

## Town House

625 Main Street  
Hampden, MA 01036

Fax: (413) 566-3513  
E-mail: [planning@hampden.org](mailto:planning@hampden.org)

Joanne Fiore, Adm. Assistant

# TOWN OF HAMPDEN MASSACHUSETTS



## Planning Board

625 Main Street  
Hampden, MA 01036  
Tel: (413) 566-2151 Ext. 109

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, September 9, 2015 Regular Meeting

**Amended 12/09/15**  
**Approved 10/14/15**

**In Attendance:** John Matthews, Chair  
Judge Robert Howarth  
M. Paige Gore  
Phillip Schneider  
Edward Loiko  
**Staff:** Joanne Fiore, Adm. Assistant

#### **General:**

**Call to Order** – John Matthews called the meeting to order at 7:02 PM.

**Mail** –

**Bills** – Payroll signed.

**Approval of Minutes** – Phil Schneider made a motion to approve the August 12, 2015 Regular Meeting Minutes with the following amendment: On Page 1, Item #2, Add Phil Schneider to those noted that met with Alana Chain of Altus Power America. Paige Gore seconded the motion. All in favor so approved (4-0).

Ed Loiko made a motion to approve the August 19, 2015 Regular Meeting Minutes. Judge Howarth seconded the motion. All in favor so approved (4-0). Those in favor include John Matthews, Judge Howarth, M. Paige Gore, and Edward Loiko.

#### **1) 40 Meadow Brook Lane/David D'Agostino – Home Occupation Resubmittal Site Plan Review**

David D'Agostino addressed the Board to proceed with a home occupation of selling electronic cigarettes on-line. Mr. D'Agostino originally met with the Board on May 27, 2015. At that meeting, the Board indicated a public hearing may be required. However, Mr. D'Agostino was undecided as to whether he wanted to proceed. Mr. D'Agostino met with the Board again and decided to proceed with the home occupation, Create Vapes LLC. After reviewing his submittal again, the Board indicated since the home occupation is within the residential structure (in the basement of the residence) a special permit is not required. The applicant stated on-line local sales will be delivered to the door the same day. All other on-line sales will be delivered by UPS. There will be no walk-in customers strictly sold on-line. No signs will be displayed. There will be no employees. The Board granted the approval for the on-line sale of electronic cigarettes at 40 Meadow Brook Lane (5-0).

#### **2) 546 Main Street - Ed Kennedy – Discussion/Update**

Ed Kennedy met with the Board to provide an update on 546 Main Street property. He stated the septic system has been completed, and he plans to start marketing the two vacancies with like businesses--one being a pizza shop and the other a pub. John Matthews indicated that if the seating changes, he will need to let the Board know as this will affect the required parking spaces and if the use is different from what is there now, he will also need to let the Board know (i.e.: pizza shop more than take-out.). There was also discussion on the liquor license. Mr. Kennedy indicated he spoke with the ABCC, and the license is valid for up to (6) months and then it expires. Mr. Kennedy stated he will keep the Board up-to-date.

#### **3) 240 Somers Road – Mark Shumway/Discussion Home Occupation in Accessory Building**

Mark Shumway along with Fred Shea met with the Board to discuss Mr. Shumway's possible plans to purchase 240 Somers Road (owned by Mr. Shea). He explained this property has an accessory building down below the house he would like to use for his personal training studio. He explained he would like to move his current business, Total Transformation Fitness & Weight Management, located at 5 Allen Street, to this accessory building. Mr. Shumway stated hours would be 7 AM to 10:30 AM and 4 PM to 8 PM; there would be no loud music; sessions would be about 45 minutes to 1 hour either private/semi-private. John Matthews indicated the residence would be the prime reason to purchase the property, and the business would be secondary. The Board recommended Mr. Shumway seek legal counsel. If he decides to purchase the property and proceed with a home occupation in an accessory building, a Special Permit would be required.

#### **4) 498 Main Street – Site Plan Review/Used Car Dealer License, Country Auto/R. Fois**

Robert and RJ Fois addressed the Board to obtain a retail used car dealer license at 498 Main Street, Country Auto. Robert Fois indicated he would like to purchase cars on the internet and sell on his lot. He has four parking spaces allocated to display the cars. He plans to continue his repair work at the location. His hours of operation would be Monday through Friday, 8 AM to 5 PM; and on Saturday 8 AM to noon (possibly to 5 PM). If he plans to put up a sign, he will need to meet with the Building Inspector. Edward Loiko made a motion to approve this use of the site for the sale of used cars. Judge Howarth seconded the motion. All in favor so approved (5-0).

5) 229 Somers Road – Correspondence/Discussion

Alana Chain of Altus Power America sent an e-mail to the Board concerning approval of the Decommissioning Plan of the gravel pit and also review of the Master O&M Agreement . The Board approved the plan and will forward the O&M Agreement to town counsel for review. Once this has been completed, then all conditions of the Special Permit will have been substantially complied with.

6) Amend Solar Bylaw

The Board composed an amendment to the Solar Bylaw which adds verbiage that applicant may be required to post a bond. This will be sent to Town Counsel for his review.

**Adjournment** – Having no further business, the meeting was adjourned at 8:40 PM. The Planning Board's next scheduled meeting is Wednesday, October 14, 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