

Town of Hubbardston  
Planning Board

Meeting Minutes

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

**Date:** November 18, 2021

**Members Present:** Alice Livdahl (Chair), Francois Steiger and, Bill Homans

**Members Absent:** Kristofer Munroe, John DeMalia

**Other Attendees:** Laurie Reed, William Murray, Damon Schmidt, Nicole & Greg Fisher, Chris Pirner, and Jeffrey & Nancy Denis

Ms. Livdahl called to order: (6:30 pm) "This meeting is being broadcast live and digitally recorded."

Orders of Business:

**Public Comments** - Ms. Fisher explained to the Board the interest she and Mr. Fisher have in purchasing a 320 acre farm, 200 acres are protected and it is Agricultural. Ms. Fisher indicated they would like to have the ability to have weddings on the property.

Ms. Livdahl stated Hubbardston does not have that in the bylaws as a Special Permit. This would have to go to a Town Meeting.

Mr. Murray there is no definition of a Country Club but believes the Fishers could apply for a Special Permit for a Country Club as a public not private membership club.

**Minutes Approval** - None

**Action Items**

David Nixon, Town Administrator—on Select Board article increasing penalties. Vote to schedule public hearing. Tabled

Jeffery and Nancy Denis, Healdville Road (Assessor's Map 8, Lot 64B); Scenic Road Violation (stone walls)—hear proposed remediation and vote on terms of order of remediation

Ms. Denis stated during a meeting with the Board that they would rebuild the wall. Ms. Livdahl noted boundary marker and scenic walls cannot be moved. Ms. Livdahl stated the earth needs to be repaired.

Ms. Livdahl stated the only trees that were to be removed were for the driveway opening.

Ms. Livdahl asked to have the wall restored and remedy the stumps.

Mr. Pirner noted he did not cut any trees until after the hearing and permission was granted. Mr. Pirner will take the stumps to a lower level along the road. Ms. Livdahl asked to have the field stones replaced.

Mr. Homans stated the field stones cannot be replaced until the lot is cleared.

Mr. Murray asked what the timeframe was for the build out. Ms. Denis stated they would like to build in the spring and fix the wall then.

Ms. Livdahl suggest a 90-day window for completion. Mr. Murray will help write the order. There will be a stipulation that no Certificate of Occupancy be issued until issues are remediated. If the applicants cannot complete in 90 days they can come back to the Board for an extension.

Mr. Homan made a motion to accept the order to be written. Mr. Steiger seconded. All in favor, motion carried (3-0).

b. Damon Schmidt – Marijuana facility responds to questions regarding hoop greenhouse and relocation of 9000 sq ft dry/cure/propagation building.

Mr. Schmidt wrote to Ms. Livdahl with three concerns. The list is as follows:

- Put up a cold frame/hoop house, 96 feet x 36 feet.
- Increase the water supply from the well from 5000 gallons to 10,000 gallons a day.
- Relocate the dry cure building to the commercial side of the property.

Mr. Schmidt is asking the Board the best way to proceed with putting in the hoop house and their opinion on moving the dry cure building to where the freezer trailers are. Mr. Schmidt feels the building may only be 6,000-7,000 square feet.

Ms. Livdahl stated the following:

- The hoop house is in the Host Agreement
- The Building Commissioner needs to be consulted regarding building permits.
- The Board can't comment on the location of the building without seeing it on the plans.
- A water study needs to be completed by an engineer for an increase to be allowed.

Mr. Murray stated Mr. Schmidt's engineer must meet with the Board to explain the water calculation numbers.

Ms. Livdahl suggested Mr. Schmidt address the issues and return to the Board.

### *Announcements*

Ms. Livdahl reminded the Board the signatory power with the Registry of Deeds need to be updated.

Ms. Livdahl gave the following updates:

1. Ms. Livdahl and Mr. Munroe attended a Select Board meeting for support in raising the zoning violation fees. Ms. Livdahl, Mr. Munroe and Mr. Galante all agreed enforcement has been an issue and a Zoning Enforcement Officer is needed.

2. Ms. Livdahl applied for a CHAPA grant. The application was denied.

d. Alan Crane, Clay Pit at 26 Worcester Rd., Chair's letter in response Three Oaks Environmental report, discuss procedural options, decide on site visit, and decide whether to ask for review by Places Assoc., Inc. (and if so vote to fund associated fee).

Ms. Livdahl indicated Alan Crane and MaryAnn DiPinto are seeking relief from the restoration of the pit. Ms. Livdahl sent a letter asking them to provide proof why this would cause a financial hardship or how the parcel would be restored and protected as a habitat. Mr. Murray stated the Board needs to know the future plan for the land.

Mr. Homans made a motion to pay Places Associates up to \$1000.00 for the review. Mr. Steiger seconded. All in favor, motion carried (3-0).

e. Revision of Scenic Road Decision form: review format and additional terms and conditions – discussion and vote to adopt.

Ms. Livdahl listed the following items to be added, with input from the Board:

1. The Petitioner to pay for the costs associated with the tree removal.
2. Large trees to be removed by a professional with liability insurance.
3. Stumps cut no more than 6 inches above the ground.
4. Disturbed soil in the Right of Way (ROW) must be restored to the previous level.
5. All stones which are part of the stone walls must be replaced to their previous location.
6. Debris from the tree removal must be removed from the ROW.
7. Petitioner notify the Board when the removal and clean up are completed.
8. If removal will impact traffic all public safety departments must be notified 24 hours before.

Mr. Steiger expressed concerns with overhead wires and the need for a professional. Ms. Livdahl will amend #2 to read, all trees in the ROW must be removed by a professional.

Mr. Steiger suggested adding a timeline to #4. Mr. Murray suggested adding #9 to read, all work to be completed 90-120 days.

g. Accessory Apartment Bylaw- Ms. Livdahl indicated she is still working on this item.

h. Rate of Development Bylaw—discuss need for and possible revisions.

Ms. Livdahl discussed capping building permits at 28 new dwelling units, excluding conversions, Open Space and Senior Living Residential units. Mr. Murray suggested all Affordable Housing be excluded until the town reaches the required 10%.

f. Review of revised draft of new BESS bylaw and vote to send to Places Assoc. to get a quote for review fee and schedule public hearing. Discuss overlay district.

Mr. Murray stated he is still waiting on the quote.

Mr. Homans made a motion for Places Assoc. to get a quote. Ms. Livdahl seconded. All in favor, motion carried (3-0).

Adjourned: 8:40 pm