

Town House

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TOWN OF HAMPDEN MASSACHUSETTS



Planning Board

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

MINUTES OF THE HAMPDEN PLANNING BOARD Wednesday, June 17, 2015 Regular Meeting

Approved 8/19/15

In Attendance: Judge Robert Howarth, Co-Chair
M. Paige Gore
Phillip Schneider
Edward Loiko

Town Counsel: Michael Callan

Staff: Joanne Fiore, Adm. Assistant

General:

Call to Order – Judge Howarth called the meeting to order at 7:57 PM.

Mail –

Bills – Payroll signed.

Approval of Minutes – Minutes to be tabled to the July 29th Regular Meeting.

1) Continuance – Discussion /Review of Conditions for Special Permit with Site Plan Approval for Greathorse (formerly Hampden Country Club), Case 2014-K

Board Member Phillip Schneider recused himself from this item. Atty. John Drost of Fitzgerald Attorneys at Law addressed the Board concerning the removal of the berm by June 17, 2015. He indicated that it would be difficult to accomplish this in that amount of time. He provided a letter from Gagliarducci Construction, Inc. (Exhibit #1) which indicates a revised schedule for site work completion for the country club likely in the beginning or middle of August. Atty. Drost provided pictures of the work that has been done on the berm to date. He explained they waited to begin work until the appeal time has expired. Atty. Drost indicated it would be a risk to begin work prior to the expiration of the appeal period. Atty. Drost indicated that 250' of the berm has been removed. Judge Howarth indicated the berm is about 1,800' feet long. Atty. Miranda stated it would take about six days to complete the removal of the berm. He stated that at the last meeting it was stated that if the berm was not removed by June 17 then Country Club should be shut down.

Atty. Miranda also addressed Atty. Drost's statement of "members". He stated in the Table of Use Section 6, Sub-Section 4.21 "Membership Club" is not allowed. Atty. Miranda stated the general public should be allowed; and to operate a membership club is in direct violation of the Zoning Bylaws. Judge Howarth indicated that this should be handled by the Building Inspector.

Mr. Howarth indicated that he was not pleased at all with the total lack of response by the Country Club as they have done nothing. He stated he discussed with Counsel and is not sure that the Board is on legal ground to change an order from a Public Hearing at a Regular Meeting. If the Board were to vote to not continue the Special Permit, it may force their counsel to go back to court for litigation. Therefore, because Mr. Howarth and Counsel have a legal question in their minds, he is considering a motion from the Board to continue to July 29 for a Public Hearing on the status of the Special Permit. He feels then they have authority to continue or not continue the Special Permit as they would be on solid ground. He will ask for a motion on this.

Phill Schneider of Raymond Drive asked if the Board would review the topography of the berm. He stated that behind Chip LeClerc's house, the berm is about two feet too high. The Judge said it will be ground level with the lawn area of the houses—that is in compliance with the Special Permit.

Atty. Miranda asked if the hearing will cover all aspects of the Permit or just the removal of the berm. Mr. Howarth stated it will cover both the removal of the berm and the seeding and planting of trees.

Mr. Stu Fuller of 103 Tall Pines questioned the issue of safety due to golf balls in their yards. Mr. Howarth stated it shall be densely treed to prevent misdirected golf balls as per the Bylaw.

There was discussion on the type of trees that will be planted and how far they will be planted from the property line. Per Mr. Howarth, the trees planted will be what was there before. A resident asked how far from the property line will they be planted. Atty. Drost indicated they extended 25' from the property line. Per Atty. Drost this has all been outlined in the Special Permit back in November.

Atty. Miranda indicated that the original order states the buffer screen plantings around the perimeter of the property located at 125 Wilbraham Road as set forth on the Site Plan at a distance from the property line that reasonably allows for maintenance from Hampden Country Club's property.

Paige Gore made a motion to hold a Public Hearing on July 29, 2015 at 7 PM to discuss the Bechard's Property and continue the discussion on the berm. Ed Loiko seconded the motion. All in favor so approved (3-0).

2. 229 Somers Road – Continuance/Review Discussion Regarding Conditions of Special Permit (Case 2013-C)

Mr. & Mrs. James Kibbe addressed the Board concerning the closure of the gravel pit. Mr. Kibbe alerted the Board that the banks need to be sloped and loam spread which is to be started this week. Alana Chain of Altus Power America indicated this is the largest build-out for National Grid that she has ever done. It is about a 44 volt swap-out along Somers Road. They are upgrading all the poles in the area, running new lines and new equipment. Due to the long winter and melt-off, they are coordinating with Verizon as they own all the poles. Once they finalize their work, she can finish what is remaining on the Special Permit on her end and interconnect per the Special Permit.

Mr. McKeon asked about the North side fence. He questioned the green plastic fence there. Alana stated the Special Permit specifies landscaping along Somers Road to offset the site line of the facility itself with the combination of the arborvitae. She worked with a local landscaping company and integrated some shrubs and flowers. She is exploring running a mesh around the western side so Somers Road and wrapping along the North side to where the berm used to be. She is considering that right now. Mr. McKeon stated the Planning Board has done everything that is expected of them. They allowed the landowner to do something with their land, and the petitioner to do something that is appropriate with the land; and the Board built in conditions to protect the rest of the neighborhood. It is those conditions he is referring to and their enforcement. Mr. McKeon stated those conditions start with the sloping and closing of the gravel pit. Until that is done and the Board is satisfied per the Bylaws, there is no Permit. The other issue is the mesh on the North side of the facility. Mr. McKeon stated the solar facility is not to be visible from the road subject to Planning Board approval. He stated mesh is not natural—it is visible. Mr. McKeon suggests the plantings that are along Somers Road be extended back to the ridge so it should have a wrap-around green growth. He also stated the plantings are suppose to be 8-10' tall and maintained to 12' tall. He stated they are only 4' tall and this does not meet the condition. Alana stated the arborvitae's that are planted are 5-6' in height and on a 2' berm. It was a collaborative decision between her company and engineers to put them on a berm to keep any water that would get out of the basins on site from leaving the site. They chose to go with 5-6' arborvitae. She knows mesh is not organic and not a plant. She has utilized it at other facilities. It does help mask the facility itself. Per Judge Howarth, the 6' trees are on a 2' berm, the height reaches 8' tall so that is compliant. Mr. Howarth states that our conditions do not state mesh cannot be used and is subject to Planning Board approval. Mr. Schneider made a motion to continue this to July 29 with Site Review. Alana cannot attend on July 29th, however, she will have Kirt Mayland attend in her absence.

Mr. & Mrs. Kibbe agreed that the gravel pit is no longer operational or in existence as they did not renew the Special Permit.

Alana addressed the memo concerning the water drainage. She stated this should be rectified before the July 29th meeting.

3) ANR, Lot 2 on Ames Road & Lot 3 on Beebe Road – Applicant: Gloria J. Skinner

Mr. Roger Woods of Roger Woods & Company presented plans dated June 3, 2015 to the Board an ANR for Lot 2 on Ames Road in Hampden and Lot 3 on Beebe Road in Wilbraham. The Town of Wilbraham Planning Board has signed for the portion of land located in Wilbraham, and the Hampden Planning Board is to sign for the portion of land in Hampden. The Board approved the ANR as presented (3-0).

Other Business

The election of Officers to the Planning Board will be tabled to the August 12 meeting.

Adjournment – Having no further business, the meeting was adjourned at 8:45 PM. The Planning Board's next scheduled meeting is Wednesday, July 29, 2015.

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

Submitted by: Joanne Fiore, Adm. Assistant