



Hubbardston Massachusetts

Planning Board Meeting Minutes

Date: February 1, 2023

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

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

Other Attendees: Nathan Boudreau

1) Call to Order – 6:41 pm

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

3) Minutes Acceptance

- a. On a motion by Member Livdahl, seconded by Member DeMalia, minutes from the 1/19/2023 meeting with minor edits provided by Member Steiger are approved unanimously with five affirmative votes.
- b. On a motion by Member DeMalia, seconded by Member Livdahl, minutes from the 10/15/2020 meeting are approved unanimously with five affirmative votes.

4) New Business: None

5) Old Business: None

6) Administrative matters:

- a. Review of proposed solar bylaw revisions provided by MRPC
Chair Munroe indicates that the solar bylaw documents were provided by the MRPC senior planner just prior to her departure, and there were no opportunities for intermediate review by the Board. Further revisions by MRPC are possible but the Board should talk about it first.

Member Livdahl opens the discussion by saying that one of the major choices with a complex bylaw is how much information to include in regulations vs. in the bylaw itself. She suggests that MRPC has a strong preference for moving content into the regulations and did so here, but that the Board had made the opposite decision during development of the BESS bylaw, by including everything in the bylaw itself. Chair Munroe acknowledges this as a foundational issue and solicits opinions from the Board.

Member Livdahl is concerned that provisions contained in regulations are easier to lose track of, and may become separated from the parent bylaw. Chair Munroe thinks that this could be addressed by a more diligent approach to maintaining the full body of bylaws and regulations on the Town website.

Member DeMalia is concerned that if provisions contained in regulation are too easy to change by future Planning Board action, then the checks and balances system of a required Town Meeting vote is compromised. Member Steiger points out that attendance at Town Meetings is generally better than that for routine public hearings, so a requirement for Town Meeting votes is likely to provide better representation of the voters' wishes. Member Steiger and DeMalia think that things such as fees or penalties could be put into regulations, but that substantive requirements like setbacks, acreage, etc. that impact a broader community should probably remain in the bylaw. Member Homans agrees that Town Meeting votes provide a valuable checks and balances function.

Chair Munroe summarizes the Board's position as a desire to move much of the content contained in the regulations in the current draft into the body of the bylaw. Member Livdahl is concerned that some hard-fought amendments added to the bylaw over the years may have been lost in the current draft. Chair Munroe poses the question of whether the Board thinks that they can take on the responsibility of finishing the amendments on their own, or if outside technical help is required.

Member Livdahl feels that she would need help with document formatting. Clerk Kresge indicates that he would be capable of providing any document formatting assistance needed. Chair Munroe suggests that Member Steiger, Member Livdahl and Clerk Kresge form a working group to work on changes and provide a status update at the next meeting. Members Steiger and Livdahl agree, and Member Livdahl will check against her notes to see if any important provisions have been dropped from the current draft.

b. Review of other zoning bylaw changes requiring Town meeting vote

Clerk Kresge summarizes that all the red-line insertions and deletions shown in the document presented to the Board for review are changes that require Town Meeting vote. Any other changes that differ from the current official version, but which do not require a vote have already been made in the document. The first step is to generate a clean document suitable for publication to the website and provision to the public that includes all previously approved items and minor administrative changes. The second step would be to present a document with all the proposed substantive insertions and deletions to the Select Board, and after their approval, present these changes in a public hearing and in warrant articles to Town Meeting for ultimate voter approval.

Chair Munroe states that most of the changes requiring votes have already been reviewed by the Board in one form or another, but this is the first time that they have been assembled in one comprehensive document. He also raises the issue of the special permit requirement for commercial greenhouses, which is not compliant with State law. Clerk Kresge reads the section of Ch. 40A Sec. 3 which states that local zoning cannot require a special permit for structures associated with agriculture, floriculture, etc. Member Livdahl wants to know how greenhouse location, size, etc. could be regulated if not through a special permit. Members Steiger and DeMalia feel that the requirement for a special permit should be removed now, and then further discussions could be held later on other requirements. Chair Munroe suggests bringing it to public hearing with the special permit requirement deleted, and asking for public comment on whether any further restrictions are necessary.

Member Steiger raises the issue of the language regarding wireless towers. He feels that the changes regarding wireless towers as allowable uses by special permit in the residential and Town Center zones should include language that makes them subject to all requirements of Article 18, rather than simply mentioning height and overlay district. Chair Munroe agrees that the language in these sections should simply reference all requirements of Article 18. The Board has a general discussion of various elements of Article 18 that should be re-evaluated for possible changes at some point, on a medium-priority basis.

The Board discusses how to handle the BESS bylaw article which has not been approved by the State Attorney General yet, with regard to the current Zoning Bylaws update being published to the website and Town Clerk. Chair Munroe suggests that the simplest approach is to simply list that article number with an [Omitted] identifier until such time that AG approval is received.

7) Matters Not Reasonably Anticipated by Chair

- a. Chair Munroe introduces the issue of emergency tree maintenance activities on scenic roads after storm damage, and mentions that this is exempted from review under the Scenic Road bylaw. Member Livdahl feels that DPW should be asked whether there are trees on scenic roads that they would like to take down on a non-emergency basis. Chair Munroe recommends asking DPW to see if this is something that keeps them up at night, and if so, a list of problem trees could be developed for evaluation on a non-emergency basis. He expresses his concern that all standards be applied equally to both the DPW and private landowners with regard to tree work on scenic roads. He doesn't want to open up a lot of work on the bylaw unless the DPW feels that this is a major issue, and again recommends that the PB solicit their input on whether or not this is a problem.
- b. Member Livdahl states that the Affordable Housing Committee is meeting for the first time soon, and that potential development of Lot 57 (former Town gravel pit) would be one topic of discussion. She thinks that this lot's location within the Aquifer Favorability area could be an impediment to affordable housing and wonders whether we should ask Places Associates for an estimate on updating the Aquifer Favorability map. Chair Munroe proposes that the entire Pitcherville area requires some attention from the PB, in that it would be the logical area for multi-family zoning if required in the future due to MBTA expansion. He thinks that there might be grant money available to bring on professional help to look at this issue. He feels that this would need to be a formal agenda item at a future meeting to look at this issue more closely.

Town Administrator Nathan Boudreau mentions that the feasibility of development and/or cleanup activities on this lot would be a major focus area in the Town's grant seeking activities. He will be working on it in the upcoming weeks, but it's still in the early stages.

8) Additional Comments from Public: None

- 9) Chair Munroe requests a motion to enter executive session for purpose of discussing pending litigation with no intent to return to public session. Motion made by Member Steiger, seconded by Member DeMalia, approved unanimously.

The public portion of the meeting ended at 7:37.

Respectfully submitted,

Mark Kresge
Land Use Clerk