

**MINUTES**  
**Town of Hubbardston Board of Appeals**  
**Meeting Held July 8, 2019**  
**Senior Center, 7A Main Street**

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**Members Present:** Chairman Scott Janssens, Gail Orciuch, William Homans, Al Afonso (arrived at 6:45pm) and Secretary Joyce Green.

**Absent:** Andy Baum

**Others Present:** Edward Blanchard, Barbara Hubbard, Robert Hubbard, Anita Quinn, Carol Pearsall, Brianna Whitney, Carol Whitney, Carol Hubbard-Kelley.

Meeting was called to order at 6:31pm on a motion by Bill Homans, seconded by Gail Orciuch and so voted 3-0.

General Business:

- Minutes approved from February 21, 2018 on motion by Bill Homans, seconded by Gail Orciuch. Vote 3-0 in favor.
- Minutes approved from March 1, 2018 on motion by Bill Homans, seconded by Gail Orciuch. Vote 3-0 in favor.
- Discussion on how to proceed if we do not have all the board members present this evening and 1 member recuses himself on the basis of being a Lions Club member. Scott pointed out Hubbardston Zoning Bylaw Article 10, Section 10.4 that states that a vote of 4 members is needed to modify or approve an application for a variance.

<b>Appeal of the Ruling of the Building Commissioner at 7 Main St &amp; 40 Main St</b>
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**7:00pm Motion to open public hearing for 7 Main Street made by Bill Homans, seconded by Gail Orciuch and so voted.**

Chairman Janssens explained the procedure for a public hearing. He disclosed that he is a member of the Hubbardston Lions Club but that upon contacting the State Ethics Commission, he was advised that because he receives no salary from and is not an officer of the Lions Club, he could participate in the matter before the board this evening. Janssens said that the Chairman of the Board of Selectmen was of the opinion that Janssens should recuse himself. Janssens noted that a vote of 4 members is needed to approve an application and with one board member absent tonight, the remaining 4 would all have to vote in the affirmative to approve the application. Janssens asked if everyone was satisfied with his participation. One objection was heard from those present. Due to these circumstances, the option to continue to a date when all 5 members could be present was suggested.

**Motion** by Bill Homans, to continue the public hearing to another date when all 5 members could be present.

**Second** by Albert Afonso.

**Vote: 4-0 unanimous in favor.**

Secretary Joyce Green stated that a date and time must also be announced to those present. Green attempted to contact Andy Baum via text to determine his availability. After discussion and response from Baum, a **motion** was made by Bill Homans to continue to Monday, August 5 at 7pm; **seconded** by Gail Orciuch and **voted in favor 4-0.**

Edward Blanchard, representing the Lions Club, offered some clarification stating that the Lions Club is only involved because they are providing the funding for these 2 signs and donating them to the town. Some questions were asked of Mr. Blanchard regarding location and design of the signs and he showed photos of similar signs in other towns. Locations are 7 Main Street, near the town office mailboxes, and 40 Main Street, replacing the current signboard at Charlie Clark Corner.

Tom Larson, representing the Lions Club, further clarified that one sign would be used by the town for announcements such as upcoming Town Meeting, taxes due, etc. and the other sign would be for community events. The Lions Club voted to donate these to the town to keep townspeople informed.

At this point, Chairman Janssens halted discussion until the public hearing would be reconvened on August 5.

**7:26pm Motion to open public hearing for 40 Main Street and to continue said hearing to August 5 at 7:05pm made by Bill Homans, seconded by Gail Orciuch and so voted 4-0 in favor.**

# Board of Appeals Sign-In Sheet

Public Hearing

July 8, 2019

NAME (please print)

ADDRESS or TITLE

ED BLANCHARD

Barbara E Hubbard

Mahmud Hubbard

Anita Quinn

Carol Pearsall

Brianna Whitney

Carol Whitney

Carol Hubbard-Kelley

23 E COMPTON ROAD

1 BAKER RDs Outlot

1 Baker Rd Cottages

abutter 18 Elm St

6 High Street

178 Williamsville Rd

178 Williamsville Rd



# Hubbardston

## Massachusetts

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## AGENDA-ZBA 7-8-2019

### **Date:**

Monday, July 8, 2019 - 6:30pm  
Senior Center, 7A Main St

### **Related Event:**

Zoning Board of Appeals

6:30pm Call to order

### General Business:

- Approve minutes
- Sign vouchers

7:00pm - Application from Hubbardston Lions Club to overrule the decision of the Bldg Commissioner for denial of a permit for an electronic message board with internal illumination for property located at 7 Main St, Assessors Map 8A, Parcel 11. Variance sought pursuant to MGL c40A, §10, and Hubbardston Zoning Bylaws Article 11.

7:05pm - Application from Hubbardston Lions Club to overrule the decision of the Bldg Commissioner for denial of a permit for an electronic message board with internal illumination for property located at 40 Main St, Assessors Map 5C, Parcel 87. Variance sought pursuant to MGL c40A, §10, and Hubbardston Zoning Bylaws Article 11.

Any other new business not reasonable anticipated by the chair.

Chair: Scott Janssens

**Source URL:** <https://www.hubbardstonma.us/zoning-board-appeals/agenda/agenda-zba-7-8-2019>

**MINUTES**  
**Town of Hubbardston Board of Appeals**  
**Meeting Held March 1, 2018**  
**Library Basement Meeting Room, 7 Main Street**

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**Members Present:** Chairman Scott Janssens, Gail Orciuch, William Homans, Albert Afonso and Secretary Joyce Green.

**Absent:** Andy Baum

**Others Present:** None

Meeting was called to order at 6:33pm by Chairman Scott Janssens.

<b>Appeal of the Ruling of the Building Commissioner at 12 Upper Intervale Rd</b>
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**Deliberation:**

- Scott went to visit Larry Brandt (Building Commissioner) at his office on Tuesday and asked him what he considers a business and how did he view this particular property that made him rule there was a business there? Larry told Scott he considered it a business because business vehicles are being stored there, employees are going there to report to work, and company deliveries are being received there.
- Scott also asked Larry how this could impact other businesses in town. Larry responded that if other situations come up, they would be looked at one at a time.
- Scott stated that in his mind, the ruling by the Building Commissioner is correct and that we should not consider other possible scenarios, only what is before us.
- Bill agrees and is not comfortable in overturning Larry's decision. Larry told Bill he told the owner [Mark Johnson] several times that he could not operate a business out of the garage.
- Larry and Scott agree that the petitioner [Rachel Boutwell] is sincere in wanting to do things the right way and the possibility exists that the owner [the petitioner's brother, Mark Johnson] may not have informed Rachel of Larry's warning not to run the business out of the garage. Not all members agreed with this assessment.
- The official address of the business in question [All Saints Construction] is Phillipston however 12 Upper Intervale Road appears to be part of the business; sort of like a branch office.
- Al asked about a headquarters vs. a branch office; does that make a difference? For example, The Country Hen; should all deliveries be sent to one address and the company be responsible for transporting them to the "branch" office? Members dismissed this idea.
- Bill does not want to set a precedent by overturning this decision.
- Scott said he asked Larry if the information was conveyed to the petitioner [Rachel Boutwell] that a business was not allowed there. Larry said he did not discuss that with her, but he did with the owner.

**Motion** by Bill Homans to deny the appeal and uphold the decision of the Building Commissioner.

**Second** by Gail Orciuch.

**Vote: 4-0 unanimous in favor.**

Discussion continued on the wording of findings to be used on the decision and the secretary typed up a draft for the board members to review. The draft was found to be sufficient with minor corrections and the decision was printed. All members present signed the decision. Filing of the decision will occur next Monday when the Town Clerk's office is open.

**8:11p.m. Motion to Adjourn** made by Bill Homans, seconded by Albert Afonso and so voted 4-0 in favor.

Respectfully Submitted,

Joyce Green, Secretary

Approved by \_\_\_\_\_

Date: \_\_\_\_\_

*[Signature]*  
7/8/19