

TOWN OF HAMPDEN
MASSACHUSETT

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John Matthews, Chair
Judge Robert Howarth
Phillip Schneider
Mark Casey
M. Paige Gore
Associate Member: Richard R. Green

HAMPDEN PLANNING BOARD
PUBLIC HEARING MINUTES/PROPOSED AMENDMENTS TO THE HAMPDEN ZONING BYLAW
FOR ANNUAL TOWN MEETING 04/27/15
Wednesday, March 25, 2015
Town House

Approved 04/08/15

John Matthews, Chair, opened the Public Hearing at 7:05 PM. John alerted the audience that this hearing is being recorded by the Planning Board.

The Public Hearing was scheduled on the recommendation of the Hampden Planning Board for all persons interested in proposed amendments to the Hampden Zoning Bylaw to be recommended to the Annual Town Meeting on April 27, 2015 for a vote.

Members Present: John Matthews, Chair; Judge Robert Howarth, Phillip Schneider and M. Paige Gore

Introduction of Board Members: Mr. Matthews introduced the Planning Board Members.

Statement of Authority: Mr. Mathews read the Statement of Authority.

Legal Notice: The Legal Notice was read by Mr. Matthews.

Reports from Other Agencies: No reports received from other agencies.

Audience Questions/Comments: John Terrone, Attorney for Dr. Penny Peck who operates Hampden Veterinary Clinic in town, indicated their concern between the distinction of between veterinary clinic and veterinary hospital. As they are the only veterinary clinic in the town, in that industry of being a Veterinarian, clinic and hospital are interchangeable terms. In looking at the permissible uses in the different zoning districts within the town, the only term that is actually used is veterinary hospital. He is concerned that she continues to operate a clinic, under the definition, it may not be sufficiently clear enough as to what a clinic is. As Dr. Peck has posted hours but also opens for emergencies, and that is not addressed, so could be implied that opening in the middle of the night for an emergency for a dog getting his by a car might be considered open 24 hours. They wanted to know the reason for the distinction and not defined anywhere else in the bylaws and may be confusing.

Mr. Matthews referenced Article 19 and explained this article adds these definitions to the bylaws. He indicated that a veterinary clinic is not open 24 hours/day. Dr. Peck would fall under this definition. Mr. Matthews explained that Boston Road Animal Hospital would be considered a veterinary hospital. He stated Dr. Peck would have an emergency number that customers would call for emergencies. Judge Howarth stated to add verbiage to the definition of veterinary clinic "other than emergency situations". Alicia Scott asked do they specify hours of operation for other businesses in town. Judge Howarth indicated hours of operation are posted in other businesses in town. Atty. Terrone stated the Table of Uses does not specify "Veterinary Clinic" in the Table. John Matthews indicated it should be included in the Table of Uses. Paul Bechard asked if the only difference was the hours. The Board indicated the definition differentiates the hours of operation only.

Decision: Judge Howarth made a motion to amend Article 19 by adding 3.23 Veterinary Clinic to the Table of Uses, with the same applicable uses as indicated in the Table as Veterinary Hospital. Phillip Schneider seconded the motion. All in favor so approved (4-0). Judge Howarth made a motion to add to the definition of Veterinary Clinic [other than emergency situations]. Phillip Schneider seconded the motion. All in favor so approved (4-0).

Judge Howarth made a motion to adjourn the Public Hearing at 7:33 PM. Mr. Schneider seconded the motion. All in favor so adjourned (4-0).

cc: Assessor's Office
Building Dept
Conservation Commission
Highway Dept.
Moderator
Selectmen
Zoning Board of Appeals
Office Files

Submitted by: Joanne Fiore, Adm. Assistant