



Town of Hubbardston

Planning Board Meeting Minutes

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

Date: Wednesday, January 9th, 2019

Members Present: Thomas Robinson (Chair), Kendall Daly, Bill Homans, Alice Livdahl, Francois Steiger (Associate Member)

Members Absent: Craig Boissoneau

Other Attendees: Christina Sutcliffe (Admin), John Alward, Brian Szoc, Donald Lang

CALL TO ORDER (6:32 pm) "This meeting is being broadcast live and digitally recorded."

Orders of Business:

1. Bill Homans makes a **MOTION** "to enter a Public Hearing for the Scenic Road Application for Lot 4C on Healdville Road to remove trees and a section of stone wall for installation of a driveway. This property is owned by John Alward." Ken Daly **SECOND's. ALL IN FAVOR**
2. Alward Scenic Road Application Lot 4C Healdville Road reviewed. Bill Homans makes a **MOTION** "to accept the application and approve it." Alice Livdahl **SECOND's. ALL IN FAVOR**
(Time Stamp 5:25)
3. Thomas Moore Estate ANR Application – 240 Gardner Road reviewed with updated map provided by applicant (see January 2nd meeting minutes for information on Planning Board initial review). Board signs the three ANR map copies, verifying that all conditions of the ANR checklist have been met (mylar copy to be provided at later date for signatures – was not available for this meeting).
4. Meeting Minutes- November 7th, 2019 Reviewed. Bill Homans makes a **MOTION** "to approve the minutes." Alice Livdahl **SECOND's. ALL IN FAVOR.**
(Time Stamp 24:35)
5. Correspondence Reviewed. Items of discussion:
 - a. Alice Livdahl provides the updated law with regards to removal of stone walls (see Attachment #3)

- b. Discussion of photography studio correspondence in which resident, Mr. DeMalia, inquires about zoning information for his business. Mr. DeMalia to come in to February meeting to discuss his position.
 - c. Report on Concept of Municipally-owned Solar discussed (see attachment #4)
(Time Stamp 50:02)
- 6. Hubbardston Spending Analysis Versus Comparable Towns – Benchmarking. Tom Robinson provides a presentation (see attachment #5). Data presented. Discussion ensues. Tom Robinson informs the board that he plans to present his data to the Town Administrator as a benchmarking “tool.” Board agrees.
(Time Stamp 1:20:00)
- 7. Recommended Commercial Development Standards. Tom Robinson provides a presentation (see attachment #6). Board agrees that the presentation be posted for Community input.
- 8. Ken Daly inquires about response to OML Complaint. Tom Robinson states that he sent the response to the Attorney General and Complainant after review by the Town Administrator.
- 9. Public Hearing for the purpose of amending the fees included in the Rules and Regulations Governing the Subdivision of Land in Hubbardston, MA. Fee spreadsheet is missing – Admin goes to get the document.
- 10. Affordable Housing Plan and Affordable Housing Funding discussed including history of the committee.
 - a. Discussion had regarding when the Affordable Housing Committee will meet – January 23rd at 6:30 pm decided.
 - b. Bill Homans then makes a **MOTION** “that we appoint Alice as Chair.” Tom Robinson **SECOND’s. ALL IN FAVOR**
 - c. Tom Robinson presents a copy of the Affordable Housing Plan from May 14, 2017 (see attachment #8)
 - d. Discussion had of the accounts of the Affordable Housing Account
(Time Stamp 2:02:45)
- 11. Tom Robinson requests **MOTIONS** on items 6 and 7:
 - a. Item #7 Bill Homans makes a **MOTION** “that we post those guidelines on our website and utilize them as a guideline for people to look at to have this information available when they come in.” Ken Daly **SECOND’s. ALL IN FAVOR**
 - b. Item #6 Alice Livdahl makes a **MOTION** “that our board authorize our Chair to present the Benchmarking tool using the data from the state as a form of guiding development in the town.” Ken Daly **SECOND’s. ALL IN FAVOR**
- 12. Return to item 9:
 - a. Alice Livdahl makes a **MOTION** that “the Planning Board approve the fees, having given the opportunity of a public hearing, which we had preliminarily approved on December 5th which increases the Planning Board fees for ANR plans, preliminary plans, definitive plans, and documents to be adjusted...”
 - b. Alice Livdahl **WITHDRAWS** her **MOTION** based on discussion of content.

- c. Alice Livdahl makes a **MOTION** that “the Planning Board amend the *Rules and Regulations Governing the Subdivision of Land in Hubbardston*, as they relate to fees, specifically:
 - Section 4.01 to increase the submittal fee for a Plan Believed Not to Require Approval from \$175 to \$250
 - Section 5.01 to increase the filing fee for submission of a Preliminary Subdivision Plan from \$25 per lot, \$100 minimum to \$35 per lot with \$150 minimum.
 - Section 6 to increase the filing fee for submission of a Definitive Plan from \$250 per lot with a \$1000 minimum, to \$350 per lot with a \$1500 minimum
 - Bill Homans **SECOND’S. ALL IN FAVOR**
 - d. Alice Livdahl makes a **MOTION** that “the Planning Board, pursuant to Article 9.2 of the *Town of Hubbardston Zoning Bylaws*, increase the filing fee for a Site Plan Review Submission from \$150 to \$225; and increase the filing fee for a Special Permit Application, from \$150 to \$225.”
 - Bill Homans **SECOND’S. ALL IN FAVOR.**
 - e. 15% Administrative fee discussed. Bill Homans makes a **MOTION** that “we keep the administrative fee”
 - Ken Daly **SECOND’S. ALL IN FAVOR**
13. Scenic Road Application Fee – postponed pending investigation into practices of neighboring towns
14. Matters Not Reasonably Anticipated by Chair:
- a. The Town Warrant is Open
 - b. Discussion of Worcester Sunday Telegram Article regarding soil fill (see attachment #8)

MOTION to ADJOURN (8:57 pm): Bill Homans

- **SECOND:** Ken Daly
- **ALL IN FAVOR**

Action Items:

- 1- Chair to call Mr. DeMalia and discuss that a Special Permit is not the appropriate course towards what he wishes to accomplish.
- 2- Chair to provide Town Administrator with Benchmarking data tool.
- 3- Admin to post Commercial Development Standards on the Planning Board website for community review.
- 4- Alice Livdahl looking into practices of neighboring towns regarding scenic road application fees.

Minutes Recorded by: Christina Sutcliffe (Planning Board Administrative Assistant)

These minutes were approved by vote of the board on April 3, 2019

These completed minutes were confirmed by:

Thomas F. Robinson on April 11, 2019
Thomas Robinson, Chair Date

Attachments:

1. Agenda
2. Attendance Sheet
3. Massachusetts State Law Regarding the removal of stone boundary walls
4. Report on Concept of Municipally-owned Solar
5. Tom Robinson Benchmarking Report Presentation
6. Tom Robinson Commercial Development Guidelines Presentation
7. May 2017 Housing Production Plan
8. Worcester Telegram Article Presented

NOTE: Attachments are digitally inserted representations of available files. For original documents, see Planning Board Office.

Attachment #1: Meeting Agenda



Planning Board Agenda

Wednesday, January 9, 2019 6:30 PM
Main Street, Hubbardston, Slade Building

Planning Board meetings are broadcast live and digitally recorded

- Call to Order
- Public Hearing on the Scenic Road Application submitted for Lot 4C (Parcel 08-064) Healdville Road to remove trees and a section of stone wall for installation of a driveway. This property is owned by John Alward.
- ANR Application submitted by Donald Lang – 240 Gardner Road.
- Meeting Minutes – November 7, 2018
- Correspondence
- Hubbardston Spending Analysis Versus Comparable Towns
- Recommended Commercial Development Standards
- Public Hearing (as required by MGL C.41 subsection 81Q) for the purpose of amending the fees included in the the *Rules and Regulations Governing the Subdivision of Land in Hubbardston, Massachusetts*.
- Discussion regarding increase in other Planning Board fees and establishment of a Scenic Roads Application Fee.
- Matters Not Reasonably Anticipated by Chair
- Adjourn

Posted by the Chairman of the Planning Board

Updated 27-Dec-2018 at 11:45 am

Updated 03-Jan-2019 at 1:40 pm

Updated 09-Jan-2019 at 12:53 pm (Scenic Road Application also moved to after "Call to Order")

Attachment #2: Attendance Sheet



Town of Hubbardston
Planning Board Meeting

LOCATION Slade Building DATE 09-JAN-2019

Sign In - Please Print

Name	Address	Email
Brian Sgoc	32 Pleasant St., Gosh	SZOC SURVEYORS @ verizon.net
DONALD LANE	74 MAPLE ST BALDWIN	

Attachment #3: Massachusetts State Law Regarding the removal of stone boundary walls

THE 191ST GENERAL COURT OF THE
COMMONWEALTH OF MASSACHUSETTS



[Bills & Laws](#) [Budget](#) [Legislators](#) [Hearings & Events](#) [Committees & Commissions](#) [State House](#)

[General Laws](#) » [Part IV](#) » [Title I](#) » [Chapter 266](#) »

SECTION 105



GENERAL LAWS

Chapter

Section

GO >

▶ Part I

▶ Part II

▶ Part III

▶ Part IV



Section 105: Stone walls or fences; unauthorized removal

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Section 105. Whoever wilfully and without right pulls down or removes any portion of a stone wall or fence which is erected or maintained for the purpose of enclosing land shall be punished by a fine of not more than ten dollars. Natural resource officers and deputy natural resource officers of the office of the secretary of the executive office of environmental affairs may arrest without a warrant any person found violating this section.

Attachment #4: Report on Concept of Municipally-owned Solar (page 1 only – for complete report see Planning Board office)

Assessment for the Installation
of a Photovoltaic Solar Facility
Hubbardston, Massachusetts



Prepared for:

Town Wide Solar
&
Town of Hubbardston

May 15, 2015

Places Associates, Inc.

256 Great Road, Suite 4
Littleton, MA 01460
(978) 486-0334

places@placesassociates.com

876 Salisbury Street
Holden, MA 01520
(508) 829-0333

Attachment #5: Tom Robinson Benchmarking Report Presentation (page 1 only – for complete presentation see Planning Board Office)

Benchmarking Hubbardston Relative to Comparable Towns

Assumptions:

- A **vision** of Hubbardston has been formulated for ten-year and beyond
- Municipal revenue and spending can shape the Town toward the vision
- Non-municipal drivers can shape the Town toward or away from the vision

Objective:

Use this analysis to establish comparisons between Hubbardston and other municipalities for the purpose of re-prioritizing and aligning municipal spending to achieve Hubbardston's vision of itself.

Attachment #6: Tom Robinson Commercial Development Guidelines Presentation (page 1 only – for complete presentation see Planning Board Office)

DESIGN GUIDELINES

Town of Northborough, MA
July 2012

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Attachment #7: Housing Production Plan May 2017 (page 1 only – for complete document see Planning Board Office)



Town of Hubbardston Housing Production Plan

**REVISED and UPDATED
May 14, 2017**

Submitted to the Massachusetts Department of Housing and Community Development (DHCD) in accordance with the Guidelines for the Planned Production Regulation under MGL Chapter 40B—760 CMR 56.03(4)

Reviewed and tentatively approved by DHCD, Phil DeMartino, Technical Assistance Coordinator, Office of Sustainable Communities, DHCD, January 26, 2017.

Prepared by the Hubbardston Affordable Housing Committee

Vincent Ritchie—Chairman
Andrew Baum
Tom Bratko
Peter Carmosino
Mark Dymek
MaryAnn Dipinto
Scott LeBlanc
Dennis O'Donnell
Catherine Ritchie
Tom Robinson
Janet Baczewski—Administrative Clerk

May 14, 2017

Attachment #8: Worcester Telegram Article

3/6/2019

Uxbridge soil fill owner and operator each fined \$63K for consent order violations

telegram.com
WORCESTER, MASSACHUSETTS

Uxbridge soil fill owner and operator each fined \$63K for consent order violations

By Susan Spencer

Telegram & Gazette Staff

Posted Jan 4, 2019 at 7:58 PM

Updated Jan 4, 2019 at 7:58 PM

UXBRIDGE - The landowner and project manager of a soil importation project were each fined \$63,750 by the state Department of Environmental Protection in December, as stipulated administrative penalties for not complying with an administrative consent order.

The administrative consent order, signed Aug. 5, 2016, authorized Green Acres Reclamation, LLC and landowner Elias Richardson III, also doing business as Richardson-North Corp., to accept lightly contaminated soil excavated from construction sites to fill and raise the grade of a 45-acre gravel pit at a farm at 145-175 South St.

According to demand-for-payment letters sent Dec. 18 from Mary Jude Piguley, regional director of MassDEP Central Regional Office, to Mr. Richardson and Patrick J. Hannon, manager of Green Acres Reclamation, the stipulated administrative civil penalties stem from several infractions dating back to January 2017.

"That will be appealed," said Shayne J. Picard, Mr. Richardson's lawyer.

Mr. Hannon, who is not represented by Mr. Picard, did not immediately respond to a voicemail message for comment.

The cited noncompliance occurred in both the practice for receiving soil that exceeded allowable contaminants and in fulfilling reporting requirements to state regulators.

Ms. Piguley wrote that, in violation of the consent order, Green Acres Reclamation and Mr. Richardson/Richardson-North Corp. failed to cease accepting soil from a sending site after rejecting a load that exceeded the acceptable level of total volatile organic compounds from such site as a result of screening on Jan. 20, 2017; failed to ensure their independent third-party inspector submitted mandatory monthly inspection reports to MassDEP between April 15 and Oct. 15, 2018; failed to ensure their independent third-party inspector submitted complete copies of material shipping records in the monthly inspection reports submitted between Sept. 15, 2016 and April 15, 2017; and failed to submit quarterly construction status reports by May 15, 2018, and Aug. 15, 2018.

Green Acres Soil Reclamation Facility is one of two reclamation soil importation projects that started operating in Uxbridge in the last few years.

The activity, overseen by state environmental regulators under interim reclamation policies published in 2015, has been a source of controversy in town and a catalyst for citizen activism that resulted in turnover in Town Hall and a slew of new local land-use bylaws.

It's also been the subject of several lawsuits, some of which are pending.

Worcester Superior Court issued a temporary restraining order on Feb. 6, 2018, enjoining Mr. Richardson and Richardson-North Corp. from importing any fill until the Massachusetts Land Court enters a decision regarding whether the importation of soil to the farm was consistent with provisions of the Uxbridge zoning bylaw.

The Land Court appeal comes from a cease-and-desist order issued Feb. 1, 2017, and amended Feb. 6, 2017, by the Uxbridge building commissioner on his determination that the soil project was a violation of the zoning bylaw.

The last time a load of soil was imported to the farm was Jan. 23, 2018, according to an Oct. 1 letter from Mr. Picard to Mark Baldi, deputy regional director of the Bureau of Waste Site Cleanup in MassDEP's Central Regional Office.

"To me, it's not necessarily a win," said Wendy Richardson Timmons. "It shows a critical lack of oversight that we were concerned about."

Ms. Timmons, who is related to Mr. Richardson, is the administrator of a Facebook group, Uxbridge Citizens for Clean Water. The group was formed to raise awareness about hazards of importing potentially contaminated soil and impacts on private and public water supplies, according to its description.

Ms. Timmons said, "At least now it's been noted. These projects in Uxbridge and across the state - they just need to be constantly monitored."

"These fines illustrate that DEP's policy of permitting contaminated soils to sites other than landfills is fraught with danger and unintended consequences for the public," former Selectman Justin Piccirillo wrote in a text message.

"While the DEP finally came to its senses on these matters, we may never know what else is in that ground, here and elsewhere. Our legislators would do good to reverse the course our commonwealth took in 2014, and move to protect fragile groundwaters from further assault."

