

Shutesbury Select Board Meeting Minutes  
May 26, 2020 Virtual Meeting Platform

Select Board members present: Melissa Makepeace-O'Neil/Chair, Elaine Puleo, and April Stein  
Staff present: Becky Torres/Town Administrator; Linda Avis Scott/Land Use Clerk  
Guests: Rita Farrell/FinCom, Paul Lyons/Town Moderator, Michael DeChiara, Jeff Lacy and Deacon Bonnar/Planning Board; Susie Mosher/Town Clerk; Catherine Hilton/Board of Health

Makepeace-O'Neil calls the meeting to order at 5:32pm.

Agenda Review: No changes are made.

Public Comment: Stein expresses concern that there is not a demarcating buoy in the water at the Lake Wyola State Park to separate swimmers from boat activity. Puleo is concerned about parking. Torres recently met with Park Superintendent Steve Hubbard and Catherine Hilton/Board of Health. Per Torres, Hubbard reports there are significant limitations including the lack of trained lifeguards and that no lifeguards were available this past weekend; the Shutesbury police were aware of the situation. Torres continues: Hubbard will update Torres on staffing changes; three DCR staff are needed to run the park; the bathrooms are open and parking is limited to the lower lot; when Hilton asked for a buoy line to be installed, Hubbard reported that his superior stated "no buoy lines". Stein is concerned about the dangers of not having a buoy line. Puleo is concerned about the number of cars allowed to park in the lot and where they might park if the lot is full. Torres emphasized the importance of lines of communication: State park staff have to contact the Environmental Police first, the State Police second then the local police department; Hubbard is responsible for parking on State property and has requested the Shutesbury Police Department to patrol the roadway regularly through the weekends; the Lake Wyola Association has placed half barriers to enforce their private roads. Torres to Puleo's question about the boat launch and old town beach: the Board of Health closed the composting toilet because waste carries COVID-19, however, this toilet cannot be locked from the outside and the posted "closed" sign ripped free and the toilet was used; use of portable toilets would present the same problem.

**Discussion Topics:**

1. Receive Planning Board Proposed Zoning Bylaw Amendments:
  - A. Section 8.4 Sign Regulations: Per Michael DeChiara/Planning Board, the sign regulations have been rewritten to clarify how signs are regulated on town property; signs on individual properties will now be 5' back from right of way which is the white side line on a paved road and where the tires go on dirt roads. DeChiara references the Supreme Court decision requiring that different uses for temporary signs must be treated in the same way therefore the temporary sign category was removed and various uses added. DeChiara to Puleo's question: the changes to the open space and solar bylaws are highlighted, however, the sign bylaw format and content changed enough that a markup would have been too confusing. DeChiara further explains that existing signs are grandfathered and sign dimensions are consistent through uses with some exceptions, i.e. a house name. Puleo calls attention to inflatable decorations and the gray area regarding billboards. DeChiara to Puleo's question: for larger signs, an individual would need to consult the Zoning Board of Appeals. Jeff Lacy/Planning Board to Puleo's question about

inflatable decorations: the Building Inspector would interpret what is and what is not a sign.

- B. Article V Open Space Design: Lacy explains that the changes to Article V are based on the Planning Board's experience with the bylaw since 2008; the changes to Section 5.1-1 "Purpose" are based on a recommendation from Conservation Commissioner Penny Jaques. DeChiara: this change also ties Article V to the Master Plan. Lacy: the requirement for a special permit is based on experience and the need for notice to abutters; is Section 5.1-2 "Applicability" B, "may additionally consider the conservation benefits versus the detriments of permitting a number of residential units in excess of the base number..." is a provision that allows the Planning Board to assess the conservation benefits of a proposal; this change is based on an actual case. Lacy continues: Section 5.2 reiterates the special permit requirement; Sections 5.3-2 and 5.3-3 round fractional units down in order to be consistent with the way rounding is done throughout zoning and Section 5.3-3 C. clarifies that the density bonus is relative to the whole project area; in Section 5.3-4 B.2 and Section 5.3-5, to clarify, both percentages are set to 25%. Per Lacy, Section 5.6 clarifies that open space shall be configured "as a separate parcel(s) from any building lots and permanently preserved from development..." and in Section 5.6-1, based on the experience of some landowners having difficulty finding Conservation Restriction holders, if a CR holder cannot be found, the open space land is protected by other means acceptable to the Planning Board.
- C. Section 8.10 Ground-Mounted Solar Electric Installations: DeChiara explains that the addition to 8.10-1 results in the "Purpose" being more aligned with the Master Plan. Lacy: in 8.10-2 C, "special permit" was added per Town Counsel Donna MacNicol. Puleo, referring to the change to Section 8.10-3 B: an argument could be made that commercial logging preserves the forest. DeChiara: the way the change reads, commercial tree cutting is specific to a "natural occurrence, invasive species or disease". Lacy: In 8.10-3 C, the requirement for a wildflower meadow adds specificity to the planting regimen, however, it is tricky to grow wildflowers in forest soils; the change emphasizes the inclusion of pollinator plants; the revegetation of the Wheelock solar site is still a challenge. Lacy to Puleo's question: per the special permit condition, a certain percentage of coverage is required for the Wheelock site; after three years, more replanting is required; any new site would be obligated to have continued Planning Board pursuance as with the Wheelock site. DeChiara regarding Section 8.10-3 F.: this section was expanded to include the National Historic Preservation Act definitions for historic resources and properties that may not be on the Massachusetts Register of Historic Places; if there are historic properties, the applicant needs to articulate in the special permit application how they will not be destroyed or degraded, i.e. avoid and prevent disturbance. Lacy: Section 8.10-3 H. has been approved by MacNicol; access shall be from paved town roads, "in the alternative, an applicant may propose, at their expense and to Town specifications and based on the Town's cost estimate, to fund the paving..."; the Planning Board believes unpaved roads are not suitable for construction access for large projects. Lacy reads the last sentence of H. into record: "The Planning Board, after consultation with the Shutesbury Highway Department and only following written Select Board approval of an alternative proposal, may accept or deny such alternative proposals." To Torres' question, Lacy does not know of any other towns using similar language in their solar bylaws. Stein: was the Pratt Corner experience (access for the

Wheelock solar site) the reason for this change? DeChiara: a large-scale ground-mount solar installation is a major construction site with semi-tractor trailers degrading the roads; the underlying goal is to not have heavy duty construction destroy dirt roads. Lacy, regarding 8.10-3. I.: per the current Zoning Bylaw, any use requires 250' frontage on a town road that is contiguous and unbroken; this is explicitly stated for the applicant. Regarding 8.10-3. J, Lacy cites the "Large Ground Mounted Solar Electric Installation Districts" map with blocks labeled 1-9: in order to preserve large blocks of contiguous forest, there is to be no more than one large-scale installation per block; overall, there could be a maximum of nine installations. DeChiara: the current Wheelock solar site is located in block #3. Lacy to Puleo's question: blocks #6 and 9 are mostly DCR land; the area above block #4 is not a viable site as it is ringed with houses and has a large wetland in the middle. The wording adjustment in 8.10-4 is per MacNicol and "or known carcinogenic" in 8.10-4 C1. was added by the Planning Board. Lacy to Puleo regarding 8.10-6 G. "incompatible appearance from the roadway" would be interpreted by the Planning Board. Puleo notes that the wording seems vague. Lacy: the special permit application is subject to a public hearing during which the Board will listen to the abutters. Lacy the requirement for an Abbreviated Notice of Resource Area Delineation in Section 8.10-7 D1. "Wetlands" was recommended by the Conservation Commission; Section 8.10-7 D2. prohibits work within the 100' wetland buffer zone to provide adequate area for infiltration and mitigation of stormwater runoff. MacNicol added "or taken off line" in Section 8.10-8 A. Lacy: overall, the changes make the bylaw stricter and enables approval on the Town of Shutesbury's terms.

Stein appreciates the Planning Board's work on the amendments. Torres, noting that the location for annual town meeting has yet to be determined, acknowledges that presentation time will be limited. The Planning Board will hold a virtual public hearing on the proposed Zoning Bylaw amendments via Zoom on 6.22.20. Puleo suggests that the recording for the public hearing be made available for the public to view prior to annual town meeting. There will be a "Town Announcement" about the public hearing and links to the documents on the Town's website. Stein moves the Select Board receive the proposed amendments to Section 8.4 Sign Regulations, Article V Open Space Design, and Section 8.10 Ground-Mounted Solar Electric Installations and return these proposed amendments to the Planning Board; Puleo seconds the motion. Roll call vote: Stein: aye, Puleo: aye, and Makepeace-O'Neil: aye; the motion carries.

- D. Consider Plans for Annual Town Meeting: Torres reports that annual town meetings are exempt from the 10-person group maximum which makes use of the school and the out of doors possible. Puleo does not support a large outside group meeting noting that with an unpredictable number of people, it is not known how many are practicing social distancing, etc. in their own lives. Puleo suggests 10 people per 10 small rooms, with 25 people in the gym and some outside. Paul Lyons/Town Moderator asks Puleo if this is what feels safe and what her figures are based on. Puleo: it would take work to figure out how many people there could be in the small rooms and the gym; a hybrid of in/outside could be used. Puleo: per State Representative Natalie Blais, the Senate bill is now in the House; it is a legislative fix so that by using a hybrid format, the same building in/outdoors, the Town would not be participating remotely. Catherine Hilton/Board of Health: due to the dilution effect of open air, the outside is safer; inside the school

building is less appealing as it is not well ventilated and, if it is warm, it will be hard to keep masks on. Makepeace-O'Neil: it sounds like using multiple spaces is an option. Torres to Susie Mosher's question: because of the exemption for town meetings, use of the school is allowed however has yet to be confirmed with school officials. Susie Mosher/Town Clerk: this would be random folks together; by using the track field would allow one to see if those present are conforming with the rules; town meeting would be in the open air and the size of field would allow everyone to be all together. Mosher continues: per Norene Pease/Board of Health, there are amplification systems that would not involve speaking into microphones and there is electricity to a pole near the field. Stein is concerned about the weather and the labor involved with holding the event outdoors. Hilton: portable toilets could be used. Torres: the Board of Health is purchasing a number of tents which could be set up on the side of the field to provide shade; setting up the gym would involve school personnel and would require IT assistance to set up the rooms plus an outdoor sound system. Torres continues: the biggest concern is that there can only be 5 people 6 feet apart in some rooms; to consider what number of people inside is possible, the floor plan needs to be reviewed and compared to the track area or the field behind town hall; the heat and lack of cross circulation in the school needs to be considered. Torres to Stein's question: vehicle access to the track is possible. Puleo: it is foolish to consider outside use – who will sit in the middle; Shutesbury has such low case numbers. Stein: the seating design needs to allow for movability. Makepeace-O'Neil suggests a survey to see how many people are considering attending annual town meeting. Lyons: some towns are doing surveys and many towns are doing the absolute minimum at annual town meeting and sending the rest of the warrants to a special town meeting in the fall. Lyons suggests planning advance Zoom educational sessions on the budget, etc. Puleo, noting that the Planning Board articles may take a lot of discussion and will bring people out, asks if they could wait for a special town meeting. It is noted that the timing of the Planning Board public hearing is related to the 6.27.20 annual town meeting date. Lyons to Stein's question: some town meetings are being held outside, some inside; the gamut of possibilities are happening. Stein observes that Puleo does not want the event held outdoors and Hilton does not want it held inside. Puleo: a blended format offers both. Torres: there is a way to group the warrants in order to streamline as much as possible; both the Planning Board and budget articles may take time. Puleo: could a special town meeting be planned for summer in order to spread out the work? Makepeace-O'Neil supports the idea of splitting the warrant. Lyons: if the meeting is inside, there could be a break before taking on another similar group of articles. There is some consideration about holding a special town meeting in July. Torres: school personnel will be concerned about two uses and the period of time the building needs to be closed in between uses. Mosher: the classic annual town meeting culture is social; if there is a break while using the school, there is less control than moving people around in the outside air; the school classrooms are really hot and there is a lot of furniture in the rooms. Stein suggests a field trip to observe the track area. Makepeace-O'Neil supports looking at the field and how it might be used. Lyons agrees and emphasizes the need to decide soon due to the amount of work to be done. Lyons wants to ensure the audience is able to clearly interact with the meeting. Stein: we need to be sure we will not make people sick. Puleo: looking at the field will not make her feel more comfortable. Mosher: there will be other people who do not feel safe coming. Stein: we are representative of

how people feel. Rita Farrell/Finance Committee: where are people going to feel the safest; so much more is known about transmission through the air that she feels safer outdoors; the logistics for inside are difficult and are more manageable outside and more folks will probably attend. Torres and Makepeace-O'Neil design the survey: are you planning on attending and do you prefer in/outside. Puleo: what is the problem with blending and having both options available? Mosher: if everyone is together in the field, it will be easier to recognize who wants to speak. Makepeace-O'Neil: the goal of the survey will be to help us know where to focus the setup. Lyons: a survey is a good way to communicate with citizens and let them know plans are being made. Mosher emphasizes the need to focus on educational Zoom meetings and notes that the location needs to go out at least 7 days before annual town meeting. Lyons: before dismissing it totally, we may consider an outside of town venue. Site visit 6.2.20 at the school. Torres will get out the survey. Makepeace-O'Neil requests the survey results be available before the 6.2.20 field trip. Torres will be sending the detailed warrant articles for Town Counsel Donna MacNicol's review during the week of 6.1.20.

- E. Review List of Appointed Officials: Scott explains that in prior years, letters were sent to department heads and committee/board chairs regarding members/staff whose terms were ending and asking them to note any upcoming changes; this year, due to the COVID-19 crisis, Torres will send an email to department heads and board/committee chairs asking for any anticipated changes to membership. A working list of appointed officials for FY21 will be prepared for the Select Board's 6.23.20 meeting.
- F. Town Administrator Updates:
  - 1. Municipal Lighting Plant/Broadband Committee: Gayle Huntress/MLP Manager is requesting a \$12,000 stipend for the MLP Manager position; during their 6.4.20 meeting, the Personnel Board will review Huntress' request and make a recommendation to the Select Board. The Broadband Committee voted to formally leave WiredWest. The MLP is doing well financially and appears to be making a profit. There was discussion about how to handle grant funds; Torres will be speaking with Auditor Tom Scanlon about options for handling the funds.
  - 2. Lake Wyola State Park: Torres: the management of Lake Wyola is an important issue; a staff person from Boston is doing researching for the DCR Chief, i.e. should the park be closed, partially open or fully open; people in town want safe access and without lifeguards, the beach unsafe. Torres is willing to call DCR about any issues. Stein reports that earlier today, people were swimming near where the buoy line would be and boats were coming by; at the minimum, the buoys need to be set up in the same general area. Torres will ask why Hubbard's supervisor said no to the buoys and let him know that if DCR does not do so, the Select Board will set up a buoy line. Currently, the Police Chief does not have a site to dock the Town boat.
  - 3. Staff: Police Officer Burgess is steadily working 32 hours/week. All employees are doing well. Library Director Mary Anne Antonellis is very busy creating access to the library and new ideas for children. The Select Board may want to lend support for Mosher's idea to install hand washing stations for students at the school. Torres will investigate funding for such a project.

4. The 6.2.20 site visit to the track area is changed to solo visits prior to a 6.2.20 5:30pm Select Board meeting to decide on a site.
5. Miscellaneous: Per Kevin Rudden/Administrative Assessor, the proposed cell tower has been listed with the FCC. April unemployment is at 9% in Shutesbury which is an increase of 6.5% over last year. During their 5.28.20 meeting, the FinCom will determine how much free cash is being applied to the budget. After annual town meeting, Torres will be working on getting employees back in Town Hall and suggests keeping Town Hall closed to the public for now noting that the installation, 5.27.20, of the drop box will assist residents in making payments, dropping off ballots, etc. FRCOG is assisting towns with the procurement of masks for first responders and the Board of Health. It does not seem that Shutesbury has any businesses that would qualify for the Franklin County COVID Recovery Microenterprise Assistance via the Town of Greenfield and Community Development Block Grant funds. The Board of Health is purchasing supplies for an emergency dispensing site.

Administrative Actions:

1. Select Board members will sign vendor warrants totaling \$42,625.98.
2. Select Board members will sign payroll warrants totaling \$95,810.22.
3. Stein moves and Puleo seconds a motion to approve the 5.12.20 meeting minutes. Roll call vote: Stein: aye, Puleo: aye, and Makepeace-O'Neil: aye. The 5.12.20 meeting minutes are approved as presented.

At 8:24pm, Puleo moves and Stein seconds a motion to adjourn the meeting. Roll call vote: Stein: aye, Puleo: aye, and Makepeace-O'Neil: aye; the motion carries.

Documents and Other Items Used at the Meeting:

1. Proposed Zoning Bylaw Amendments: Section 8.4 Sign Regulations, Article V Open Space Design, and Section 8.10 Ground-Mounted Solar Electric Installations
2. 5.21.20 Torres' email regarding Puleo's email to State Senator Jo Comerford and State Representative Natalie Blais
3. Massachusetts Moderators Association 5.22.20 "Planning Guide for Town Meeting During a Pandemic"
4. 5.25.20 Arlene Read email "CDC Guidance for Cleaning and Disinfecting"
5. City of Greenfield 5.21.20 letter regarding "Franklin County COVID Recovery Microenterprise Assistance"

Respectfully submitted,  
Linda Avis Scott  
Administrative Secretary