

Town of Hubbardston

Planning Board

Meeting Minutes

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

**Date:** August 25, 2022

**Members Present:** Kristofer Munroe, Alice Livdahl, Francois Steiger, John DeMalia (remote) and Erica Dack.

**Members Absent:** Bill Homans

**Other Attendees:** Francis Parisi, Tom Johnson, Bill Murray, Mary Ann DiPinto and Heather Munroe.

Mr. Munroe called to order: (6:36 pm) "This meeting is being broadcast live and digitally recorded."

**Public Comments** - Ms. DiPinto indicated she will be work on the clay pit at 26 Worcester Road. She has met with someone from Natural Heritage. Ms. DiPinto asked if the members would like to have a site visit and discuss what is going on at the site. The Board agreed on Saturday, September 17, 2022 at 10 am for the site visit.

**Minutes Approval** - August 4, 2022

Ms. Livdahl made a motion to approve the August 4, 2022 minutes as presented. Mr. Steiger seconded. Roll call vote

Ms. Livdahl - yes

Mr. Munroe - yes

Mr. Steiger - yes

Mr. DeMalia - yes

**Continued Public Hearing**

a. **Town of Hubbardston Planning Board and Zoning Board of Appeals -PUBLIC HEARING NOTICE** is hereby given that the Hubbardston Planning Board and Zoning Board of Appeals (ZBA) will hold a Joint public hearing on Thursday July 21, 2022 at 6:30 pm to consider the application for a Special Permit for Planning Board to construct a cell tower in Hubbardston MA, and the application for Zoning Board of Appeals for requested variance from Hubbardston Zoning ByLaw 5.3 e.2 Access Drive. Applicant is Vertex Towers, LLC. The Proposed Cell Tower is to be located at address 14 Main St Hubbardston map and parcel number 08-A-041, with access to that parcel via 7 Brigham

**St 08-A-051 and 9 Brigham St 08-A-049. The hearing will be held at Town Hall, 7 Main St., Hubbardston MA 01452 Slade Building.**

Mr. Munroe opened the Public Hearing and read the notice into the minutes.

Francis Parisi, representing the applicant, Vertex Towers, LLC explained he is here tonight seeking a Special Permit and Site Plan approval from the Planning Board for a telecommunications tower.

Mr. Parisi discussed and disputes the excessive bill which he has received from Places Associates. Mr. Parisi asked for the Board to either approve or reject the application, in which Mr. Parisi would seek litigation. Mr. Munroe stated this matter does need to be discussed. Mr. Munroe read aloud a review of the timeline since the application has been submitted by the applicant which explains the meetings attended, the consultants review and steps that have been taking to get to this meeting.

Mr. Munroe indicated the fee schedule is clearly stated.

Mr. Munroe indicated he had received the list provided by the applicant requesting the reduction of the scope of the consultants review. Mr. Munroe stated in fairness to the applicant, an RFP was sent out to 7 firms requesting quotes, for comparison purposes. The quotes were due at the end of the day today and to Mr. Munroe's knowledge, none have been received.

Mr. Munroe suggested waiving the 15% Administrative Fee. Mr. Parisi questioned the competency and biasness of Places Associates in regards to zoning and Telecommunications Towers. The Board members expressed great trust and competency in Places Associates knowledge and fairness in pricing and the Board values his input.

Mr. Munroe suggested asking Mr. Murray to re-review to determine if there are any areas of the plan review that can be reduced. Mr. Munroe stated the Board was willing to have Town Council and Mr. Murray at the next meeting at the Planning Board's expense to further discuss the situation.

Mr. Steiger made a motion to continue the public hearing. Mr. Parisi suggested hearing the comments from the public. Mr. Steiger retracted the motion to continue.

#### *Public Comment*

Mr. Blanchard asked if there is an option for the Board to vote tonight to avoid litigation, deny the permit tonight. Mr. Blanchard asked if there is an appeal process once a Special Permit is granted. Mr. Munroe indicated Mr. Parisi stated there was a period of twenty days.

Mr. Blanchard expressed concern the balloon test was not done to the specifications of the bylaw. Mr. Blanchard suggests the Board have the test done again. Mr. Munroe stated the Board considered what was presented in the bylaw was unreasonable. Mr. Munroe stated what the applicant proposed for the balloon test was adequate. Mr. Parisi stated the chair accurately

described the discussion. Mr. Parisi stated the test was performed in accordance with the advertisement. Mr. Munroe stated it is an unreasonable and added expense to request the applicant do another balloon test.

Mr. Stahl stated he viewed the balloon in the afternoon and took a picture. Mr. Stahl noted it was a bit difficult to view.

Mr. Munroe noted, correspondence received asked why there was no public hearing for the Regional Dispatch tower that is being built on town property. Mr. Munroe indicated a municipal tower is exempt from zoning requirements and the Planning Board has no authority over it.

Ms. Plourd asked when the Regional Dispatch tower is up, would that also enhance residential cellular service. Mr. Munroe indicated there have been no spots on that tower that have been leased. Mr. Munroe stated Regional Dispatch tower primary purpose is for municipal communication. Mr. Munroe noted there is currently no indication that any commercial cellular equipment will end up on the tower.

Mr. Parisi feels the Regional Dispatch tower can never allow for commercial carriers because it was not constructed in compliance with the town bylaws.

Ms. Plourd noted correspondence received from Mr. McLane, indicating there are 4 spots on the tower for commercial carriers. Mr. Munroe stated Mr. McLane's statement was personal opinion.

Ms. Plourd asked if the landscape would be affected and would it have an adverse effect on the abutting property values taken into consideration, are those taken into consideration. Mr. Munroe stated yes, those are within our standards of review and will be taken into consideration.

Ms. Plourd asked if there would be some type of bond, in the case the tower becomes obsolete and needs decommissioning. Mr. Munroe stated yes. Ms. Livdahl stated a plan required. Mr. Steiger indicated the specific requirement is \$25,000.00 payable to the Town of Hubbardston.

Mr. Walker indicated the public safety tower is owned by Rutland Regional Dispatch and only the land is owned by Hubbardston.

Ms. Lovell questioned the waiver for the setback requirement. Mr. Parisi explained the waiver is for the monopole versus a lattice not a setback requirement. Mr. Munroe concurred. Ms. Lovell asked how far the tower is from her property. Mr. Parisi noted the required setback is tower height, from the three closest properties. Mr. Steiger confirmed the setback must be 110 percent of the tower height.

Ms. Lovell expressed concerns about runoff. Mr. Munroe noted drainage calculations will be reviewed.

Ms. Lovell expressed concerns about property value. Mr. Munroe stated this is something to be looked at and considered.

Mr. Blanchard asked how the applicant came to the deadline date of September 1, 2022. Mr. Parisi stated Federal Law states 150 days from date of application. Mr. Parisi stated after 150 day there is a reflection of a negative decision. The applicant applied in April 2022. Mr. Parisi stated he is not looking for litigation, he is looking for a positive decision.

Mr. Parisi asked the Board to approve the Special Permit subject to Site Plan Approval.

Ms. Livdahl asked where Mr. Parisi found this Federal Law. Mr. Parisi stated you can find it at Shock Clock.

Mr. Munroe asked for the meeting to be recessed in order to attempt to speak with the Town Counsel (8:15 pm).

The meeting reconvened.

Mr. Munroe stated he was unable to speak with the Town Counsel. Mr. Munroe stated he had read the statue and looked into Shock Clock, and feels it is a rebuttable presumption.

The Board debated on whether they have authority to approve a Special Permit subject to many material conditions.

Mr. Parisi will craft a draft decision before the September 7, 2022 meeting for the Board's review and potential vote. Mr. Parisi stated if the Board were to vote on his decision then he can be patient with the site plan review and drainage calculations with Mr. Murray. Mr. Munroe feels that has potential to be a compromise.

Mr. Parisi feels the Special Permit or the Site Plan Review can be approved one without the other. Ms. Livdahl noted that would be a question for the Town Counsel.

Ms. Livdahl discussed continuing the public hearing to September 1, 2022. Mr. Parisi stated he is not rushing into court on September 1, 2022 and would be agreeable to September 7, 2022.

A resident questioned the environmental impact study requirement. Mr. Parisi stated it was submitted with the revised application.

Ms. Livdahl made a motion to continue the public hearing to September 7, 2022. Mr. Steiger seconded the motion. Roll call vote.

Ms. Livdahl - yes

Mr. Munroe - yes

Mr. Steiger - yes

Mr. DeMalia - yes

Ms. Dack - yes

## **New Business**

**Next item on the agenda,**

**a. Review Long Term Project and Issue Exhibit for completeness and accuracy.**

Mr. Munroe ran through the list and reviewed with the Board, Short Term Issues, Unspecified Date Issues, Strategic Projects, Letters Sent and Long Term Issues.

Ms. Livdahl made a motion to accept the second document attached to the August 8, 2022 memo redraft, clean version. Mr. Steiger seconded the motion. Roll call vote.

Ms. Livdahl - yes

Mr. Munroe - yes

Mr. Steiger - yes

Mr. DeMalia - yes

**b. Determine project priority in the Long Term Project and Issue Exhibit**

**c. Scheduling and prioritization discussion for Long Term Project and Exhibit**

The Board discussed the Long Term Projects as:

- Housing Production Plan
- Rezoning the gravel pit area

*Public Comment*

A resident questioned the Town Hall, Public Safety Building etc. for Long Term Projects. Mr. Steiger indicated those are the responsibility of the Town Administrator and the Select Board.

**d. Assign Planning Board Members to fill “Other Roles”**

*Affordable Housing Committee*

Ms. Livdahl feels the Select Board can appoint a representative to the Affordable Housing Committee and remove the Planning Board.

Mr. Munroe notes Mr. McLane would like Ms. Livdahl to serve on the Committee to pass along her knowledge. Ms. Livdahl agreed to remain with the Committee.

Mr. Munroe made a motion to have Ms. Livdahl represent on the Affordable Housing Committee. Mr. Steiger seconded. Roll call vote.

Ms. Livdahl - yes

Mr. Munroe - yes

Mr. Steiger - yes

Mr. DeMalia - yes

*Economic Development Committee*

Mr. Munroe indicated he would like to remain on the Committee.

*Town Administrator Search Committee*

Ms. Dack indicated she would like to remain on the Committee.

*Montachusett Regional Planning Commission*

Mr. Munroe indicated he would like to remain on the Commission.

*Montachusett Joint Transportation Committee*

Ms. Livdahl indicated she was appointed and would remain on the Committee.

*Community Preservation Committee*

Mr. Munroe made a motion to have Mr. Steiger represent on the Community Preservation Committee. Ms. Livdahl seconded. Roll call vote.

Ms. Livdahl - yes

Mr. Munroe - yes

Mr. Steiger - yes

Mr. DeMalia - yes

*American Rescue Plan Act (ARPA) Committee*

Mr. Munroe indicated he would like to remain on the Committee.

*Capital Improvement Plan Committee*

Mr. Steiger indicated he would like to remain on the Committee.

*Agricultural Commission*

Mr. Munroe indicated he would like to remain on the Commission.

**Appoint Clerk and Vice Chair**

The Board discussed and will revisit this September 7, 2022.

Adjourned: 10:--- pm