



Hubbardston Massachusetts

Planning Board Meeting Minutes

Date: December 7, 2022

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

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

Members Absent: John DeMalia

Other Attendees: Karen Chapman (MRPC), Jonathan Vos (MRPC), Bill Murray (Places Associates), Nathan Boudreau, Mike Stoll, Alan Crane, MaryAnn DiPinto (Three Oaks Environmental, remote via Zoom)

1) Call to Order – 6:30 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 Steiger, minutes from the 11/17/2022 meeting with minor grammatical edits provided by Member Steiger are approved unanimously with four affirmative votes.

4) New Business:

- a. Introduction to Nathan Boudreau, new Town Administrator. Mr. Boudreau describes his ten years of municipal experience in Shirley, Marlborough, Princeton and City of Gardner. He is looking forward to working with everyone, and is developing a 100-day plan for addressing the priority items in Hubbardston.

5) Old Business:

- a. Master Plan development with MRPC

Jonathan Vos provides a summary of the history of the Master Plan project, which began in 2017. Chair Munroe says that some chapters have been completed and accepted, but that work remains on the Implementation chapter, and the Services & Facilities chapter. Mr. Vos adds that the Goals and Objectives chapter still needs to be completed as well. He indicates that he intends to meet with Ryan McLane (previous Town Administrator) and Mr. Boudreau to go over some of his feedback on the Services & Facilities chapter. Once this chapter is complete, then Mr. Vos will update the Goals and Actions, and Implementation chapters, and distribute it for comment from all applicable Town boards and committees.



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Karen Chapman introduces herself as Director of Planning & Development for the past year, explains that her predecessor in the position was supervising the Master Plan project, but that the project did not happen the way it was supposed to, complicated by Covid challenges and personnel issues that led to project falling behind schedule. She suggests that the Town should apply for a new DLTA grant that will allow MRPC to update the demographic data to the decennial 2020 Census results available in May, complete the outstanding chapters and finish the plan. Chair Munroe would also like revisit some of the information and goals in the previously accepted chapters.

Member Livdahl thinks it is important to have a hard deadline and just wants to get something published. She would also like to have the completed chapters provided to the Board so that members can reacquaint themselves with the work completed thus far. Mr. Vos says that a hard deadline can be included in the revised project scope that will be included in an application for DLTA funding. The deadline for first round of DLTA funding applications is February 7, 2023. Mr. Vos says that \$5,500 of money previously set aside by Town can be used to bridge the gap for work performed between now and when DLTA funds become available. Clerk Kresge observes that 5-year ACS census data for 2021 is released this week, and that this data could be used for the plan revisions rather than waiting for the decennial Census data release in May. Member Livdahl is in favor of this idea. Member Steiger wants to make sure that this plan will be completed and released by June 30, 2023, as a capstone on the current Planning Board's efforts.

Ms. Chapman will provide the DLTA application form next week to the Town Administrator with instructions for filling it out and returning it. Member Steiger inquires whether the Board needs to vote on submitting the application, but Ms. Chapman indicates that the Town Administrator has the authority to do it on his own and then submit it to the Select Board for approval.

Action Items:

- Submit DLTA funding application
- Post currently completed chapters to website for further review.
- Add agenda item to next meeting for discussion of existing chapters.

Ms. Chapman returns to the topic of the previously authorized \$5,500 of Town funding, says that MRPC has not charged to that yet, and says that she doesn't want to use the Town's money if we agree to do the DLTA. Mr. Boudreau is in favor of not spending that money and will pursue the DLTA application.

Chair Munroe closes the discussion but also requests that other MRPC consultants working on other projects receive a nudge, since he hasn't heard from them in three weeks.

6) Public Hearing:

"Amended Reclamation Permit for former clay pit, 26 Worcester Rd" filed by Three Oaks Environmental, LLC representing Alan Crane.



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Applicant Alan Crane and his representative MaryAnn DiPinto (Three Oaks Environmental, participating remotely via Zoom) present their request that the Planning Board find that the reclamation of the former clay pit at 26 Worcester Road is complete, and that they issue a notice of completion. Ms. DiPinto presents a slide deck and answers questions from the Board, including some of the following key items:

- History of the pit
- Current vegetation conditions
- Discussions with DCR-DWSP and NHESP regarding potential surface water impacts and current habitat. Allan Rantala and Dan Clark at DCR-DWSP had no problems with current conditions. Chris Buelow, Senior Restoration Ecologist at NHESP, felt that biological crust and current habitat conditions were valuable as is.
- Current slopes not greater than 3:1
- Erosional impacts on slopes are minimal
- Additional placement of topsoil or plantings are unnecessary and would adversely impact the current habitat values
- The Biomix product specified in the original reclamation plan is unavailable and has proven to be contaminated with PFAS in other applications
- Her professional opinion is that the clay pit is in stable condition and provides valuable habitat for many uncommon plants and animals. She requests that the planning board find that the current condition of the former clay pit meets the criteria for site restoration in both the spirit and the intent of the Earth Removal Bylaw, and that they issue a certificate of completion.

Chair Munroe asks for comments from Bill Murray regarding his review of this application. Mr. Murray says that Ms. DiPinto is a highly qualified ecologist and that the Board can rely on her evaluation of the site conditions. He also points out that the passive restoration application is an unusual request and that this is a unique situation.

Member Livdahl recommends that the Board rescind the previous permit, acknowledging the substantial completion in the spirit of the required reclamation, and release the bond after satisfying any remaining costs related to the application.

Member Steiger thanks Ms. DiPinto for an excellent presentation, but is concerned that the evidence presented does not include a comparison of the restored conditions with the original site conditions prior to excavation. He is concerned about setting a precedent for passive vs. active restoration at other sites. Mr. Crane observes that restoration to original conditions is impossible after the extraction of a half million yards of material during the pit's historical operation, and that since there is no other clay pit in town, granting the request for passive restoration would not create a loophole or precedent for other sites.

Member Homans thinks that the professional opinions presented are sufficient and that the bond should be released. He also thinks that every permit is different and that setting a precedent is not a



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problem.

Chair Munroe finds that the presentation provided compelling evidence that natural restoration is underway. He agrees with Member Livdahl that this permit should be terminated, without specification of any ongoing conditions that would need to be satisfied. He thinks that since the property is owner-occupied, that is another unique aspect of the situation that reduces the likelihood that the Board's decision could be interpreted as setting a precedent.

Member Homans presents a motion to close the public hearing, seconded by Member Steiger, approved unanimously with four affirmative votes.

Member Livdahl presents a motion to rescind the Reclamation Permit issued by the Planning Board on August 21, 2019 and recorded in the Worcester District Registry of Deed in Book 65501 page 199, as extended on July 15, 2021, for the former clay pit on property located at 26 Worcester Road in Hubbardston Massachusetts, due to:

- The unavailability of "manufactured topsoil"
- The substantial restoration that has occurred naturally
- The presence of plant and animal species on the site
- Substantial compliance with section 9 of the Hubbardston Earth Removal General Bylaw governing restorations,

and to refund the balance of the bond to the owner of the property after payment of all Planning Board consultant, legal and recording fees related to this rescission. The motion is seconded by Member Homans.

Chair Munroe wishes to amend the motion to include that these findings were based on the compelling evidence presented at the hearing by a credentialed ecologist.

The amended motion is approved with three affirmative votes:

Livdahl – Aye

Steiger – Abstains

Homans – Aye

Munroe - Aye

7) Administrative Matters:

a. Zoning map research

Clerk Kresge presents a summary of his findings on the language contained in the Zoning bylaw regarding the extent of the Commercial Zone along Gardner Rd. Although the zoning map shows the Commercial Zone extending up to Gardner Cutoff Rd., there was a question on whether the language in



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Zoning Bylaw suggests that the Commercial zone ends at Ragged Hill Rd/High St and that the area north of that point is Residential/Agricultural. Mr. Kresge explains that after researching the previous zoning maps and examining the related Town meeting votes, his conclusion is that the current zoning map showing the Commercial zone extending to Gardner Cutoff Rd is an accurate reflection of the original intent. By a careful reading of the language in the Zoning Bylaw, the language is not incorrect, but it is certainly misleading and could stand to be clarified. Clarifying this language would require a new vote at Town Meeting. Member Livdahl requests that this matter be added to the list of bylaw changes being prepared for the next Town Meeting.

b. Town Pit Phase I report – lead contamination

Chair Munroe summarizes the situation with the town-owned property that was a former gravel pit and shooting range for the Police Dept. This property was being eyed as a potential site for senior or affordable housing, but investigations showed that there was an issue with lead contamination in the soil resulting from the previous use as a shooting range.

A memo presenting potential costs for site remediation has been received from the Town's consultants, which will be presented to the Select Board and Affordable Housing Committee. Member Livdahl describes the two alternatives presented in the memo. Nathan Boudreau indicates that he will be presenting this to the Select Board.

Bill Murray suggests that availability of Brownfield remediation grants should be researched to see if funding to help pay for this remediation work is available.

The Board recommends that Mr. Boudreau and the Select Board try to get the Affordable Housing Committee up and running.

8) Matters Not Reasonably Anticipated by Chair:

- a. Chair Munroe would like to discuss the status of Bylaw updates and publication. Member Livdahl thinks that the process has gotten stalled with Town Counsel (TC). Mr. Boudreau will be speaking with TC tomorrow and will inquire about current status. Member Steiger raises issue of Battery Energy Storage Systems (BESS) bylaw, was awaiting State Attorney General approval, and may also be with TC.

9) Public Comment

- a. Mike Stoll provides clarification of the correct statutory references for Ch. 61 tax status programs, which had been discussed during the course of the discussions on the Crane clay pit.
- b. Bill Murray mentions the potential discharge of sediment from the stormwater drainage structures at the Self-Storage facility on Gardner Rd. He had previously provided this to the Board in a memo, and he has not received any response from the owners.



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The next meeting is scheduled for Wednesday, January 4, 2023.

The meeting was adjourned at 8:42 p.m.

Respectfully submitted,

Mark Kresge
Land Use Clerk