June 7, 2017

# Minutes

HUBBARDSTON PLANNING BOARD Slade Building



Meeting called to order at 6:40pm by Vincent Ritchie, Chair Other members present: Thomas Bratko, Tom Robinson, Scott Leblanc, and Kendall Daly

Correspondence was reviewed and a letter from Tony DiLuzio from Cardinal Construction, Inc formally requesting that the site plan approval for the proposed Senior Center at 21 Gardner Rd be withdrawn without prejudice. The project will be resubmitted in late summer early fall period after a re-design.

Vin Ritchie entertained a motion to withdraw the site plan for the proposed Senior Center without prejudice.Motion: Scott LeBlancSecond: Tom RobinsonAll in favor.

An application was presented for a site plan approval for a professional office at 36 Main Street, by Brian and Denise Bortle for 69 Barre Rd Hubbardston, MA. Application will be signed and a hearing will be scheduled for next month, a site plan is already filed on record. Vin Ritchie entertained a motion to accept the site plan for the proposed professional office at 36 Main St Hubbardston, MA

Motion: Kendall Daly Second: Tom Robinson All in favor.

Vin Ritchie read a letter from Kevin Manganaro of the Massachusetts Attorney General's office, regarding the open meeting law regarding a complaint filed by Christine Bolduc in April 2017 regarding open meeting violation by the board. The letter from the attorney general found that the board did not violate the open meeting law and did not deliberate outside of the meeting. The complaint has been considered closed by the Massachusetts Attorney General's office.

### Seaboard Solar / and Abutter on Williamsville Road

Vin Ritchie, Planning Board Chair, was approached by an abutter of the project on Williamsville Rd, and asked if Seaboard Solar was in compliance with its permits. A motion was made that Bill Murray, of Places Associates review all solar projects to ascertain that they are in compliance with the conditions of the special permits that had been issued.

There was a motion to commission Bill Murray of Places Associates to review all solar projects to ascertain that they are in compliance with the conditions of the special permits and to report back to the board.

Motion: Tom RobinsonSecond: Tom RobinsonAll in favor. (Scott Leblanc abstainedsince he is an abutter.)

Correspondence review from Bill Murray, stating that Tony Coppolla, Rick Green (possibly) and Bill Murray are going to walk the proposed Borrego solar site at 147 Williamsville Rd for site review on Friday June 9<sup>th</sup>, at 2pm. Walk/meeting is open to the public. 2 members of the planning board will attend this meeting.

Vin Ritchie entertained a motion to recess the Planning Board meeting, in order to convene the public hearing.Motion: Vin RitchieSecond: Tom RobinsonAll in favor.

Tom Bratko made another motion in order to open the Public Hearing.Motion: Vin RitchieSecond: Kendall DalyAll in favor.

7:10pm Continuation of Public Hearing was opened, regarding an Earth removal permit for the Marinelli Pit,

Pursuant to the provisions of MBL Chapter 40, Section 9, the Hubbardston Planning Board will hold a continuation of the public hearing on Wednesday March 29, 2017, at 7:00 pm in the Town Offices, Slade Building, 7 Main St., Hubbardston, MA, 01452 to hear public comments on the petition from the D. J. Palm

Nominee Trust, (Ann Marinelli/Louise Proulx), 20 Sartell Rd., Waltham, Ma., 02451, for an Earth Removal Permit Application. The application is for removal of gravel from the pit located at (off) Pitcherville Rd., Hubbardston, MA, Hubbardston Assessor's Map 3, Parcels 8, 34, 36, 37, 39.

- Mark Beaudry Engineer Meridian Associates represented the Marinelli family (DJ Palm Trust). Revised plans were submitted to PB as requested.
- Traffic assessment was completed by applicants and submitted to PB.
- Applicants formally withdraw request for waiver on traffic assessment since it was completed.
- Bill Murray from Places Associates gave a second review and commented on Earth Removal Permit application dated 6-6-17. (draft copy). Safety requirements are required as a pre-condition of special permit.
- Vin Ritchie read letter from RMI referencing citizen's, Mr and Mrs McCauley's concerns regarding material used to reclaim different types of landfills and gravel pits. An earlier landfill closure at 25 Templeton Rd raised concerns regarding a reclamation material. Letter from RMI stated short paper fiber and class A bio solids would be used for reclamation portion of earth removal permit application.
- Atty Michael Wiggins has provided a letter to the PB dated June 5, 2017 addressing legal questions which came up during previous public hearing held in May 2017. Applicants asked to reclaim property as they remove existing earth from property over time. Vin stated this is a review for a new earth removal operation, the "grandfathering" issue that has been resolved in courts prior is not allowed if operation is stopped for more than 2 years.
- Tom Bratko asked state about public access to state forest (deeded).
- Ron Muller of Ron Muller Associates, truck traffic assessment, conducted comments on traffic assessment on Pitcherville rd. Revised proposed 250 cars counted per day, 50 trucks per day (100 trips) allowed.

Earth removal would happen in the off hours of peak traffic (peak being 4pm-8pm), Hours of earth removal would occur between 6:30am-4:00pm during off peak. Referenced in table 3 in report, meets minimum requires, recommends removal of vegetation and on side of road for improved passing. Re-grading may be needed. Pavement is generally in good condition, but a section near Gardner Rd, approx. 400 feet of road is in very poor condition, recommends widening to 42' and re-paving.

Safety analysis of Pitcherville and Rte 68 use does not come close to requirements for a traffic light.

(Vin pointed out that Page 6, 1<sup>st</sup> paragraph should be Pitcherville Rd not Rte 140.)

Level of service = designation of was NOT performed.

## **Public Comments:**

Ed Blanchard spoke about his experience with truck traffic at his former pit on Sawyer Pond, sign posted "Trucks Entering".

Laura Foley of 12 Pitcherville Rd asked if the grade of road was considered during traffic study. Concerned about brake noise as trucks slow to navigate the steeper grade on both Rte 68 and that on Pitcherville. NO. Laura also asked what where the days of study, days of study were May 23, and May 24, 2017.

NE Specialty Soils– 19 years' experience soil mixing company. Steve Boucher is the potential new operator, NE specialty Soils is an atypical gravel removal company; our typical day's traffic is 35 - 40 trucks per day, 50 trucks a day is unusual for us. We deal mainly with golf courses and athletic fields which do not operate in winter. Truck stacking would be unusual since we don't' deal with contractors directly and schedule our own trucks.

Tom Bratko asked about a road from Boucher property owned on Rte 68 to the property on Pitcherville Rd, and Steve Boucher said he would pursue that project immediately if an agreement regarding the property is reached.

Bill Murray asked about materials mixed in with the soils, and that these materials will need to be addressed moving forward, including amending the permit to address the mixing concerns.

Motion to continue the Public Hearing to the ne	xt meeting, July 5 <sup>th</sup> , @ 7pm.	
Motion: Scott Leblanc	Second: Kendall Daly	All in favor.

Tom Robinson asked for a motion to continue the Public Hearing for Borrego Solar specialpermitfor147 Williamsville Rd. Vin recused himself due to conflict. Tom Robinson acted as chair.forfor

Motion: Scott Leblanc
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Second: Kendall Daly All in favor.

## 8:45pm Continuation of Public Hearing was opened

Dean Smith Borrego stated this project is proposed for 2018 and hopes to close out remaining recommendations by next meeting (July 5, 2017)

- Working on recommendations from Places, Assoc.
- Updated survey done on land
- Filed ENR form with state (MEPA)
- Storm water runoff
- Self-verification form to U.S. Army Corp of Engineers

Places Associates recommends that their staging area be away from Williamsville Rd.

### **Public Comments:**

Mr Pirner (neighbor) commented that he would prefer the drive be narrowed to cut down on the view, opening or redirected. Dean Smith will address Mr. Pirners' concerns to Borrego and to the property owners and to the utility company.

Site walk scheduled for Friday June 9<sup>th</sup>.

Motion to continue public hearing to July 5<sup>th</sup> 8pm.

Motion: Tom Bratko	Second: Kendall Daley	All in favor.
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9:30pm Motion to reconvene Planning Board Meeting.

Motion: Kendall Daley	Second: Tom Bratko	All in favor.

Vincent Ritchie resumed the responsibilities of Planning Board Chair.

Kataisto family, Scott Kataisto, Ann Smith, Jane Frederico presented before Planning Board asking for clarification on original permit (Section 1) (orig permit dated 2004) \$10,000 must be held in escrow 6 months past expiration of permit, they would like us to use funds to do sloping and seeding for reclamation.

Vin stated must comply with 2010 General ByLaws.

Must get determination from Places Associates, Inc as to the "stabilization" of pit, so Planning Board can move forward with reclamation.

They have 2 (two) estimates to reclaim pit pending.

Vin suggests having Select Board determine pit "stabilized" in order to return 10,000 escrow, so they can use it to reclaim.

The family brought in photos taken last year of the sites.

The family will bring in original plans and estimates.

Motion to have Places Associates, Inc accompany Planning Board to site to make a determination of "stabilization" as referenced in 2004 permit.

Motion: Tom Robinson	Second: Tom Bratko	All in favor.
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10:10pm Motion to Adjourn was presented.

Approved with corrections, Vincent Ritchie, Chair

Date