



# Hubbardston Massachusetts

## Planning Board Meeting Minutes

**Date:** October 20, 2022

**Location:** 7 Main Street, Slade Building, Hubbardston, MA 01452

**Members Present:** Kristofer Munroe, Francois Steiger, John DeMalia (remote, partial), Alice Livdahl, Erica Dack

**Other Attendees:** Dolores Ordway, Bill Murray (Places Associates), Chris Pirner, Ivan Aho, MaryAnn DiPinto, Alan Crane

### 1) Call to Order – 6:33 pm

### 2) Chair Munroe calls for any public comments on non-agenda items.

- a. Dolores Ordway, 19 High St. requests input from the Board regarding any way to place two single-family houses on her 4-ac. lot. There is insufficient frontage to create two conforming lots. Chair Munroe advises that ANR process cannot be used to create non-conforming lots. He observes that Accessory Dwelling bylaw could potentially be used to create separate living quarters, but this probably doesn't fit the desired result of two separate stand-alone houses.

### 3) Minutes Approval

- a. Member Livdahl offers motion to accept minutes from 5/6/22, 7/7/22, 7/21/22, 8/4/22, 8/25/22, 9/7/22, and 9/21/22, second by Member Steiger. Motion is approved with three affirmative votes, Munroe, Livdahl, and Steiger.

### 4) New Business:

- a. Chair Munroe introduces new Land Use Clerk, Mark Kresge and new Building Commissioner, Duffy Lanciani. Discussion of professional backgrounds, appropriate roles and application process. Mr. Kresge asks whether Zoning Determination Form needs to be created, is advised that one already exists but is not posted on website. Mr. Kresge suggests that clear lines of communication from Planning Board to Building Commissioner be established for Planning Board-related situations that might require enforcement actions.
- b. Proposed daycare facility, 165 Gardner Rd. Discussion of whether current bylaw requirement for Special Permit is allowable under State law. Conclusion is that the Planning Board may not require a Special Permit for a daycare facility, but other bylaw dimensional requirements may still be applicable.

**Action Item:** Send a Zoning Determination Form to applicant Stacey Erickson to be filled out and submitted to Building Commissioner for further review.



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- c. Inquiry on allowable uses in Commercial Zone, Chris Pirner, Pirner Logging & Land Clearing. Mr. Pirner is in conversation with KelliAnne Iacaboni of Go-Green about possible subdivision of their property and purchase of the resulting lot between Go-Green and the adjacent new storage facility. Mr. Pirner would like to clear the trees on this lot to provide room for storage piles of bark mulch and firewood and processing equipment for cutting/splitting firewood. Board advises submitting a Zoning Determination request to the Building Commissioner, and that the minimum lot size for subdivision is 80,000 ft<sup>2</sup>, 200' frontage. Further steps in process would involve submitting a Site Plan Approval application, which would look at community impacts such as noise, etc. Review costs for technical consultant would be associated with this application. Board also advises to look at any potential wetland issues as part of subdivision process.
- d. Unauthorized tree removal, New Templeton Rd, Aho. Ivan Aho states that removal of the two large oak trees in the right of way was a miscommunication with the logger clearing the lot – he hadn't intended to have the trees cut before receiving approval. Board reviews the time line of when he originally talked with Tree Warden Jeff Bourque (10/4/22), and when he brought an incomplete scenic road application to Town offices (10/5/22). Clerk Kresge states that he told Mr. Aho at that point that he would research this, determine the proper form and materials that needed to be submitted with the application, and get back to him via email. Based on field observations, the Board determined that the trees were probably cut about 5 or 6 days later.

The Board informs Mr. Aho of the possibility of fines, and says they want the situation reviewed by their technical consultant Places Associates prior to holding a public hearing on the issue. Bill Murray offers an estimate of 3 hours of review time (\$450) to complete this task. Mr. Aho says that he can provide that payment tonight.

**Action Item:** Clerk to provide site plan that was submitted with building permit application to Mr. Murray for his review, provide proper Scenic Roads application form and receipt for payment received to Mr. Aho via email.

### 5) Old Business:

- a. 44 Healdville Rd, Denis, completion of stone wall and tree cutting remediation. Mr. Murray had submitted an email to Clerk and Building Commissioner indicating that remediation actions for the right of way at front of this lot were never completed. In response to this email, the Building Commissioner put a hold on the occupancy permit for the new house, pending resolution by the Planning Board. After discussions with Mr. Murray, the Board feels that actions agreed upon by Denises included removal or grinding of stumps in the right of way, and grading/stabilization of any earth disturbance, and that these actions have not been completed.

**Action Item:** Clerk to research the original conditions agreed to with the Denises, and send a certified letter requesting a meeting with the Board.

- b. Former clay pit, 26 Worcester Rd. Member DeMalia has joined the proceedings remotely as a



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participating panelist. MaryAnn DiPinto and Alan Crane present a description of restoration activities completed to date, and want to know what the process would be for obtaining waivers for the remaining items in the special permit/restoration plan for this property. Ms. DiPinto suggests that the area is revegetating naturally and that the barren habitat is considered desirable by NHESP. Mr. Crane states that Casella doesn't even offer the Biomix product anymore that was originally specified as the top cover in the restoration plan, and that there may have been PFAS contaminant problems with this product. He indicates that there are no plans for continued 4-wheeler traffic in the pit area.

The Board indicates that there would have to be an application for modification of the special permit and a public hearing process. Part of this process would include technical review by Places Associates and a cost estimate has been provided by Mr. Murray for this work. After discussion of potential schedules, it is agreed that the first meeting in December would be the first feasible date for a public hearing.

**Action Item:** Clerk to provide Places Associates estimate to Ms. DiPinto, along with administrative fees, advertising/notice costs for payment prior to scheduling public hearing.

- c. Lot 72, off Selfridge Rd. After receiving inquiry from Callie Di Vico about developability of this lot, Mr. Kresge conducted further research on the old cart road that crosses the property. This was the original layout for Selfridge Lane, but the Town Clerk has determined that this section was discontinued by Town vote in 1890. Mr. Kresge was able to further verify through deeds research that the land referenced in the discontinuation vote was indeed Lot 72. Board recommends a response to Ms. Di Vico that the lot does not have frontage on a Town road.
- d. Friends Farm/aka Maple Lane subdivision, off Williamsville Rd. An inquiry was received regarding the status of the road that was supposed to be built as part of this approved subdivision, and whether a bond was being held by the Town. Mr. Kresge was able to verify that the original subdivision plan approval referenced a bond, and also observed that there is a bond account listed in the Town's financials with the name "Friends Farm". He is unable to locate any other paperwork associated with this bond. The Board recommends that the issue be referred to the Town Administrator for further research.

## 6) Administrative matters:

On a motion by Member Livdahl, seconded by Member Steiger, a Places Associates invoice for \$1,837.50 is approved for payment, with four affirmative votes (Munroe, Livdahl, Steiger, DeMalia).

Chair Munroe indicates a desire to review the Planning Board's fee schedule as an upcoming action item.

There is also a need to conduct a comprehensive inventory of all the forms currently published on the website.



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The meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Mark Kresge  
Land Use Clerk