



Hubbardston Massachusetts

Planning Board Meeting Minutes

Date: June 29, 2023

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

Members Present: Kristofer Munroe, Francois Steiger, Bill Homans, Erica Dack, John DeMalia, Peter Russell

Other Attendees: Bill Murray (Places Associates), Katie Young

1. Call to Order – 7:05 p.m.
2. Board organization
 - a. Election of Chair – On a motion by Member Homans, seconded by Member DeMalia, Kristofer Munroe is nominated for Chair. Mr. Munroe accepts the nomination, abstains from the vote and is elected with four affirmative votes (Steiger, Homans, Dack, DeMalia).
 - b. Appointment of Clerk – On a motion by Member Homans, seconded by Member Steiger, Mark Kresge is appointed as Planning Board Clerk by unanimous vote.
 - c. Appointment of Associate Member – On a motion by Member DeMalia, seconded by Member Homans, the Board recommends the re-appointment of Peter Russell as Associate Member by unanimous vote.
 - d. Committee assignments to other boards/organizations for FY2024:
 - i. Affordable Housing Committee – Erica Dack
 - ii. Economic Development Committee – Kristofer Munroe
 - iii. MRPC commissioner – Kristofer Munroe
 - iv. Montachusett Joint Transportation Committee (MJTC) – Peter Russell
 - v. Community Preservation Committee (CPC) – Francois Steiger
 - vi. Capital Improvement Planning Committee – Francois Steiger
 - vii. Public Safety Building Committee – John DeMalia
 - viii. Agricultural Advisory Committee – Kristofer Munroe

On a motion by Member Homans, seconded by Member Steiger, the above slate of recommendations and appointments is approved by unanimous vote.

3. Minutes Approval

- a. On a motion by Member Homans, seconded by Member DeMalia, minutes of 5/3/2023 are approved as presented by unanimous vote.
- b. On a motion by Member Steiger, seconded by Member Homans, minutes of 5/18/2023 are approved as presented by unanimous vote.
- c. On a motion by Member DeMalia, seconded by Member Steiger, minutes of 6/7/2023 are approved with one minor correction by unanimous vote.

4. New Business

- a. ANR application – Rick & Joyce Green, Old Westminster Rd

Rick Green presents a plan for subdivision of their existing parcel with frontage on Old Westminster Rd. for conveyance to their daughter and son-in-law, with the rear of the parcel to be combined with the adjacent fields owned by Rick and Joyce. After reviewing the plan, the Board determines that it meets all criteria. On a motion by Member Homans, seconded by Member DeMalia, the Board agrees to endorse the plan by unanimous vote, and affixes their signatures to the plan.

- b. Royal Sun Farm inquiry about special permit modifications - bathroom facilities and additional greenhouse.

With no representative present, Chair Munroe recommends that a letter be sent to Damon Schmidt requesting his presence if he wishes the issue to be discussed.

5. Administrative Matters

- a. Clerk Kresge distributes the sheet for collection of authorized signatures by the Board, to be provided to Worcester Registry of Deeds for the upcoming year.
- b. Chair Munroe and Clerk Kresge present proposed changes to the invoice approval process for the upcoming year. In order to streamline the process, amounts for approval will be presented to the Board as soon as they are available, but the actual signature on the invoice received at a later date will be provided as an administrative action by either the Clerk or the Chair. The Board concurs with this approach, and Clerk Kresge will write a policy outlining the process.
- c. Clerk Kresge presents advertising charges for the balloon test advertising on the Industrial Tower application. On a motion by Member Homans, seconded by Member Steiger, payment of \$118.35 is approved by four affirmative votes (Munroe, Steiger, Homans, Dack), with Member DeMalia abstaining.

6. Public hearing continuation –Special Permit application for construction of a 145-foot communications tower, filed by Industrial Tower and Wireless, LLC. The property is located at Assessor's Map: 3 Lot: 189, behind 243 Gardner Road. (Member DeMalia departs the meeting)

Representatives from Industrial Tower: Kevin Delaney, Kevin Fadden, Shayna Galinat (remote), Mike Umano (remote).

Kevin Delaney introduces the Industrial Tower team, and initiates a Powerpoint presentation of the balloon test results and other new submittals. Summarizing the balloon test results, he indicates that the only point of visibility for the balloon was at the driveway entrance on Gardner Rd.

Bill Murray steps through his letter to the Board and outlines the results of his application review. Points include:

- Parcel 3_189 is a non-compliant lot and should have been combined with the front lot owned by the same owner under the merger doctrine.
- Since the lots are considered as merged, he questions whether the zoning restriction limiting buildings to only one principal building or structure per lot is a concern, and whether a cell tower can be considered an accessory structure. He also notes that with the merged lot, one additional abutter lies within the 300' required notification radius. Clerk Kresge states that notification was sent to this additional abutter last week.
- Zoning requires provision of parking – he thinks the plan can be easily modified to show this.
- He feels that the Board does not have the authority under the Zoning Bylaws to grant waivers for some of the items requested to be waived by the applicant.
- No stormwater control narrative is provided.
- Blanket statement by applicant that there will be no impact to value of nearby properties is unsupported.
- He thinks that interaction of different sections of Zoning Bylaw with regard to allowed locations for cell towers is problematic for the Planning Board. Chair Munroe indicates that Town Counsel has suggested that the Board has some latitude under both the Zoning Bylaw and under the TCA to make a determination in this area.
- He provides other examples where the submitted materials do not fully satisfy the requirements of the Zoning Bylaw.

Mr. Delaney provides a response to some of the issues raised:

- Updated site plans provided yesterday address many of the deficiencies noted.
- The FAA determination on lighting requirements has been received. Lighting will be directed upward and shielded, reducing visibility from the ground.
- He addresses other items on the checklist.
- He points out items in plans describing stormwater control features. Chair Munroe requests a more detailed written narrative to describe these functions.
- There are various conversations about electrical backup capacity in a storm, and how it affects lighting or other functions. Mr. Delaney explains that FAA and the local airport are notified if there is a lighting problem, and that they have crews on standby to make sure that towers remain operational.

Shayna Galinat discusses some of the more ambiguous zoning-related issues posed by Mr. Murray. Referring to the earlier mention of input from Town Counsel, she requests that the Board exercise its discretion in interpreting the inconsistencies in the Zoning Bylaw, and continue on the path of evaluating a special permit for this tower location. Member Steiger is looking forward to seeing the specific language in the opinion provided by Town Counsel.

In further discussion of the Board's discretionary authority, Chair Munroe thinks that TCA requirements could be an important aspect, and requests that Industrial Tower provide a more complete statement of alternative site analysis and other ways in which this application satisfies the conditions outlined in the

TCA. Ms. Galinat will also provide a memo/opinion from Industrial Tower's outside counsel regarding the applicability of TCA to this application.

Ms. Galinat indicates that the TCA may also be relevant to the other zoning issue regarding merged lots, and whether or not a cell tower can be considered an accessory use, and will address this in a memo as well. Chair Munroe will try to obtain guidance from Town Counsel on this issue. Chair Munroe suggests that Industrial Tower seek an opinion from the Building Commissioner on whether a cell tower can be considered an accessory structure.

Mr. Murray requests that any revised or new materials be copied to him at least two weeks before the next meeting so that he can review them.

Chair Munroe discusses the procedure for drafting a special permit and indicates that he does not want to lead that effort. Mr. Murray suggests that possible options would include having Places Associates prepare a draft, or having the applicant prepare a draft for the Board to review. After discussion, the Board agrees that having a draft prepared by the applicant would be acceptable.

Various options with regard to bonding are discussed without specific resolution, but the Board will review any proposed language submitted.

The issue of requiring renewal of a special permit after three years or five years is discussed. Industrial Tower suggests that this is not common practice in other towns. They will provide an opinion for PB review regarding applicability of special permits to post-construction operations.

Ms. Galinat requests that any opinion provided by Town Counsel be forwarded to them for their consideration in drafting the permit as well.

On a motion by Member Homans, seconded by Member Steiger, the hearing is continued to Thursday, July 27 7:00 pm by unanimous vote (Munroe, Steiger, Homans, Dack, Russell).

7. The meeting adjourned at 8:58 p.m.

Respectfully submitted,
Mark Kresge, Land Use Clerk