals that would be used in the case of a fire at the ESS.
3. A Hazard Mitigation Analysis as required by the applicable National Fire Protection Association standards in effect at the time of application.
4. If applicable, a completed MA DEP/WPA Form 4a. Abbreviated Notice of Resource Area Delineation (ANRAD) that includes a wetland evaluation and map of the site. The ANRAD shall be submitted to the Conservation Commission, with copy to the ESSLB.
5. Written proof of regulatory compliance as outlined in Section 6 and a cover letter signed and dated by the applicant attesting to said compliance.
 6. Design specifications including:
 - a. For Battery Energy Storage Systems
 - i. Energy storage units including cells, modules, and rack systems including manufacturer and model and unit levels of storage cells; pertinent UL test data.
 - ii. Energy storage containers including but not limited to the general physical layout relative to doors, access panels, vents; interior layout of cabinets, racks, ductwork, compartmentation; ventilation system; construction materials.
 - iii. Exterior of containers including spacing between containers and the specifications of structural supports/foundations for the containers.
 - iv. Fire and explosion prevention and mitigation information including venting system operation; location of detectors and types of detectors/sensors including manufacturer and model,

accuracy, and sensitivity; suppression system design, including type of agent, system layout, application rate, source.

b. For Non-Battery Energy Storage Systems

Additional specifications and details as determined by the Licensing Board.

7. Other analyses as may be requested by the Licensing Board related to the public health, safety, or welfare and/or the operation of the proposed ESS equipment.

6. Regulatory Compliance for Energy Storage Systems

- All ESS in the Town of Shutesbury shall be consistent with all applicable local, state and federal regulations, including but not be limited to:
 - Massachusetts Endangered Species Act (321 CMR 10.00)
 - Massachusetts Wetlands Protection Act (310 CMR 10.00)
 - Massachusetts Environmental Policy Act (301 CMR 11.00)
 - Massachusetts Forest Cutting Practices (302 CMR 16.00)
 - Shutesbury General Wetlands Protection Bylaw
 - Shutesbury Board of Health guidelines
 - United States Endangered Species Act (16 U.S.C. §1531 *et seq.* (1973)
 - National Historic Preservation Protection Act (6 U.S.C. §§ 470a *et seq.*)

No ESS License shall be issued until all local, state, and federal requirements have been met, all required approvals issued, and documentation provided to the Licensing Board according to the process established by this bylaw.

- The construction and operation of an ESS shall be consistent with all applicable local, state, and federal safety, construction, electrical, and communications requirements, including but not limited to:
 - National Fire Protection Association (NFPA) “Standards for the Installation of Stationary Energy Storage Systems” (NFPA-855)
 - Massachusetts State Building Code (780 CMR)
 - Massachusetts Comprehensive Fire Safety Code (527 CMR 1.0)
 - Massachusetts Electrical Code (527 CMR 12.00).

7. Emergency Response Requirements

- A. The applicant shall provide an Emergency Operations Plan (EOP) as specified in the applicable NFPA standards in effect at the time of construction. Subsequent owners or operators will update the EOP as emergency response standards and guidance evolve.
- B. The owner or operator shall ensure that Shutesbury fire, police, and emergency management personnel, as designated by the Licensing Board, are provided training and equipment sufficient to safely and effectively respond to an ESS emergency. The location of and access to equipment shall be determined by industry best practice for deployment in an emergency situation.
- C. The owner or operator will provide the Shutesbury Fire and Police Chiefs with the means to access the facility perimeter gate in case of emergency.
- D. Accurate and up-to-date 24-hour emergency contact information for ESS operators and all means of shutting down and/or disconnecting the ESS shall be clearly posted, where appropriate.
- E. Accurate and up-to-date 24-hour emergency contact information for ESS operators shall be provided to the Shutesbury Fire Chief, Police Chief, and Emergency Management Director.

8. Design and Performance Standards

Energy Storage Systems in the Town of Shutesbury shall be built and operated with the following design and performance standards.

A. Size

The U.S. Energy Information Administration defines small scale ESS as having less than 1 MW of net generation capacity. No license is required for an ESS with a net generation capacity of less than 1MW. Energy storage systems with a net generation capacity greater than 1MW and no more than 10 MW shall require license approval by the Shutesbury ESS Licensing Board.

No ESS with a net generation capacity of greater than 10 MW shall be licensed.

B. Noise Mitigation

Noise generated during construction and operation of the ESS, either episodic or continual, shall be minimized and comply with local and state regulations, including Massachusetts Noise Control Regulation (310 CMR 7.10). Construction or maintenance activities shall be limited to Monday to Friday and shall not occur between the times of 7:00 p.m. and 7:00 a.m., except in case of an emergency that would affect public safety or the integrity of operations.

C. Visual Impacts

- i. An ESS shall be constructed in a manner to minimize visual impacts including preserving natural vegetation to the maximum extent practicable, blending in equipment with the surroundings, and adding vegetative buffers to provide an effective visual barrier from adjacent roads and driveways, and to screen abutting residential dwellings. A vegetative screen shall be no less than 30 feet and will be composed of trees and shrubs staggered for height and density that shall be properly maintained.

- ii. When possible, plantings shall be a diversity of plant species, with a preference for species native to New England. Use of exotic or invasive plants at the ESS, as identified by the most recent copy of the “Massachusetts Prohibited Plant List” maintained by the Massachusetts Department of Agricultural Resources, is prohibited.
- iii. Landscaping shall be maintained and replaced as necessary by the owner or operator.

D. Utility Connections.

Every reasonable effort shall be made to place all utility connections underground, depending on appropriate soil conditions and topography of the site and any requirements of the utility provider, however electrical transformers, wires, or other utility interconnections may be above ground if necessary or as required by the utility provider.

E. Land Clearing, Soil Erosion, Stormwater, and Land Impacts

- a. Prior to any site disturbance and construction, the limits of the work shown on the approved site plan shall be surveyed and clearly marked by a Professional Land Surveyor. Upon completion of the survey, the Professional Land Surveyor shall verify to the Licensing Board, in writing, that the limit of work, as shown on the approved site plans, has been established on site.
- b. Erosion and sedimentation guidelines or “best management practices” will be implemented during the entire construction process and maintained until the site is stabilized and a properly designed stormwater management system is installed and operational. Applicants and/or owners and operators will ensure all applicable erosion control and stormwater management guidelines are strictly adhered to.
- c. The design of the ESS shall minimize the use of concrete and other impervious materials to the maximum extent practicable.
- d. Clearing of natural vegetation shall be limited to that necessary for the safe construction, operation, and maintenance of the ESS. Grading that substantially disturbs the existing soil profile and structure should be avoided; sites shall be selected where construction may be accomplished with minimal earth work.
- e. Locating ESS, including access driveways and any associated drainage infrastructure on original, pre-construction grades in excess of 15% is prohibited.
- f. ESS shall be designed to minimize impacts to forested land, and open agricultural land and fields, even if not in production.

F. Water Supply and Stormwater Protection

- a. The use of agents containing per-and polyfluoroalkyl substances (PFAS) for fire suppression or cooling is prohibited.
- b. In order to provide an adequate intervening land area for the infiltration of

stormwater runoff from an ESS, ground alterations, such as stump removal, excavation, filling, and grading, or the construction of drainage facilities, access driveways, or other structural components of the ESS, are prohibited within 200 feet of a drinking water well or potable water supply.

- c. The Licensing Board may impose conditions to contain and control stormwater runoff that might negatively impact drinking water or related hydrologic features.

9. Special Requirement and Standards for Lithium-Ion Energy Storage Systems (LIESS)

Defective, mismanaged, or damaged, lithium-ion batteries can fail and undergo a process known as “thermal runaway,” which is the rapid uncontrolled release of heat energy from a battery cell that may cause a chain reaction in neighboring battery cells and result in a larger battery fire or explosion. In a commercial-scale LIESS, this may pose a risk to public health, safety, and welfare.

Background on Lithium-Ion Energy Storage Systems

- According to the International Association of Fire and Rescue Services, “Lithium-ion batteries are fire prone and are notoriously difficult to extinguish - the more lithium the larger the fire”.
- As reported by the Electric Power Research Institute, “fire management investigations have ... recommended large water densities on the order of 500 hundred gallons per minute for a 1MWh [energy storage] system.”
- The California Public Utility Commission states that “In practice, thermal runaway propagation in large stationary [energy storage] systems have not been successfully “extinguished” (a misleading fire-related term) by emergency responders once it starts. Limitations on exactly where water can be safely applied, coupled with the very large volumes of water needed, have made water spray as an emergency treatment of thermal runaway mostly ineffective with stationary energy systems in practice.”

Given the increased risk posed to public health, safety, and welfare, applications for a LIESS license shall require the following additional documents:

- a. A report prepared by an expert with relevant LIESS emergency response or industrial firefighting credentials analyzing, under both “most-likely” and “worst- case” scenarios, 1) the extent and effects of a thermal runaway event affecting the facility; 2) the quantity of water needed to effectively control a thermal runaway event and/or resultant fire or explosion, including the estimated application rate (gallons per minute) and duration (minutes, hours, days); and 3) potential sources of water sufficient to meet the needs identified above.
- b. A detailed plan for how runoff water from an emergency response action will be handled. This shall include information on:

- i. the location, design, capacity, and materials associated with any containment system
 - ii. the identification and likely concentrations of any potential contaminants in runoff water
 - iii. the amount and percentage of runoff water likely to be contained.
 - iv. analysis of the potential environmental fate of any runoff water not contained, especially in relation to groundwater resources and including the likely pathway for runoff
 - v. information about the handling and removal process for any contained water.
- c. An analysis regarding the effects of a thermal runaway event on the LIESS

LIESS shall also have the following additional operational standards:

- a. To minimize the likelihood of forest fires, a non-flammable buffer of no less than 100 feet, with no trees or brush shall be maintained around the LIESS
- b. Spacing of LIESS units and other fire prevention measures for the LIESS as established by NFPA-855 or its successor.
- c. An LIESS shall be designed so that in the instance of fire, noxious gases resulting from combustion will be contained or filtered, to the maximum extent practicable, mitigating the direct venting into the environment, unless otherwise recommended by NFPA-855 or its successor.
- d. LIESS shall be required to have ready access to consistent and sufficient water supply to prevent or contain thermal runaway, in accordance with national or Massachusetts best practices. The water supply shall be either on-site or directly accessible to the ESS site. The supply and duration of water shall be consistent with the worst-case scenario identified in the report required in Section 9a of this bylaw
- e. Water runoff from firefighting and heat reduction efforts related to an LIESS emergency response shall be contained onsite to prevent, to the maximum extent practicable, potential contamination of surface or groundwater resources.
- f. To minimize the risk of contamination to public or private water supplies, an LIESS shall not be located closer than 400 feet to a functional drinking water well.

10. Licensing Board Use of Independent Consultants

The Licensing Board, at the expense of the applicant, may seek the services of an independent consultant to conduct a professional review and advise the Board on technical aspects of the applicant's proposal, in compliance with Mass. General Laws Chapter 44 Section 53G, or any amendments thereto.

11. Required Licensing Findings

No license to construct and operate an ESS shall be issued unless the Licensing Board finds that:

- A. All required documents were submitted for an application and the Licensing Board determines these provided sufficient data upon which to assess the proposed ESS.
- B. The applicant has adequately identified all hazards associated with the operation of the ESS, especially those related to potential fires, explosions, and groundwater contamination, and that mitigation proposed to address these hazards is sufficient.
- C. The location of the ESS will minimize disruption and harm to the natural resources of Shutesbury, especially in regard to the ecological integrity and carbon sequestration/storage associated with contiguous forestland
- D. Emergency response plans and available resources are sufficient to effectively address hazards associated with potential fires, explosions, or other incidents at the ESS.
- E. That the operation of the ESS will not create an unreasonable or unacceptable risk to the health, safety, and welfare to the residents of Shutesbury, and, to the greatest extent feasible, avoid or minimize adverse effects to the natural environment.

12. Discontinued Operations

When an ESS terminates operation, the following abandonment and decommissioning requirements shall be met.

A. Removal Requirements

- i. Any ESS which has discontinued operations because it has reached the end of its useful life, has been abandoned, or has been permanently taken offline, shall be removed.
- ii. The owner or operator shall physically remove the ESS no later than 150 days after the date of discontinued operations.
- iii. The owner or operator shall notify the Town by certified mail, of the proposed date of discontinued operations and plans for removal.

B. Removal shall consist of:

- i. Physical removal of all components of the ESS, including but not limited to structures, foundations, equipment, security barriers, and on-site above-ground transmission lines. Associated off-site utility interconnections shall also be removed if no longer needed.
- ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- iii. Restoration of the site to its natural preexisting condition, including stabilization or re-vegetation of the site as necessary to minimize erosion. The Special Permit Granting Authority may allow the owner or operator to leave landscaping or designated below-

grade foundations and electric lines in order to minimize erosion and disruption to vegetation.

C. Removal by the Town

If the owner or operator of an ESS fails to remove it in accordance with the requirements of this Bylaw within 150 days of discontinued operations or abandonment, the Town may enter the property and physically remove the ESS at the owner's expense, drawing from the escrow account or upon the bond or other financial surety provided by the applicant.

13. Insurance & Financial Surety

Any applicant for a license to construct and operate an ESS shall provide the following:

- A. Proof of liability insurance in an amount of \$25 Million per occurrence/\$50M total, to cover loss or damage to person(s) and structure(s) occasioned by the use or failure of any ESS operations including coverage for fires, flooding, and well water contamination.
- B. A cash escrow account or other form of financial surety (e.g. a bond) acceptable to the Town of Shutesbury, pursuant to M.G.L. c. 44, §53G1/2 to be provided in the event of final licensing approval of the application and which shall be held by the Town, to cover the cost of removal, recycling, and disposal of the ESS and remediation and/or restoration of the site in the event the Town must remove the ESS and remediate and/or restore the site to its natural preexisting condition. The final amount and form of surety must be determined to be reasonable by the Licensing Board as the granting authority, but in no event should the amount exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein unless the Licensing Board makes a specific, documented finding that a higher amount is required to ensure removal and compliance for the ESS in question. The project applicant shall submit a decommissioning plan with a fully inclusive estimate of the costs associated with removal and site restoration, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal and site restoration costs due to inflation. Said estimated cost shall not deduct the value of material recycling given the potential expense and difficulty of recycling. Said surety in its full amount shall be presented to the Licensing Board prior to the commencement of construction. All legal documents required to enable the Town of Shutesbury to exercise the rights and responsibilities under the plan to enter the property, decommission the ESS, and physically remove it and restore the site to its natural condition shall be included in the decommissioning plan.

14. Waiver

Upon written request by the applicant, the Licensing Board may waive or reduce any requirement of this bylaw by the same majority vote required for the license itself, upon written findings included in the license if:

- A. Special circumstances of the site, its surroundings, or the proposal that negate the need for imposition of the requirement, or the objectives of this section may be met in alternative manner; AND

B. That such a waiver or reduction will not derogate from the public purposes, protections, and intent of this bylaw.

Any waiver request must be made by the applicant at least 14 days prior to a public meeting of the Licensing Board where the waiver shall be considered. An affirmative or negative vote on a waiver shall not be construed as an approval or disapproval of the license sought.

15. Enforcement

The Licensing Board shall have the authority to enforce the provisions of this bylaw through the issuance of cease-and-desist orders, criminal court actions, or civil court actions.

16. Severability & Conflicts

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof. If any provisions of this bylaw are found to be in conflict with provisions of other town bylaws, the provisions of this bylaw shall supersede the other bylaws.”

Article 26 passed by a clear majority.

Article 27. Shutesbury Lighting Zoning Bylaw A motion was made and seconded that the Town of Shutesbury vote to amend the Town of Shutesbury Zoning Bylaw by adding Section 8.12 Lighting.

“8.12 Lighting

8.12-1. Purpose

It is the purpose of this section to encourage through the regulation of outdoor illuminating devices, lighting practices and uses, the minimization of light pollution, light trespass, unnecessary glare and sky glow in Shutesbury in order to preserve and enhance the natural, historical, and aesthetic character of the Town, while meeting the safety and welfare needs of residents.

8.12-2. Background

The Five Principals for Responsible Outdoor Lighting from the Illuminating Engineering Society (IES) and International Dark Sky Association (IDA) state that outdoor lighting should do the following:

1. Be useful. All light should have a clear purpose.
2. Be targeted. Light should be directed only where needed.
3. Provide low light levels. Light should be no brighter than necessary.
4. Be controlled. Lighting should only be used when it is useful.
5. Have a warmer color. Use warmer white or amber lights where possible.

8.12-3. Definitions

- A. Direct Light: Light emitted directly by a lamp, off a reflector, or through a refractor of an outdoor light fixture.
- B. Light Pollution: Excessive, misdirected, or obtrusive artificial (usually outdoor) light.

- C. Glare: Light emitted from a light fixture with intensity great enough to produce annoyance, discomfort, or a reduction in a viewer's ability to see.
- D. Light Trespass: Direct light emitted by an outdoor lamp fixture that shines beyond the boundaries of the property on which the outdoor light fixture is installed
- E. Sky Glow: The brightening of the nighttime sky that results from light directed or reflected upwards or sideways, creating a diffuse glow above a city or town
- F. Lumens - A luminance metric unit for the amount of emitted light.
- G. Low Intensity Lighting: 800 lumens or below per fixture is considered low intensity.
- H. Kelvin: The spectrum of color temperatures is assigned numerical values, measured in degrees of Kelvin. These values describe the color emitted from lighting fixtures
- I. Warm Temperature Lighting: Warm lighting has a color temperature of 3,000 Kelvin or less, referred to as yellow, amber or red.

8.12-4. Design and Use

A. Control of Lighting

Design and use of lighting should control glare and prevent light trespass onto adjacent properties or public ways, curtail degradation of dark skies at night, and conserve energy resources while maintaining safety, visibility and security of individuals and property. To this end:

1. No outdoor lighting fixture shall produce a strong, direct light beyond the property boundaries which the lighting fixture is servicing. Use of direct light should only be where it is needed at the minimum intensity (lumens) necessary to serve the intended purposes.
2. All lighting, regardless of rating and type, should be selected to significantly reduce light onto any abutting lot or parcel and to significantly reduce glare or light pollution perceptible to pedestrians or motorists, or persons on an abutting lot or parcel.
3. Whenever possible, lighting should be either shielded, low intensity (under 800 lumens), dimmable or activated by motion detector. Lighting used between dusk and dawn should be, whenever possible, motion detection type.
4. Lighting equipped with shielding should be capable of being properly aimed to maintain the shielding characteristics.
5. Motion detection lighting, whenever possible, should have illumination settings of no more than ten minutes per incident.
6. Lighting with dimming capability should be dimmed between dusk and dawn.
7. Lighting shall be directed downward and only onto areas required. Light dispersion above a ninety-degree or horizontal plane above the fixture is prohibited.
8. Except for streetlights, the maximum fixture height (as measured above finished grade) shall be 16 feet.

B. Lighting for residential or business entrances and exits, or similar use shall be of warm temperature (no greater than 3,000 Kelvin) and low intensity (under 800 lumens) serving primarily as markers or as low-level illumination. If used in this manner, lighting need not be shielded, and need not be restricted to cut-off or motion-detector requirements.

C. Customary holiday lighting is exempt if the installation is temporary. Such lighting should be installed to minimize glare and light trespass onto adjacent properties.

D. When the installation or replacement of outdoor lighting is part of a Site Plan Review or Special Permit application, the Planning Board or Zoning Board of Appeals shall review and approve the lighting installation as part of its site plan with reference to this section.

- E. Street lights shall be designed so that illumination levels do not exceed what is appropriate to the task and location. Street lights may be installed if the purpose cannot be achieved by the installation of reflectorized roadway markers, lines, warnings, or informational signs; or other passive means. Street lights shall be designed and located to minimize light trespass, unnecessary glare and sky glow.
- F. Nighttime illumination of flags or monuments, not consistent with the requirements of this bylaw shall be prohibited.
- G. The following light sources are prohibited:
 - Neon lights.
 - Metal halide, mercury vapor and quartz lamps.

8.12-5. Dispute Resolution and Enforcement

The town encourages residents to resolve any lighting concern that may constitute a violation of bylaw between the parties before pursuing formal enforcement.

A lighting complaint may be brought to the Select Board. If necessary, solely at the discretion of the Select Board, further action may be taken to assess the situation so that the Select Board can consider recommended action. The Select Board shall have the authority to set and levy fines.

Section 10.2 of the Zoning Bylaw shall also be applicable.

8.12-6. Effective Date

Outdoor lighting that is installed prior to April 27, 2024 and not subsequently and significantly improved, shall be exempt.”

Article 27 passed, 83 Yes votes to 2 No votes

Article 28. Shutesbury Amendments to Zoning Bylaw A motion was made and seconded that the Town of Shutesbury vote to amend the Town of Shutesbury Zoning Bylaw Section 3.1-1 Use Table; Section 10.4 Associate Members; Section 9.3-2 Review Criteria; and Section 9.4-3 Amendment.

“3.1-1 USE TABLE

Amend by creating a new category “INDUSTRIAL” and moving the following existing uses to the INDUSTRIAL Category; keeping all zone references as currently designated.”

Use	RR	FC	TC	LW	Section Reference
Soil Mining	SP-P	SP-P	N	N	8.5-5
Light Industry	SP-P	SP-P	N	N	
Wireless Communications Facilities	SP-P	SP-P	SP-P	SP-P	8.7
Temporary	P	P	P	P	

Wind Monitoring System					
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10.4 ASSOCIATE MEMBERS

(Amend sections F and G as follows:)

F. Pursuant to Chapter 1 of the Acts of 2024, the chairman of the Shutesbury Planning Board may designate a duly appointed associate member to sit on the board for the purposes of acting on any matter under its jurisdiction including but not limited to chapter 41, chapter 40A, or under its home rule powers in the case of absence, inability to act, conflict of interest on the part of any member of the planning board, or in the event of a vacancy on the board.

G. Associate members are expected to regularly attend Planning Board meetings. When not acting as full members, Associate Members may be seated with the Planning Board and receive communications in order to follow Planning Board business. Associate members, when not acting as full members, may participate in deliberation at the discretion of the chairperson.

9.3-2 REVIEW CRITERIA

(Amend section B. Specific Findings to read:)

A. General Findings

The SPGA may approve a Special Permit application only if it makes written findings that:

1. The proposed use is in harmony with the general purpose and intent of this bylaw, in particular the Rural Siting Principles in Section 8.3
2. The proposed use does not significantly increase the risk to public health, welfare and safety for the residents of the Town.
3. The benefits of the proposed use outweigh its adverse effects with respect to the Town which may include but is not limited to financial, legal, and environmental concerns.
4. The proposed use is consistent with the Shutesbury Master Plan and in particular with the goals established for Natural Resources and Open Space.

B. Specific Findings

In order to approve a Special Permit, the SPGA shall also make specific written findings that the proposed use, with or without reasonable conditions:

1. Is consistent with the purposes and requirements of the applicable land use district, overlay districts, and other specific provisions of this bylaw (including Site Plan Review requirements) and of other applicable laws and regulations.
2. Is compatible with surrounding uses, if any, and protective of the natural, historic, and scenic resources of the Town.
3. Is accessible and serviceable by fire, police, and other emergency vehicles.

4. Will not adversely affect the availability of public services and the capacity of municipal services; including creating a situation whereby the Town is responsible for services it cannot practically or financially provide.
5. Will not create excessive off-premises noise, dust, odor, or glare during construction, operation and use.
6. Will not unnecessarily damage the visual amenities of the site and is in harmony with the landscape type.
7. Will not cause traffic congestion, impair vehicular or pedestrian safety, or physically compromise existing roads, considering their current width, surfacing, and condition.
8. Will not overload or risk the integrity or function of any municipal facility or any public or private water, sewage disposal, or drainage system.
9. Will not create an unreasonable risk of fire endangering residences, municipal buildings or natural resources.
10. 10. Will not create unreasonable risk of substantial financial or legal liability to the Town due to regular operations or malfunctions regarding the use.
11. 11. Will not create unacceptable risk to the public health, safety and welfare of residents.
12. 12. Will not cause significant negative environmental impacts due to flooding, wetland loss, habitat or ecosystem disturbance, groundwater disturbance, or disturbance to forested lands, including but not limited to:
 - a) Pollution of surface water or groundwater; especially affecting drinking water wells.
 - b) Inadequate water supply to meet the anticipated demand of the proposed activity or use or reduction of water supply to other properties
 - c) Destruction or damage to important wildlife habitats, wetlands, streams or lakes, or forest ecology.
 - d) Air pollution
 - e) Unnecessarily decreases agricultural or forestry use or potential land productivity
 - f) Significant reduction in carbon sequestration or carbon storage capacity
 - g) Erosion resulting from or caused by development.

C. Large-scale Structures

Where practical, the SPGA may require a group of smaller buildings as an alternative to a single large building.

D. Severability

Consistent with Article XII Section 12.3 of this bylaw, any provision of this section that is held invalid by a court of competent jurisdiction, shall not affect the remainder of the section.

9.4-3 AMENDMENT

(Amend section to read:)

“The terms and conditions of any Special Permit or Site Plan approval may be amended in the same manner as required for the issuance of the original approval. Any enlargement, alteration, or construction of accessory structures not previously approved shall require an amendment.

An amendment to a Special Permit may be exempted from an additional filing fee, a public hearing, or the re-filing of unchanged documents, if the SPGA, voting in the same manner as required for the issuance of the original approval, determines that the changes are de minimis, meaning that they are minimal or minor deviations that do not substantively alter the scope and impact of the approved

Special Permit. A written request for an exemption shall be submitted to the SPGA, no less than seven business days prior to a public meeting where the exemption will be reviewed. If the SPGA finds that the proposed changes are de minimis, then the Special Permit approval shall note 1) what zoning requirements are exempted, and 2) the rationale for being de minimis.”

Article 28 passed unanimously, with 74 Yes votes.

Article 29. Citizen Petition: A Resolution to keep Shutesbury’s forests connected and therefore climate-resilient

A motion was made and seconded that the Town of Shutesbury vote to accept and approve the following resolution for protecting Shutesbury’s connected forests and promoting a climate-resilient landscape through state incentives and legislation regarding the siting of large-scale ground-mounted solar installations.

“For the purposes of this resolution, large-scale ground-mounted solar will be regarded as any kind of solar-related installation that is not an accessory to an existing residential or non-residential property in Shutesbury. The group Forest Allies for Responsible Solar asks the Town of Shutesbury to approve this resolution to give residents a voice in the future of our forests and natural landscape by promoting climate resiliency and a voice in the type and distribution of energy production in our town.

- Whereas Shutesbury has already sacrificed land to meet the water needs of eastern Massachusetts, and now faces the possibility of sacrificing more land to meet energy needs with ground mounted solar construction.
- Whereas A critical goal of ground-mounted solar installations is to lessen the increase of atmospheric carbon, while forests actually both store carbon and remove it from the atmosphere. That stored carbon is lost when forests are cut down and soils disturbed. Construction of ground-mounted solar fragments forests, reducing the amount of carbon storage capacity. The total amount of carbon storage in forests increases with age, therefore it is better to let the trees grow.
- Whereas, Since 2010. ground-mounted solar installations in MA have caused significant losses to forestland, biodiversity, and productive farmland. If this trend continues, the state could lose more than 20,000 additional acres of its most valuable wildlife habitat, including 9,000 acres in western MA. The first Goal in the 2022 Shutesbury Open Space & 1 “Growing Solar, Protecting Nature”; citation: Michelle Manion, Jonathan R. Thompson, Katie 1 Pickerel, Lucy Lee, Heidi Ricci, Jeff Collins, Joshua Plinsinski, Ryan Jones, Gabe Kwok, Drew Powell & Will Rhatigan (2023) Mass Audubon/Harvard Forest, DOI:10.5281/zenodo.8403839 Recreation Plan is to “Protect Shutesbury’s natural resources — clean air, clean water, large forest blocks.” We believe this proposal will help the town meet this goal.
- Whereas Much of Shutesbury's forested land is on hillsides and steep-sloped stream valleys. When such areas are clear-cut for large-scale ground-mounted solar installations, serious erosion, run-off, and disruptions of waterways and wetlands can occur.
- Whereas Building large-scale ground-mounted solar installations in forests disturbs and drastically changes the natural environment. Unfragmented forests contribute to resilient landscapes that are better able to adapt to climate change. Fragmented forests encourage invasive plant species and negatively impact the balance of wildlife. Resilient landscapes are better able to support wetlands in absorbing and filtering storm water, reducing floods and protecting drinking water supplies. In the survey done for the

2022 Shutesbury Open Space & Recreation Plan, over 80% of respondents rated water quality and supply, clean air, wetlands, wildlife habitat and large blocks of forest as high priorities. These are important services that our forests provide for free.

- Whereas Several state models (the MA Audubon/Harvard Forest report “Growing Solar, Protecting Nature” and the Healey Administration’s initiative “Forests as Climate Solutions”) demonstrate that ample sites exist on previously developed and/or disturbed land so that the Commonwealth can reach its 2050 emission reduction goals without sacrificing our forests, wetlands, and farm lands.
- Therefore, be it resolved that the town of Shutesbury’s Select Board shall urge our legislators and governor to: end state incentives to site large-scale ground-mounted solar installations on connected forested land; advance state incentives to site large-scale ground-mounted and related solar installations on previously developed and/or disturbed land such as roof tops, brown fields, and parking lots; support legislation that allows municipalities such as Shutesbury to regulate construction of large-scale solar installations to preserve our natural landscape, safeguard our water supply and produce energy in a more climate-resilient and responsible way.”

Article 29 passed by clear majority.

Article 30. Citizen Petition A motion was made and seconded that the Town of Shutesbury vote to adopt the following Citizen Petition, Noncitizen Permanent Residents the Ability to vote.

“To see if the Town will vote to petition the state legislature to grant noncitizen permanent residents the ability to vote in all Shutesbury Town Meetings and Shutesbury town elections, actions, and ballot measures, and to serve in any elected or appointed Shutesbury office or on any elected or appointed Shutesbury boards, commissions, or committees, provided that the noncitizen permanent resident has lived in the Town of Shutesbury for 30 days or more at the time of the local election or Town Meeting or at the time of appointment and is at least 18 years of age at the time of the local election or Town Meeting or at the time of appointment, or take any other action relative thereto.”

Article 30 passed unanimously.

A motion was made, seconded and unanimously passed to dissolve the meeting at 1:52PM.

Respectfully submitted,

Grace Bannasch, Town Clerk