



# Hubbardston Massachusetts

## Planning Board Meeting Minutes

**Date:** September 21, 2022

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

**Members Present:** Kristofer Munroe, Francois Steiger, John DeMalia, Alice Livdahl, Erica Dack

**Other Attendees:** Francis Parisi (Vertex representative), Bill Murray (Places Associates), Carolyn Murray (Town Counsel)

### 1) Call to Order – 6:30 pm

2) Chair Munroe calls for any public comments on non-agenda items. There are none.

3) Minutes Approval: None available

4) New Business: Chair Munroe announces the hiring of a new Land Use Clerk, Mark Kresge, who will support the Planning Board, ZBA, and Conservation Commission. Motion is presented by Member Steiger to appoint Mr. Kresge as the Planning Board Clerk, seconded by Member DeMalia. Motion is approved by four affirmative votes (Munroe, Steiger, DeMalia, Livdahl).

5) Continued discussion on request for minor change for 69 Gardner Road RE: Water Usage. The request is for a daily cap not to exceed 10,000 gallons, with a weekly cap of 35,000 gallons. An engineer's letter was submitted with this request, and updated with a professional stamp just prior to the previous meeting. Member Livdahl inquires whether minor engineering changes require notice to abutters. Chair Munroe states that only major changes require a hearing process. Bill Murray from Places Associates indicates that the engineering expert hired by the applicant is used by Places and is well-qualified. Motion is presented by Member Livdahl to approve the Royal Sun Farms request to alter the distribution of water requirements contained in the Special Permit, as set forth by Mr. Provencher in his letter of 8/11/2022, seconded by Member DeMalia. Motion is approved unanimously by roll call vote with Associate Member Dack also voting on the special permit (5 affirmative votes). Clerk will draft a letter documenting approval to the applicant, with a copy to Places Associates.

6) Continuation of public hearing on Vertex Towers LLC application for Special Permit to construct cell tower at 14 Main St.

Attendees Parisi, Bill Murray and Carolyn Murray invited to join the Board at the table.

Chair Munroe advises that a draft of the Special Permit was provided to applicant in advance for comments.

Questions/requests from Francis Parisi:

- Has Town received a check submitted today? Chair Munroe is unsure.
- Is the review of requested drainage calculations complete? Bill Murray confirms that it is complete



# Hubbardston Massachusetts

and a letter will be provided to the Board.

- Mr. Parisi provides a supplemental packet of drainage calculations to the Board for the record.
- Mr. Parisi requests that a packet of calculations and revised plan be added to document references in the draft Special Permit.

Chair Munroe indicates that Supplement #4 will be item #22, Approval of calculations from Places will be item #23, and item #9 under plans will be Infiltration Trench Drainage System Plan, dated 9/14/22.

The Board proceeds to discussion of remaining conditions in the draft Special Permit.

Condition #1 – Member Livdahl recommends striking, since the condition has been satisfied.

Condition #2 – Should refer to both addresses #7 and #9 Brigham St.

Condition #8 and #9 – Fees, Construction Control Process. Tom Johnson, Vertex engineer on Zoom call, describes the process, with inspections by the Building Inspector. Bill Murray suggests that Town may have other interests it needs to protect, with additional inspections by Planning Board or Conservation Commission necessary, and that this has been a standard condition in Special Permits issued by Hubbardston. Tom Johnson feels that this would be redundant.

Member Livdahl refers to estimates from Places for professional oversight and review, with a not-to-exceed cost of \$3,800. Bill Murray clarifies scope of work for each task in estimate. Chair Munroe recaps the process that has led to this point, and expresses that the Board has reached the limits of its expertise and availability, and needs professional support.

Mr. Parisi suggests that once a decision is reached, most of the remaining tasks for Building Inspector and Planning Board will not be involved. He just wants to make sure that there is a cap on any review fees they will have to pay. Carolyn Murray comments that independent review conditions are common and some supplemental support in addition to Building Inspector is often required.

Chair Munroe suggests that they need to come to some agreement on a not-to-exceed number tonight and points out that typical 15% administrative fee has been waived in the interest of reaching an agreement. For the moment, he will put a hold on this discussion and return to it later.

Discussion of Conditions #10 - #19, with changes noted below:

Condition #10 – Planning Board clerk will be added to the notification list for changes in public safety contacts.

Condition #13 – Decommissioning Bond. Bill Murray questions the vague “as appropriate” language for annual increases to bond value. Carolyn Murray agrees, suggesting a 2.5% automatic annual escalator as a simple approach. After discussion on alternate approaches, the Board settles on 2.5% annual escalator.



# Hubbardston Massachusetts

Condition #18 a. – Exclude federal holidays from allowable construction hours

Condition #18 d. – Add PB clerk to notice list of inspections conducted.

Condition #19 a. – Add PB clerk to notice list

Condition #19 b. – Add PB clerk to notice list

Condition #19 c. – After extensive discussions about the appropriate sign-off process, Board and applicant agree to substitute language that signoff by the Building Inspector will be provided once all conditions in the Hubbardston Zoning Bylaws Section 18.6.2 c. 1. – 3. have been satisfied.

Returning to the discussion on Conditions #8 and #9:

Chair Munroe observes that Condition #9 was just resolved in the discussion of #19 c. and that Condition #9 can be struck.

Condition #8 – Mr. Parisi wants an itemized list of all professional support charges that they will be responsible for. Member Livdahl suggests that Town Counsel prepare an itemization of time spent to prepare and finalize the decision and attend tonight's meeting, with this to be transmitted to Mr. Parisi within 5 days. This itemization, along with the not-to-exceed scope and costs presented in Places Associates' communication of 9/21/2022 will constitute the full list of support charges.

Chair Munroe declares that the draft language for the Special Permit is complete, as read into the record tonight.

Motion to close the public hearing by Member DeMalia, seconded by Member Livdahl. Motion is approved unanimously by roll call vote with Associate Member Dack also voting on the special permit (5 affirmative votes).

Member Livdahl presents a motion to grant a Special Permit and Site Plan Approval as requested by Vertex Towers LLC for the construction of a wireless communication facility cell tower at 14 Main St. on the terms and conditions of the draft decision as revised and presented tonight. Seconded by Member DeMalia.

Discussion: Member Steiger wishes to reinforce that the Board has considered this application relative to Town bylaws and considered whether applicable criteria have been met. It has also considered the benefits to the community of expanded cell service. He hopes that the public understands the process by which this was objectively evaluated. It is a difficult decision process, and the Board values the public input provided, but with many opposing viewpoints, not everyone can be satisfied with the decision.

Chair Munroe also acknowledges all the passionate input received and values the public contributions. He also thanks the Board for their many hours of volunteer work reviewing this application, thanks Town Counsel and Places Associates for their input, and calls for the vote.



# Hubbardston Massachusetts

The motion is approved unanimously by roll call vote with Associate Member Dack also voting on the special permit (5 affirmative votes).

Mr. Parisi thanks the Board for their efforts on this application.

7) Update on 26 Worcester Road.

Member Steiger presents an account of his recent site visit with MaryAnn DiPinto, Three Oaks Environmental, where he inspected and took photos of the former Kataisto clay pit. There was a previous site visit in 2019, and Bill Murray states that he has photos from that previous visit.

Member Steiger observed junked vehicles, construction waste, and few changes to the pit since the last visit. He saw tracks from ATV traffic and erosion channels on steep berms surrounding the pit. He saw turkey, deer and possibly bear tracks, and vegetation in the lower stretches of the pit. There was a 2' diameter drainage pipe that carries water from the bottom of the pit out through the berm and discharges onto abutting property. His main concerns were the erosional impacts and ATV traffic.

Chair Munroe poses a question of what the procedural process should be.

Member Livdahl observes that the previously submitted restoration plan did not occur, and thinks that the owners should submit a revised closure plan, with waiver requests if desired.

Chair Munroe observes that the Board would need professional assistance to review a closure plan.

Bill Murray states that he knows Ms. DiPinto and is willing to contact her (at no cost) to summarize tonight's discussion.

Chair Munroe wants to incorporate review costs into the discussion, and if the owner wants to proceed, the Board will need an application.

- 8) Chair Munroe announces there will be no meeting the first week of October, the next meeting will be the third Thursday of October.
- 9) Chair Munroe and Member Livdahl present an update on bylaw changes. The State Attorney General needs additional time to review the battery storage bylaw, but the accessory dwelling bylaw is approved. Member Steiger emphasizes the need to update the posted Town Bylaws.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Mark Kresge



# Hubbardston

## Massachusetts

Land Use Clerk