



Town of Hubbardston

Planning Board Meeting Minutes

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

Date: Wednesday, June 26th, 2019

Members Present: Alice Livdahl (Chair), Craig Boissoneau, Bill Homans, Francois Steiger

Members Absent: N/A

Other Attendees: Christina Sutcliffe (Admin), Leon Smith, Thomas Robinson, William Murray (Places Associates), Vin Ritchie, Jane Frederico, Ann Smith, Jim Talvy (Casella Organics), Mark Kataisto

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. Public Comments
 - a. Tom Robinson – Reads his letter to Alice Livdahl and Ryan McLane regarding his Interpretation of the Zoning Matters related to the Archambeault's property on Gardner Road (letter attached to June 12th, 2019 minutes and circulated to the board).
2. Minutes Approval
 - a. Discussion and clarification of the fact that board members who are not present at meetings can approve the minutes of those meetings.
 - b. March 6th, 2019 – Bill Homans makes a **MOTION** to approve the minutes. Francois Steiger **SECOND's**. Discussion had of two clerical corrections. **ALL IN FAVOR.**
 - c. March 13th, 2019 – Bill Homans makes a **MOTION** to approve the minutes. Francois Steiger **SECOND's**. Admin mentions one clerical correction. **ALL IN FAVOR.**
3. Action Items
 - a. Public Hearing: "Pursuant to the provisions of MGL Chapter 40, Subsection 15C, the Hubbardston Planning Board will hold a public hearing on June 26, 2019 at 6:30 pm in the Town Office, Slade Building, 7 Main St., Hubbardston, on the Scenic Road Application submitted for 23 Morgan Road to remove one (1) 18" red oak, left of the

driveway. This property is owned by Leon Smith. Plans may be viewed at the Town Clerk's office during regular business hours." (Application is Attachment #3)

- Bill Homans makes a **MOTION** to "open public hearing regarding Mr. Smith's application." Craig Boissoneau **SECOND's. ALL IN FAVOR.**
- Discussion had of property map provided.
- Chair asks if any member of the public wishes to speak (no response).
- Bill Homans makes a **MOTION** to "approve the application." Craig Boissoneau **SECOND's. ALL IN FAVOR.**
- Discussed that the Admin will mail out the decision to the applicant.
- Bill Homans makes a **MOTION** to "close public hearing." Francois Steiger **SECOND's. ALL IN FAVOR.**

- b. 95 Williamsville Road – Bill Murray reports on options for stone renovation, replacing the stones vs. concrete, stone-faced wall (see Attachment #4).

- Mr. Murray mentions that the side walls and the removal of stone from a wetland are the jurisdiction of the Conservation Commission.
- Board discusses.
- Board solicits public opinion and Tom Robinson and Vin Ritchie both comment that they prefer having the original wall restored.
- Following board discussion Bill Homans makes a **MOTION** to that the Board have the owners of 95 Williamsville road "put the same types of stones back." The board will move forward with this with Bill Murray as their agent to oversee. Francois Steiger **SECOND's. ALL IN FAVOR.**

(Time Stamp 40:10)

- c. Kataisto Letter Review

- Chair gives a summary and information on the letter sent to the Kataisto's.
- Trustees and representative of Casella Organics are invited to the table to present (Ann Smith, Jane Frederico, Mark Kataisto, Jim Talvey). Kataisto's mention they have already gone through processes with the DEP and given a report to the Hubbardston Board of Health.
- Discussion had regarding presented information and what the board requires of the Reclamation Application and costs associated with enlisting their agent (Bill Murray, Places Associates), and abutter notification for a Public Hearing.
- Board arranges with the Kataisto's a site visit for Saturday, June 29th at 10:00 am.

(Time Stamp 1:36:10)

- d. Board Organization – Election of a Clerk and Other Board Representatives

- Board decides on representatives for other boards / topics (see Attachment #5). Admin to forward the members requesting membership to specific boards to the Select Board for appointment.
- Craig Boissoneau **NOMINATES** Bill Homans for Planning Board Clerk. Francois **SECOND's** that nomination. Bill Homans accepts the nomination. **ALL IN FAVOR.**

4. Matters Not Reasonable Anticipated by Chair

- a. Alice Livdahl mentions the practice of Admin paying for mailings (and being reimbursed). Board discusses possibility of metering or small checks. Admin to look into and follow up with board.

- b. Solar Citing Meeting attended by Chair – information to be forwarded to the board.
- 5. Old Business
 - a. Board Vacancies – Board discusses how long they wish to post the open position for Associate Member, where they wish to post it, and what process they wish to require for vetting the applicants (the last item will be discussed at the next Planning Board Meeting).
 - b. Correspondence
 - Email from James Proulx regarding Marinelli Invoices – Reply sent from Planning Board office. Discussion of history and possibility of collections.
- 6. Chair states that the Planning Board will go into Executive Session to discuss matters previously discussed in executive session and will not reconvene in open session but will adjourn from Executive Session. “To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against a public officer, employee, staff member or individual.” Specifically, the Board will discuss matters relating to an Open Meeting Law complaint dated December 6, 2018 and the minutes associated with that complaint.
 - a. Craig Boissoneau asks and the remainder of the board agrees that Tom Robinson may stay for the session since his name is mentioned in the minutes. The Admin notes that Mr. Robinson was not alerted 48 hours in advance of the meeting (per OML requirements) since the matters discussed were previously stated to be a matter of the board in its entirety, and because it was the minutes under discussion, not further discussion of the Open Meeting Law matter. Tom Robinson elects to remain.
 - b. Tom Robinson asks about the Attorney General’s Letter regarding the complaint and what the resolution was. The Chair responds that the AG’s finding was that the complaint was “groundless” and that the OML did not apply to this matter (See Attachment #6)
 - c. A **ROLL CALL VOTE** is had to enter into executive session. Craig Boissoneau – yes. Bill Homans – yes. Francois Steiger – yes. Alive Livdahl – yes. **ALL IN FAVOR.**
 - d. Tom Robinson brings up the rights of the individual in the case of Executive Session.
 - e. Bill Homans makes a **MOTION** to release all minutes of Executive Session related to the OML Complaint of December 6th, 2018. Craig Boissoneau **SECOND’S**. Craig Boissoneau – yes. Bill Homans – yes. Francois Steiger – yes. Alive Livdahl – yes. **ALL IN FAVOR.**
 - f. Bill Homans makes a **MOTION** to approve the minutes of December 19th, 2018. Craig Boissoneau **SECOND’S**. Craig Boissoneau – yes. Bill Homans – yes. Francois Steiger – yes. Alive Livdahl – yes. **ALL IN FAVOR.**
 - g. Bill Homans makes a **MOTION** to approve the minutes of January 2, 2019. Craig Boissoneau **SECOND’S**. Craig Boissoneau – yes. Bill Homans – yes. Francois Steiger – yes. Alive Livdahl – yes. **ALL IN FAVOR.**

MOTION to ADJOURN (8:47 pm): Bill Homans

- **SECOND:** Craig Boissoneau
- Craig Boissoneau – yes. Bill Homans – yes. Francois Steiger – yes. Alive Livdahl – yes. **ALL IN FAVOR.**

Action Items:

- 1- Admin to mail out the decision of the Scenic Road Application to the applicant, Leon Smith.
- 2- Admin to send a letter to the Select Board with requested appointments of Planning Board Members to associated boards.
- 3- Admin to look into alternative payment options for mailings.

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. Leon Smith Application
4. Places Associates Report on 95 Williamsville Road (page 1 only – for complete document see Planning Board Office)
5. Board Appointments
6. Attorney General's Letter Regarding the OML Complaint

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 26th, 2019 6:30 PM
Main Street, Hubbardston, Slade Building

Planning Board meetings are broadcast live and digitally recorded

1. Call to Order
2. Public Comments
3. Minutes Approval
 - a. March 6th, 2019
 - b. March 13th, 2019
4. Action Items
 - a. Public Hearing: "Pursuant to the provisions of MGL Chapter 40, Subsection 15C, the Hubbardston Planning Board will hold a public hearing on June 26, 2019 at 6:30 pm in the Town Office, Slade Building, 7 Main St., Hubbardston, on the Scenic Road Application submitted for 23 Morgan Road to remove one (1) 18" red oak, left of the driveway. This property is owned by Leon Smith. Plans may be viewed at the Town Clerk's office during regular business hours."
 - b. 95 Williamsville Road – Bill Murray will report on options for stone renovation
 - c. ~~Kataisto~~ Letter Review
 - d. Board Organization – Election of a Clerk and Other Board Representatives
5. New Business - NONE
6. Matters Not Reasonable Anticipated by Chair
7. Old Business
 - a. Board Vacancies
 - b. Correspondence
 - i. Email from James ~~Proulx~~ regarding Marinelli Invoices
 - ii. Open Meeting Law Complaint Resolution from AG
 - iii. 147 Williamsville Road – Commencement of Land Clearing
8. Executive Session - Public roll call vote to enter Executive Session pursuant to G.L.c. 30A, Section 21 (a)(1): "To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual." Specifically, the Board will discuss matters relating to an Open Meeting Law complaint dated December 6, 2018.

The Board does not plan to reconvene in Open Session.

Topics Planned ~~To~~ Be Discussed (TBD) at Future Meetings

1. 91 Williamsville Road – Site Approval Discussion (TBD July 10, 2019)
2. ANR – Kathleen ~~Derzius~~ et al, Old Princeton Road (TBD July 10, 2019)
3. DeMalia Photo Studio (TBD Aug 2019)
4. Subdivision Rules and Regulations Update (TBD Sept 2019)

Agenda Updated 20-June-2019

Attachment #2: Attendance Sheet



**Town of Hubbardston
Planning Board Meeting**

LOCATION Slade Building **DATE** 26 - JUNE - 2019

Sign In - Please Print

Name	Address	Email
Leon Smith	23 Morgan Rd	Haruhomeebam@gmail.com
Thomas F. Rheaun	5 Brigham St	978-928-3351
Wm. MURRAY	PLACES ASSOCIATES, LLC 59 HEARDVILLE RD	www.VERAPLACESASSOCIATES.com
Vk Ritchie	1 El Club	VRitchie@hobmail.com
Jane Frederico	45 Gardner Rd	—
Ann Smith	22 DAY MULL DR Temperon	
Jim Talvy	178 North Main St	JAMES.TALVY@CASELLA.COM
MADK KOTAKITO	26 WORC. RD HUBD.	

Town of Hubbardston Planning Board

7 Main Street, Unit #7

Hubbardston, MA. 01452



Application for Planning Board Action – Scenic Roads Act, MGL Chapter 40,
Section 15C

Name of Applicant: Leon J. Smiley
Address: 23 Morpen Rd
Contact info: Phone # 978-456-9717 Email HeartHomeschool@gmail.com
Name of Scenic Road(s) and location of work to be performed: 23 Morpen Rd,
edge of driveway/road
Deed of Property Recorded in _____ Registry of Deeds,
Book _____ Page _____ Assessor's Map 167 Lot 117

Description of work to be done and the changes to be made to :

- ☐ Road width _____
- ☐ Road surface _____
- ☐ Road elevation _____
- ☐ Grading _____
- ☐ Drainage _____

Number of trees over five(5) inches in diameter to be removed or pruned: _____

Proposed changes to stone wall(s) to be removed, altered, or affected: _____

Applicant's Signature: _____

Owner's Signature: _____

Date May 23, 2019

Amount tendered to Planning Board for approximate costs for: advertisement, fees, charges, engineering, opinions etc. _____

No Debt is Owed ☒

Debt is Owed _____

Roberta Thibault
Signature of Tax Collector

5/28/19
Date

Date Application received by the Planning Board _____

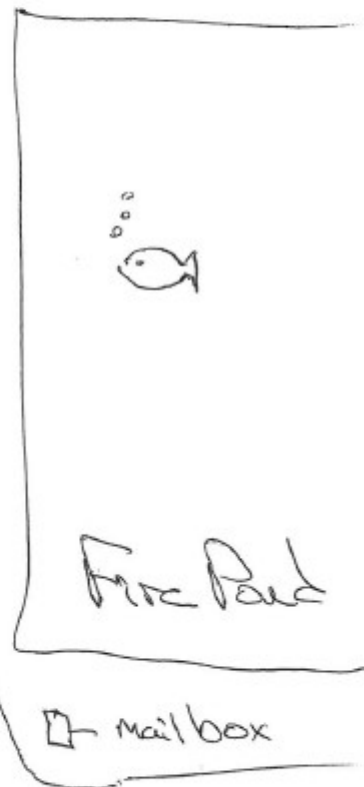


Property owner:
Leon J. Smith
23 Morgan Rd.
978.456.9717

Tree interferes
with:

- 1) Emergency vehicles.
- 2) Trucks from entering
leaving driveway
safely.
- 3) Power onto property.
- 4) Within required
driveway radius
ends.

23
Morgan
Rd
← 12' →



stomach
20000
west land
12" Red
Oak tree

Tree marked
with yellow
caution tape.

Morgan Rd

Attachment #4: Bill Murray Report on 95 Williamsville Road (page 1)



May 14, 2019

Mr. Thomas Robinson, Chair
Hubbardston Planning Board
7 Main Street, Box 7
Hubbardston, MA 01452

via email and US Mail

Re: Site walk to review stonewall removal
95 Williamsville Road, Hubbardston, MA
Places Associates Project No. 5399

Dear Mr. Robinson;

Pursuant to the Board's request, my office attempted to contact Mr. Brent Chapman, reported owner of 95 Williamsville Road, Hubbardston regarding the stone wall removal conducted along Williamsville Road and along the property line between 91 and 95 Williamsville Road.

Through the actions of the Planning Board and its members, it was identified that stone walls were both removed and altered along the frontage of 95 Williamsville Road (hereinafter referred to as "95") and the common stonewall between 91 and 95 Williamsville Road without a permit pursuant to the below-cited regulation.

Project Chronology:

On April 8, 2019, we attempted to contact the reported property owner, Mr. Brent Chapman. The ownership of the property was identified by filings made to the Hubbardston Conservation Commission for the potential development of a commercial solar facility on the backlands of 95 (Bk 60125, pg 150), with a mailing address of 23 Grasshopper Lane, Acton. We were also able to obtain a copy of the deed transferring the property from Carol A. Fielding to Williamsville Road Solar, LLC., this deed (Bk. 58819, pg 224) notes that the address of the recipient is 6 Ledgerock Way, Acton, MA.

On April 10th, we were forwarded an email from the Hubbardston Planning Board office wherein Mr. Chapman states that he is no longer the owner of the property, Mr. Henry Weitzner of Walden Renewables is the property owner. On April 15th, Mr. Weitzner contacted the Planning Board office via email to identify himself as the owner of the property/project. Mr. Weitzner also referred the Planning Board to a contractor for the replacement stone wall along the street frontage of 95.

On Friday, April 12, 2019 I met Mr. Kendall Daly, member of the Planning Board and we walked the frontage of the site and along the easterly wall between 95 and 91 Williamsville Road. It is apparent that stones were removed from the common property line stone wall between these two properties.

256 Great Road, Suite 4, Littleton, MA
(978) 486-0334 & (508) 829-0333
www.placesassociates.com

Attachment #5: Board Representative Spreadsheet

Planning Board Associated Board Representatives

Position	Representative	Comment
Community Preservation Committee	Alise Luidahl	
Capital Improvement Planning Committee	Francois Sleiger	
Economic Development Committee (ex-officio position)		- Ryans speaks to
*Select Board	Craig Boissoneau	
BOH	Bill Homans	

* Note: This position would not be for a seat on this board.

Planning Board Topic Volunteers

Subject	Volunteer	Comment
Noise Concerns	BoH	
Scenic Roads, Driveways, Trees, etc.	Craig Boissoneau	
Gravel Pits	all	
Affordable Housing	Alise Luidahl / Francois	
Solar	all	

Attachment #6: Attorney General's Response to OML Complaint (2 pages)



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

TEL: (617) 727-2200
www.mass.gov/ago

June 11, 2019

Raenne Siegel
27 Natty Pond Drive
Hubbardston, MA 01452

RE: Open Meeting Law Complaint



Dear Ms. Siegel:

This office received your complaint on January 15, 2019, alleging that the Chair of the Hubbardston Planning Board (the "Planning Board"), Thomas Robinson, violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Planning Board on December 6, 2018. The Planning Board responded by letter dated January 2, 2019, following an extension of time granted by our office.

The Division of Open Government's review concerns compliance with the Open Meeting Law, G.L. c. 30A, §§ 18-25. In your complaint, you allege that the Chair of the Planning Board sent a letter to the Hubbardston Board of Selectmen that included both information that the Planning Board had previously discussed and voted to include in the letter, as well as additional items that represented the personal opinions of the Chair, but had not been discussed and agreed to by the Planning Board, improperly giving the appearance that such opinions were attributable to the Planning Board. You request that the Chair be censured and removed for exceeding his authority and for insubordination. Without forming an opinion as to whether the Chair's letter exceeded the scope of what the Planning Board had discussed and agreed to include in the letter, the facts that you allege would not amount to a violation of the Open Meeting Law. If the Chair acted on behalf of the Board without authority, such action is not a violation of the Open Meeting Law, although it could be a violation of some other law or regulation or local rule outside the scope of the Division's jurisdiction. Accordingly, we decline to investigate your complaint and we consider the matter closed. See OML Declination 9-13-16 (Montague Zoning Board of Appeals); OML Declination 5-29-31 (Great Barrington Housing Authority).¹

¹ Open Meeting Law determinations and declinations may be found at the Attorney General's website, www.mass.gov/ago/openmeeting.



This letter does not address any other complaints that may be pending with this office or with the Board. Please feel free to contact the Division at (617) 963-2540 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Droumbakis', with a stylized, flowing script.

Kathryn Droumbakis
Special Assistant Attorney General
Division of Open Government

cc: Thomas Robinson
Hubbardston Planning Board