

TOWN OF HAMPDEN
MASSACHUSETTS

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

**HAMPDEN PLANNING BOARD
CONTINUANCE OF PUBLIC HEARING - MINUTES
128 WILBRAHAM ROAD – HAMPDEN COUNTRY CLUB, LLC
Wednesday, June 17, 2015
Town House**

Approved 8/19/15

Members Present: Judge Robert Howarth, Co-Chair; M. Paige Gore, Phillip Schneider (Recused), Edward Loiko and Richard Green, Associate Member.

Others Present: Atty. Michael Callan, Counsel for Town of Hampden, Planning Board
Atty. Thomas Miranda, Counsel for Paul and Theresa Bechard
Atty. John Drost, Counsel for Hampden Country Club
Guy Antonacci, Hampden Country Club
Jonathan Murray, Hampden Country Club
Members of the Hampden Country Club Berm Committee

Statement of Authority: Read at initial hearing on May 13, 2015.

Legal Notice: The Legal Notice was read at initial hearing on May 13, 2015.

Reports from Other Agencies: Reported at the initial hearing on May 13, 2015.

Judge Robert Howarth opened the Continuance of the Public Hearing (Case 2015-E) at 7:22 PM on the application of Hampden Country Club of 128 Wilbraham Road to amend the Special Permit with Site Plan Approval granted on November 25, 2014 (Case 2014-K) by adding additional conditions reflected on Exhibits A and B to the application. Judge Howarth alerted those attending that the continuance would be recorded both Mr. Paul Bechard and the Planning Board.

Applicant's Presentation/Board Questions: Atty. John Drost with Fitzgerald Attorneys at Law located at 46 Center Square in East Longmeadow representing the owners of Great Horse, formerly known as Hampden Country Club, LLC provided an update on the completion of the landscape plan for 125 Wilbraham Road, the Bechard's property. He stated several trees were planted around the property line, and for the most part, the work is completely finished. He believes they have complied with the terms in the Special Permit as it relates to the Bechard's. Atty. Drost provided a letter from Andrew Leonard of Leonard Design Associates (Exhibit #1) which indicates the original plan for the screening around the Bechard residence called for evergreen trees, 7-8' tall at initial installation, and spaced 10' off center. Due to the availability of plant material and the concern over the root infiltration into the adjacent septic system by Spruce and Fir trees, Greathorse planted 7-8' tall Arborvitae and Red Cedar at a spacing of 7' off center. He also indicated that to supplement this installation, Greathorse will plant 40 additional 7-8' Emerald Green Arborvitae between the existing trees to increase the initial impact of the screening. Pictures were provided of the initial plantings not including the additional 40 trees (Exhibit #2). The letter indicates the planting will create a substantial screen and is in conformance with the intent of the proposed plan.

Audience Questions: Atty. Miranda, Attorney for Paul and Theresa Bechard of 125 Wilbraham Road, provided his comments. He stated the first problem he has is the continued lack of communication as he did not receive the information that was presented until noon on June 17. Atty. Miranda indicated the original planting scheme that was agreed upon was also done by a landscape architect. The Bechard's agreed to

reduce the required buffer strip they claim was 50 feet wide. The developer claimed it was 20 feet wide. They reduced it down to within 6-7 feet of their property line. Based upon the understanding that there would be White Pine which would grow to much higher than 50-60 feet; Norway Spruce that also grow much larger than 50 feet, and Douglas Fir depending on the variety that grow to varying heights. The Bechard's were willing to go along with this reduced buffer based on the fact they would receive a substantial screening from misdirected golf balls. Atty. Miranda stated what was planted was not what was agreed upon on the previous planting scheme, and what the Country Club is proposing is not acceptable. Atty. Miranda is proposing they plant trees that grow at the same height as the White Pine and the Norway Spruce and are much thicker than the screening provided by the arborvitae that were planted. He also stated there is an escrow in place that is available if the screening is not done appropriately, and they would like access to the escrow to put in the right trees. If the Country Club does not put in the proper trees, they will have it done. Atty. Miranda also stated the sign to the north side of the 2nd tee stating golfers not to go beyond that point with the carts and the sign to the south of the cart path crossing the bridge facing the car path stating no carts beyond this point have not been put up to date. Golfers are going into those areas and crossing onto the Bechard's property. He stated what was done is not adequate, and he doesn't believe they have complied with the Special Permit. The areas have not been loamed and seeded, and these items are all part of the Special Permit that was agreed upon.

There was discussion on when Atty. Miranda was made aware of the trees that were planted.

Atty. Miranda indicated surveyors marked the property boundary lines. The trees are planted within less than two feet from the property line. Mr. Howarth confirmed they are planted on the Country Club property, and Atty. Miranda confirmed they are.

Richard Green asked Atty. Miranda what is the agreement that he keeps referencing. Mr. Green indicated that Exhibit A is included as part of the Special Permit and the Board cannot mediate issues that are not within their purview; boundary lines are not part of the Special Permit. Mr. Green indicated that the Board is concerned with the issue of safety. He stated that even if these plantings were changed, the issue is would the plantings ensure the public safety and that is the Board's responsibility. Atty. Miranda stated the trees planted what were on the plan. Mr. Green believes these trees solve the problem of safety.

Judge Howarth asked if additional trees could be planted in this area that doesn't affect the septic system. Atty. Drost indicated they still have additional trees to be planted. Mr. Green stated not necessarily the species that were originally listed, but trees that would go towards the resolution. Atty. Drost stated the trees would provide proper screening which is to the intent of the bylaw.

Theresa Bechard made a statement concerning the negotiation of this issue.

Judge Howarth asked if there were any additional comments.

Mr. Green made a motion that this be continued to July 29, 2015 at 7 PM. M. Paige Gore seconded the motion. All in favor so approved (4-0).

Meeting Adjourned: 7:50 PM.

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

Submitted by: Joanne Fiore, Adm. Assistant
