



Hubbardston Massachusetts

Planning Board Meeting Minutes

Date: November 17, 2022

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

Members Present: Kristofer Munroe, Francois Steiger, Alice Livdahl, Bill Homans, John DeMalia, Erica Dack

Other Attendees: Jeff Bourque (Tree warden), Travis Brown (via Zoom), Ivan Aho, Nancy Denis, Peter Lapierre, Michael Votruba

1) Call to Order – 6:34 pm

2) Chair Munroe calls for any public comments on non-agenda items. NONE

3) Minutes Approval

- a. On a motion by Member Homans, seconded by Member DeMalia, minutes from the 11/2/2022 meeting with grammatical edits provided by Member Steiger are approved unanimously.

4) Public Hearings:

- a. Scenic Road Application from Hubbardston DPW for removal Of 13 trees along Williamsville Rd., associated with MADOT Burnshirt River bridge replacement.

Jeff Bourque indicates that he marked all trees in the field. Chair Munroe inquires about the need for removal of one specific tree, a 36" tree next to the small parking lot. Mr. Bourque explains that with the road re-alignment, power lines will be running directly through that tree location, necessitating its removal. Chair Munroe asks whether the plans were originally developed by MADOT with consideration toward minimizing the loss of mature trees. Joining the meeting via Zoom, Travis Brown points out the construction areas surrounding the bridge project, and indicates that in his conversations with MADOT, they had taken into account the interests of abutters and the Town's concerns about tree loss when developing the plans for the bridge and road re-alignment.

Motion by Member Livdahl to close public hearing, second by Member DeMalia, approved unanimously.

Motion by Member Livdahl to approve the Scenic Road Application to remove trees at the site of the Burnshirt River bridge on Williamsville Rd. and that it meets the criteria that we must consider in Section 32.5.3, the Scenic Road bylaw, particularly as regards public safety. Second by Member Homans, approved unanimously.



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- b. Scenic Road Application for removal of two red oak trees on New Templeton Rd. by Ivan Aho.

Chair Munroe summarizes that the application process was originally initiated by Mr. Aho, but the trees were then cut before the application was completed or a public hearing was held. In previous discussions, the Board felt that they needed to determine whether an approval would likely have been granted, had the application been submitted properly. To assist in that process, Bill Murray (Places Associates) visited the site (at the applicant's expense) to evaluate conditions. His findings were summarized in a letter to the Board. Now the Board must discuss the issue and decide whether to approve the application and whether this willful, knowing violation justifies some kind of further action.

Member Steiger recounts the timeline between the initial cutting and the Board's first discussion, and suggests that the maximum penalty, calculated at \$300/day, should be limited to that period.

Chair Munroe points out that Mr. Aho has been cooperative throughout the review process, and that this mitigation should be taken into account by the Board. Mr. Steiger tends to agree.

Member Livdahl recalls Mr. Aho's previous statement that this was a miscommunication with his logger, and doesn't feel that it was necessarily a blatant disregard of the bylaw. She also visited the site, and acknowledges Mr. Aho's upfront payment for Places Associates' review, and doesn't see it quite as willfulness, more of a mistake in communication.

Member Steiger points out that Mr. Aho has performed this kind of work before, should be familiar with rules and regulations, and is responsible for supervising subcontractors. Given that responsibility, Member Steiger does not wish to simply sweep this under the rug. He acknowledges Mr. Aho's goodwill actions to resolve the situation, but is uncomfortable that proactive actions like stump grinding were performed without direction from the Board. He is in favor of imposing a penalty.

Member DeMalia asks whether Places Associates' conclusions were that the tree removals would have been necessary. Chair Munroe confirms that the gist of the report was that they would likely have been necessary. His personal opinion is that the application would likely have been approved by the Board if presented properly. Member DeMalia feels that no penalty is necessary, as long as the recommendations contained in the Places Associates report are followed.

Member Homans is not in favor of fining people, but is concerned about setting precedents and inquires about the communications with the logger. Mr. Aho states that he forgot to tell the logger that the two marked roadside trees were not to be cut, but that he was aware of the bylaw requirements.

Member Steiger proposes that a fine be limited to something lower than the maximum potential fine of \$3,300. Chair Munroe points out the economic impact of the building permit being put on hold over the past month, but is hard to quantify exactly.



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Member Homans asks whether they can “hold this over his head” for a period, in case of any further violations. Member DeMalia and Chair Munroe agree with the concept, but don’t think there is any authority or mechanism for accomplishing this.

Chair Munroe proposes that a one-day fine of \$300 would be proportional to the situation, given the circumstances. Members DeMalia and Steiger agree that this would be reasonable. Chair Munroe hopes that the message is clear that the Board takes its responsibilities under the Scenic Roads bylaw very seriously.

Member Livdahl suggests that an approval should be conditional on following all the recommendations contained in the Places Associates report. Chair Munroe asks Mr. Aho whether he is willing to follow those recommendations with regard to grading of the driveway. Mr. Aho agrees to this.

Member Livdahl advances a motion that the Planning Board approve the Scenic Road Application for Lot 5A New Templeton Rd, applied for by Mr. Aho, on the condition that he follow all the recommendations in paragraph 4 of the Places Associates letter dated 10/31/2022, and pay a fine of \$300 for violation of the Scenic Road bylaw by not filing prior to cutting of the trees. Seconded by Member DeMalia. Discussion by Member Steiger asking whether the Building Inspector needs to be notified of these conditions. He offers a friendly amendment that the findings of this permit be forwarded to the Building Commissioner, and the amendment is accepted by Member Livdahl.

Motion by Member Homans to close the public hearing, seconded by Member DeMalia, approved unanimously.

Amended motion from Member Livdahl, seconded by Member DeMalia is approved unanimously.

Mr. Aho provides a check for payment of \$300 fine to Clerk Kresge.

5) Old Business:

- a. Denis, 44 Healdville Rd. discussion of agreed-to remediation conditions

Chair Munroe states that conditions included cutting of all stumps to < 6”, and based on personal observations, says that this cutting has been completed. He summarizes that the applicant is now in compliance with all conditions from the Planning Board and their consultant and asks whether any formal action is required. The matter is concluded by stating on the record that all conditions have been satisfied, and this finding shall be conveyed to the Building Commissioner.

6) New Business:

- a. ANR – 28 Hale Rd, Lapierre, lot line adjustment

Michael Votruba presents plans on behalf of owner Peter Lapierre, summarizes that there are two existing lots, and that the plan is to transfer some land from one of the lots to the other.



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Board members confirm the lot areas and the frontages involved.

Member Livdahl expresses discomfort with the awkward lot geometry.

Chair Munroe steps through the checklist of requirements for the plan, Board agrees that all requirements are met.

Motion by Member DeMalia to approve the ANR plan, seconded by Member Homans. Discussion by Member Livdahl reiterates her concern over the lot geometry. Board agrees that the plan meets the bylaws, regardless of the lot shape. Approved unanimously.

7) Administrative matters:

- a. December meeting schedule. First meeting will be on December 7. Barring any pressing new agenda items, there will be no second meeting in December. First January meeting will be on January 4.
- b. Discussion of Town Center Zoning Analysis document from MRPC.

Chair Munroe suggests that this contains interesting concepts, but isn't sure that it takes into account Hubbardston's personality as a community. He is unsure that design standards or a design review committee would make sense in Hubbardston, or that it would have a chance of passing at Town Meeting. He wants to offer feedback to MRPC and the EDC, since EDC is the lead on this project.

Regarding the draft survey, he thinks there needs to be more explanation of the concepts presented, including things like dark sky regulations and green building standards. He is concerned that sending this out will not necessarily get back the feedback we need.

Member Steiger mentions that the case study communities in the report are not necessarily good choices for comparison to Hubbardston. Chair Munroe explains that inclusion of Charlemont and Burke, VT were at his suggestion since they have outdoor activity-related economies.

Member Livdahl thinks that there needs to be discussion regarding the best way to provide more commercially zoned areas, or encouraging mixed use in existing commercial areas. Chair Munroe says that current bylaw allowing marijuana grows in the Town Center district probably needs to be re-evaluated given recent history.

Chair Munroe raises the underlying policy issue of whether we should zone to generate demand that might force the Town to look at public water/sewer feasibility, or whether we should just accept the constraint of no water/sewer availability as a given.

Member Homans recaps some of the history of water/sewer feasibility studies in Town, and says it all comes down to availability of funding. Member Steiger points out the irony of having 50% of Town



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protected for the Ware River Watershed area, while we cannot provide water to the Town residents. Chair Munroe references the water/sewer feasibility report completed in 2017, and asks again whether we should push this issue via zoning changes, or just accept the lack of water/sewer as a guiding constraint.

Member Livdahl raises the issue of looking at Pitcherville sand and gravel areas as an alternate site for development, where water and septic system siting would be more favorable than the Town Center area. She thinks maybe we should look at creating another multi-family/commercial zone second center in that area. Chair Munroe points out the possibility of becoming an MBTA community in the future, if a commuter rail stop is ever created in Gardner. In that event, we would need to have a substantial area with multi-family capacity allowed by right in our zoning, and the Pitcherville area could potentially provide that opportunity.

Member Livdahl disagrees with Chair Munroe on the issue of design standards – she thinks that this is important and could create a more attractive town center area, if it can be sold to the public. She also wonders whether there is any opportunity to expand Town Center district laterally (i.e., not just up and down the Rte. 68 corridor). Chair Munroe thinks there might be a possibility of expanding the Town Center throughout the walkability zone from the school up to Curtis Field, and possibly over to the current Country Hen area.

Member Livdahl suggests a Board homework assignment of looking at a parcel map in the Town Center area to create scenarios for future development.

- c. Regional transportation plan survey – Chair Munroe encourages all members to respond to this survey.
- d. Issue Tracker document

Chair Munroe points out that for any issues to be brought to Town Meeting final warrant articles are due in early April, so need to be in progress and fairly complete in February.

- Wireless communication bylaw update would be desirable, but not for this Town Meeting cycle –possible grant applications?
- Possible MBTA zoning down the road depending on rail expansion plans?
- Publish bylaw updates not requiring Town Meeting vote.
- AG feedback on BESS bylaw?
- Discussion of discrepancy between Zoning Map and Zoning bylaw language. Clerk Kresge hasn't completed his research yet, but thinks that the map is correct, and that the bylaw language is misleading. **Action Item:** Full report from Clerk Kresge at next meeting.
- Solar bylaw update – invite MRPC to the next meeting for update? **Action Item:** Chair Munroe will reach out to Jennifer.
- Town Center Zoning – probably not going to make it onto this Town Meeting cycle
- Cannabis bylaw update – Chair Munroe is looking for minutes on the July 2021 meeting when



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this was discussed. **Action Item:** Clerk Kresge to find meetings and generate minutes.

- Agricultural accessory bylaw – Chair Munroe will reconvene the committee and generate a recommendation.
- Full zoning and subdivision regulations recodification – direct TA to pursue grant funding?
- Master Plan – communication broke down between Ryan McLane and Jonathan Vos, but Ryan has now been commissioned to re-engage and bring this to completion.

The meeting was adjourned at 8:28 p.m.

Respectfully submitted,

Mark Kresge
Land Use Clerk