



Town of Hubbardston

Planning Board Meeting Minutes

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

Date: Wednesday, June 12, 2019

Members Present: Alice Livdahl (Chair), Craig Boissoneau, Kendall Daly, Francois Steiger

Members Absent: Bill Homans

Other Attendees: Christina Sutcliffe (Admin), Ed Blanchard, Roger and Judy Archambeault, Michael Pond (Pond Construction), Ann Smith, Jane Frederico

CALL TO ORDER (6:31 pm) "This meeting is being broadcast live and digitally recorded."

NOTE: Call to Order and Adjourn times are specific times of the meeting start and end times. Any times listed as "Time Stamp" within the minutes are those taken from the YouTube video of the meeting.

Orders of Business:

1. The meeting is Called to Order by the Planning Board Admin in order to facilitate the nomination of a Chair.
2. Ken Daly requests to read his letter of resignation (see Attachment #3) and then proceeds to exit the meeting.
3. Francois **NOMINATES** Alice Livdahl for the position of Planning Board Chair. Craig Boissoneau **SECOND's**. Alice Livdahl accepts the nomination. **ALL IN FAVOR.**
4. Chair opens a period of Public Comment (explaining the rules) and asks that the Admin create a column on future attendance sheets to indicate a desire to speak during this period.
5. ANR – Kathleen Derzius et al, Old Princeton Road – Emailed the board to indicate they wished to continue to the next Planning Board meeting.
6. DeMalia Photo Studio Update – 90 Day Extension (due Aug 7th, 2019)
7. Judy and Roger Archambeault – 245 Gardner Road – A submitted written statement is read by the Admin (see Attachment #4). The Planning Board then asks questions of the Archambeault's and Mr. Pond (Pond Construction) who have been doing work on the property. The Board discusses the Archambeault's situation and suggests that because they were working on the property, that may constitute it not having been abandoned.

However, they would need to submit a Special Permit. The Chair also suggests the Archambeault's get a lawyer to better represent and investigate their position under law.

(Time Stamp 32:50)

8. 95 Williamsville Road Rock Removal – Skipping over this item. A report was received by the Planning Board and the board will review prior to the next meeting.
9. 91 Williamsville Road – Skipping over this item. No report received.
10. 147 Williamsville Road – Skipping over this item. No update on the site walk date.
11. Kataisto Gravel Pit – Present: Ann Smith and Jane Frederico - Discussion of what the trustees have planned for reclamation of the pit. Information given that Kataisto will be using Casella Organics to put down a biomix fill to finish the reclamation of the pit. Chair states that the board will need to review the plans and have their agent review the plans. Also, Chair states that the abutters will need to be notified. Board decides to review the matter and send a letter to the Kataisto's with what is required out of statute to complete the Reclamation. The board decides to hold a place on the July 10th agenda for the Kataisto trustees to discuss requirements.

(Time Stamp 57:50)

12. Discussion of Admin sending a letter to the Selectmen about the open positions on the Planning Board to begin the process of filling those positions.
13. Discussion that unfinished agenda items from this meeting will be taken up on the June 26th meeting
14. Discussion of Planning Board Clerk – board decides to wait until Bill Homans is present before voting on filling that position and the positions a Planning Board member holds on other committees.
15. Discussion of Fletcher/Graves Wood Cutting – letter from Laura Foley (see Attachment #5). Board discusses having Admin send a polite letter regarding “concerned abutters.”
16. Planning Board Accounts – board discusses accounts transfers. Craig Boissoneau makes a **MOTION** “we approve the transfer of funds as presented.” Francois Steiger
SECOND'S. ALL IN FAVOR
17. The Joint Benchmarking meeting has been moved, postponed from the 24th to a future date (to be determined).
18. Discussion of board members attending an up-coming solar seminar.
19. In response to discussion of approving board minutes, the board requests that the Admin look into whether members can vote on minutes they did not attend (as it will be an issue regarding having a quorum to vote on previous minutes with a new board).
20. 176 Gardner Road – brought to the attention of the board.
21. Alice Livdahl mentions the letter concerning the opinion of the former Chair, Tom Robinson, with regards to the Archambeault matter and requests that his letter be circulated (see Attachment #6).
22. Craig Boissoneau requests discussion of the new board Chair's processes of circulation of ideas/topics. Alice Livdahl responds with her own concepts of “transparency.”

MOTION to ADJOURN (8:02 pm): Francois Steiger

- **SECOND:** Craig Boissoneau
- **ALL IN FAVOR**

Action Items:

- 1- Admin to update Attendance Sheet with a column to indicate that the resident wishes to speak during Public Comment.
- 2- Admin to send a letter to the Selectmen with open positions to begin the process of filling those positions.
- 3- Admin to send a letter to Fletcher/Graves regarding concerned abutters and their current scope of work.
- 4- Admin to look into the ability of board members to vote on minutes for meetings they did not attend.

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

These minutes were approved by vote of the board on August 7, 2019.

Attachments:

1. Agenda
2. Attendance Sheet
3. Kendal Daly's letter of resignation
4. Judy Archambeault's prepared statement
5. Laura Foley's Letter to the Planning Board
6. Tom Robinson's Letter Regarding his interpretation of the Archambeault matter

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

Attachment #1: Meeting Agenda



Planning Board Agenda

Wednesday, June 12th 2019 6:30 PM
Main Street, Hubbardston, Slade Building

Planning Board meetings are broadcast live and digitally recorded

- Call to Order
- Old Business
 - ANR – Kathleen Derzius et al, Old Princeton Road
 - DeMalia Photo Studio Update – 90 Day Extension (due Aug 7th, 2019)
 - Judy and Roger Archambeault – 245 Gardner Road
 - 95 Williamsville Road Rock Removal
 - 91 Williamsville Road
 - 147 Williamsville Road
 - 176 Gardner Road
 - Gravel Pits – Kataisto / Marinelli
 - Scenic Road Integration Update
 - Noise Report Update
 - Master Plan Updates
 - Historic and Cultural Chapter – DLTA Grant
 - EOEEA Grant – Transportation and Services
 - Planning Board Accounts Approval
 - Commercial Development Guidelines
 - Electronic Filing Project
 - Affordable Housing
 - Production Plan - Approved
 - CPA Project Application Extension
 - May 10th CPA Seminar
 - Updating Hubbardston Subdivision Rules and Regulations – “clean up” list
 - Joint Benchmarking Meeting – June 24th
 - Associated Committees
- New Business:
 - Approval of Minutes
 - March 6th, 2019
 - March 13th, 2019
 - Scenic Road Application Received – 23 Morgan Road
 - **Board Organization**
 - Earth Removal Permits
 - Correspondence from neighbors of the Pitcherville Road Gravel Pit regarding tree removal
 - Correspondence
 - Cannabis Information for Properties on Gardner Road
- Matters Not Reasonably Anticipated by Chair
- Adjourn

Posted by the Chairman of the Planning Board

Updated May 30th, 2019

Attachment #2: Attendance Sheet



**Town of Hubbardston
Planning Board Meeting**

LOCATION Slade Building **DATE** 12-JUNE-2019

Sign In - Please Print

Name	Address	Email
ED BLANCHARD	23 EAST COMPLET POND	
Roger & Judy Archambault	245 Gardner Rd.	
Mike and	Barre Rd	
JANE FREDERICO	45 Gardner Rd.	
Ann Smith	22 DAY MILL DRIVE TEMPLETON, MA 01468	

Attachment #3: Kendal Daly's Resignation Letter



*Hubbardston Planning Board
Hubbardston, Mass. 01452*

6-12-2019

Ladies and Gentlemen of the Planning Board,

As of this day, Wednesday June 12, 2019, I feel it necessary to submit my immediate resignation to you. I no longer feel I can be of value in this position to the tax payers of Hubbardston, the Planning Board or to myself. I wish you all well. Thank you.

Kendal Daly
Kendall Daly
7 Ed Clark Rd.
Hubbardston, MA.

Abutter Impact Statement

Laura Foley, 12 Pitcherville Road, Hubbardston, MA



There has been extensive logging in the sand pits off of Pitcherville Road (see map). According to the chatter on the Hubbardston People Facebook page, it's been going on since at least May 8. There have been many large trucks hauling logs and wood chips driving up and down Pitcherville Road during the day. I understand that Fletcher Trustees sent letters via the DCR to two abutters on Ragged Hill Road, but to my knowledge there was no advance notice to abutters on other sides of the property on Pitcherville Road and Gardner Road.

Those of you who know me might remember that I vehemently opposed the reopening of the Marinelli Pit on Pitcherville Road because the nature of the neighborhood has shifted from rural to residential, making it unsuitable for constant truck traffic. I know

that this is private property and the owner has the right to work his land. But I have concerns with how this logging operation was handled and what it could mean for future mining operations.



There is a DCR Forest Cutting Plan Certificate posted at the entrance/exit of the sand pit between 28 and 40 Pitcherville Road. The date on permit is May 20, 13 days after the reported start of the logging operation.

Here are my concerns:

1. Abutters on Pitcherville Road and Gardner Road were not notified of the logging operation, even though they are directly affected.
2. I want to know if the logging is being done in order to clear land for future mining operations, something I oppose.

Laura Foley
(978) 820-1149

Attachment #5: Tom Robinson's Letter Regarding his interpretation of the Archambeault matter (3 pages)

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June 10, 2019

TO: Alice Livdahl, Member, Planning Board
Ryan McLane, Town Administrator

CC: Christina Sutcliff, Clerk, Planning Board

FM: Tom Robinson, Chair, Planning Board

Subject: Zoning Determinations, Special Permits, and Grandfathered Uses

Dear Alice and Ryan,

This letter is in response to both a new process for Zoning Determinations and recent letters about 245 Gardner Road.

1. Zoning Determinations

The "Town of Hubbardston, MA" official zoning map is the means by which a parcel's zoning is determined. Please reference Zoning Bylaw Article 3 and the most current Official Zoning Map, a part of the Zoning By-Law. If there are questions about a specific parcel, either from the Building Inspector or an owner/applicant, a discussion with the Planning Board in a public meeting, may be necessary and is recommended. This is the process that should be followed.

Zoning, when approved by the voters originally or by a subsequent revision approved by the voters, can capture a parcel within a zone that has an existing use not consistent with the zoning designation. This non-conforming use is allowed to exist as 'grandfathered' until such time as it is abandoned for two years at which time the grandfathering protection is lost. Going forward, the allowable use must be consistent with the voted zoning designation, that is, the bylaw and Zoning Map.

2. Special Permits

Special Permits apply to uses. The purpose of a Special Permit is, in part, to assure that the proposed use will be conducted in a manner that is consistent with the land use objectives of the Town of Hubbardston and will comply with the bylaws and regulations of the Town and applicable laws and regulations of the Commonwealth. Thus, a special permit cannot be issued that allows a use that is not consistent with the bylaws. A special permit cannot be issued that changes the underlying zoning. Any zoning change must occur through a change of the bylaw.

3. Allowable Uses

The allowable uses specific to designated zones, allowed either by Right or by Special Permit, are listed in Zoning Bylaw Article 4.

4. Comments specific to 245 Gardner Road

All land along Gardner Road from the northern end of the Gardner Road Cut-off to the Hubbardston-Gardner town boundary, is zoned Residential Agricultural. Please refer to the zoning map. The Town vote that set this configuration reduced commercial area to the present about 60+ acres.

The Planning Board met with the DeMalias on two separate past public meetings and discussed with the DeMalias that applying for a special permit would cost them money, take time, and not result in them achieving their stated goal of an 'accessory use' and/or 'home occupation' utilizing the Archambeault's neighboring parcel and building. That goal may best be achieved by understanding the conditions necessary for the accessory use and or home occupation as spelled out in Article 2, parts 2.2 and 2.12 and elsewhere in the bylaws. By his statements, Mr. Demalia led me to believe he had researched this issue and stated he understood and agreed that a special permit is not the correct approach. He did not apply for a special permit. They also expressed an understanding that among other conditions, they would have to own the Archambeault's building on parcel 188 and combine the lots 180, 189, and 188, as well as make sure they also complied with all other requirements. Please see Attachment below.

The Archambeault building on 188 may also possibly be used for accessory use or home occupation if combined with the house and parcel 16 located on the north side. Again, all applicable requirements would have to be met.

The Archambeault parcel 188 by itself cannot be an accessory use or home occupation because, among other things, there is no home or residence on the parcel.

Conclusions:

- The grandfathering is expired. The Archambeault application states the building has been abandoned for three years plus, since about 2014.
- A special permit cannot 'restore' or provide a 'continuation' of the expired grandfathering.
- A special permit cannot be granted to allow uses not consistent with the bylaws for, in this instance, a Residential/Agricultural zone.
- The accessory use or home occupation approach is potentially a means by which the Archambeault building can be used. Applicable conditions must be met.

If there are questions or comments, please advise.

Sincerely,

Tom Robinson
Chair, Planning Board

Attachment: For reference, attached please find the GIS map for the area.

- Parcel 180 is Demallia's parcel on which is their residence.
- Parcel 189 is Demallia's parcel, with no structures of record.
- Parcel 188 is Archambeault's with abandoned 'storage' building, no residence.
- Parcel 16 is a residence on the north side of Archambeault.

