

Town House

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Joanne Fiore, Adm. Assistant

**TOWN OF HAMPDEN
MASSACHUSETTS**



Planning Board

625 Main Street
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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, November 18, 2015
Regular Meeting

Approved 12/9/2015

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

Staff: Joanne Fiore, Adm. Assistant

General:

Call to Order – John Matthews called the meeting to order at 7:04 PM.

Mail –

Bills – Payroll signed.

John Matthews announced that this meeting is being recorded by both the Planning Board and Mr. Paul Bechard of 125 Wilbraham Road, Hampden.

Approval of Minutes – Ed Loiko made a motion to approve the October 28, 2015 Regular Meeting Minutes. Judge Howarth seconded the motion. All in favor so approved (5-0).

1) Discussion – Proposed Bylaw Regarding Private Drainage into Catch Basins

A draft of the Amendment to the Subdivision Rules and Regulations was prepared and reviewed by the Board. It was recommended that the Highway Department be added for approval. The Amendment will be added as Item #15 to Section 5.5, Street Drainage, and will read as follows:

No Commercial or residential buildings shall be tied into the Town of Hampden water drainage systems without approval of the Planning Board and the Highway Department.

This Amendment will be sent to Town Counsel for his review.

Judge Howarth made a motion to approve the amendment as reflected above. Mr. Schneider seconded the motion. All in favor so approved (5-0).

2. Discussion – Regarding Communication Towers – Possible Change to Bylaw

The Board discussed the current Communication Towers Bylaw and reviewed comments provided by Jed Berliner of the Zoning Board of Appeals. A memo will be sent to Mr. Berliner to clarify his request.

3) 128 Wilbraham Road – Greathorse – Status Meeting (Phil Schneider recused from this Discussion)

Att. Frank Fitzgerald representing Greathorse addressed the Board pertaining to the issues raised. At the last meeting there was a valid issue raised by the neighbors relating to the fact that the trees were not planted behind several of the houses. Per Atty. Fitzgerald, this has been remedied since then except for one house that doesn't have trees which is unoccupied. Other than that, all the trees were planted where they should be in compliance with the Special Permit. There was a question in a note sent to the Planning Board concerning a variety of flowering trees. According to Atty. Fitzgerald, the Special Permit says "planted at the discretion of the Country Club". He spoke to the country club management, and nothing has been done in that regards yet as a landscape plan being put together for beautification of the club that will incorporate some flowering trees at different places throughout the country club. Another issue was the compost pile.

Atty. Fitzgerald stated they toured the country club again and there is a compost pile towards the left side of the 8th green. His understanding is that it was significantly larger before than now, and it has been there since it has been operating. A neighbor indicated it is unsightly and that there was construction vehicles left there. He stated it is a practical place for it to be. The compost pile has always been there. He stated the club will try to come up with some type of containers to put the pile in to help with the situation. He stated they feel the compost pile can rightly be there because it is an activity that is allowed. Another issue raised was concerning the moving of the cart path to 75 feet near the 8th fairway. Atty. Fitzgerald stated the cart path was removed, grass was planted, but it didn't take and it looks like the cart path is still there. He believes members of the Planning Board saw the path was removed. The grass will be replanted and there will be no cart path. The golfers are directed playing that hole to go out on the fairway not there. There will be traffic going in that area that is construction traffic to the compost pile. It is a little busier now in the fall than normally would be. He believes is an allowable use under this Special Permit. Atty. Fitzgerald stated Billy Downes is here to answer questions as well.

John Matthews asked concerning the cart path, the cart path has to be 75 feet from the residential property line; basically it has been removed per Atty. Fitzgerald. John asked when they propose to replant the grass, and Atty. Fitzgerald indicated as soon as possible once the winter breaks. John asked the Planning Board perform another site visit in June 2016. A letter will be sent to Greathorse concerning the site visit in June 2016.

John Matthews asked about the mulch piles. He asked that these piles should be much smaller during the spring and summer months. Per Atty. Fitzgerald, they are attacking the larger items. The smaller issues will be ironed out—it is evolving as things go along. They will keep the Planning Board informed.

John opened up the questioning to the audience. Atty. Miranda, Attorney for the abutters of the Raymond Drive, discussed the amount of traffic and the type of traffic going down the cart path. There are large vehicles and trucks over and above the normal maintenance of a golf course. That is a major concern of the abutters along Raymond Drive. Atty. Miranda stated there are areas where trees have not been planted (118 Raymond Drive). He stated the height of the trees is a concern as it will be a number of years until they mature to a height that will be an effective screen for the neighbors. He stated many of the neighbors are getting golf balls on their property. The height of the trees currently is not adequate to prevent golf balls going onto the neighbor's property. He stated this is an on-going concern. Mr. Fortier at 92 Raymond Drive reported people on his property. Atty. Miranda feels a deadline should be imposed in advance of June 2016 as to when the seeding and work will be done to see if there are effective results in June. He stated there is heavy equipment being stored behind McMahon's house, 166 Raymond Drive. Atty. Miranda feels that equipment needs to be stored at another location—not in someone's backyard. Atty. Fitzgerald stated that area may evolve into something else and vehicles may not be there—it may be a nursery for plants.

Stu Fuller of 103 Tall Pines Road stated the original plans had a double row of trees along there. He stated there is more than one house without trees which makes the compost pile more visible. Per Atty. Fitzgerald, there are fewer trees there because there is less of a safety issue.

Atty. Fitzgerald stated they will look into Mr. Fuller's concern. Concerning the golf balls, Atty. Fitzgerald agrees there is danger with respect to that and he wishes the trees could grow fast. He stated it is not a big likelihood there is any danger, and as time goes by the risk would be less and less. With respect to people in the residents' yards, he stated the members are told not to go into people's yards. He indicated each cart has a number on it. The residents should right down the cart number and send a note to the Pro, Billy Downes, and they can be alerted if someone that is not abiding by the laws.

The Judge asked the height of the trees now. Per Atty. Fitzgerald, the trees are 6-8 feet now and are in compliance with the permit. John Matthews also stated the golf carts are GPS controlled so they cannot go off the course. Billy Downes indicated he will send a note to his staff regarding this.

Mr. Leclerc of 166 Raymond Drive stated the signs are not effective. He asked shouldn't they be where the golfers can see them. He said the writing should be on both sides. John Matthews asked Atty. Fitzgerald to have his client take a look at the signs to make sure they are more visible to mitigate the issue. Atty. Fitzgerald stated they will revisit the sign to ensure it is more visible, and will communicate to the members that they should abide by the rules for private property.

Lynn Zanolli asked when they will stop using the area behind her house with the construction vehicles. Atty. Fitzgerald stated that once the construction is completed, and the use of that area for other maintenance traffic will be cut down; the

issue should be significantly less. Rick Green confirmed that once the grass to be planted again on the cart path will cut down on the dust issue Mrs. Zanolli is concerned about. Atty. Miranda asked the board look at Item #3 of the Special

Permit. Atty. Fitzgerald stated that the use of the golf cart paths for maintenance vehicles is normal and customary use, and an SUV cutting through is not normal use.

Mrs. Judith Ingerson at 106 Raymond Drive alerted the Board of two trees that were blown down by wind and they are going to die. Judge Howarth stated anything like that will be replaced, and she should contact the country club.

Stu Fuller asked about hard woods being planted. Mr. Matthews indicated that the arborvitaes, the spruce and the hemlocks are soft woods. No hard woods were ever to be planted. Mr. Green stated that when they went on the site visit, the country club pointed out the various species and heights of the trees. Mr. Fuller also expressed his concern on the 8th tee and the safety of it. Mr. Matthews asked Billy Downes and Atty. Fitzgerald to provide a letter from someone who is versed in "golf safety" to review the 8th Hole issue to mitigate Mr. Fuller's concern over the safety of the 8th hole. Billy Downes will get back to the Board as to when he can obtain this letter.

Richard Green summarized that all the issues were addressed at the site visit. He stated this is never over. If in the future any safety issue comes up, they must be addressed by the Planning Board and the Zoning Enforcement Officer.

Judge Howarth asked that by May 1, 2016 either sod or seed be down on the dirt cart path. John Matthews stated that by the June 16, 2016 site visit there will be a full crop of grass.

John Matthews stated that the country club owners could not attend this meeting as they had plans scheduled in advance and were not able to make this meeting. This is why their counsel and Billy Downes attended in their absence. Also, John Matthews stated that Phil Schneider recused himself for this portion of the meeting.

Atty. Fitzgerald stated that once the trees grow, the issue of golf balls in neighbor's yards will be eliminated.

4) Discussion – Amend Solar Bylaw and Table of Use

Phil Schneider discussed the proposed amendment to change the Zoning Bylaw. The amendment would read as follows:

The applicant may be required to post a bond with the Town Treasurer in
Which the amount determined by the Planning Board in which amount of the
Bond may be reviewed every three years.

Mr. Schneider feels the bylaw which was passed accomplishes the comments provided by Rosemary Crowley of Doherty, Wallace, Pillsbury and Murphy, P.C. He doesn't feel the Table of Use needs to be changed. The above paragraph will be submitted as a warrant article at town meeting. A public hearing will be scheduled for January 2016.

5) Discussion – 498 Main Street, Country Auto

John Matthews updated Richard Green and the Board Members on the 11/3/15 memo received from the Board of Selectmen concerning non-conformity, Section 4 of the Zoning Bylaws. It was brought up that used cars are being sold in the "Limited Industrial" area on Main Street. Mr. Matthews stated the Mr. Fois has cleaned up the lot and removed cars. Mr. Matthews asked if the zoning can be changed at town meeting. Richard Green stated that change can be made at town meeting. There was discussion regarding the Table of Use, Section 4.27 and 4.31. Is this classified as a "Sales Yard". The Planning Board will request the Board of Selectmen to attend the December 9 Planning Board Meeting to discuss this matter further.

Other Business Items

Solar Facility on Stony Hill Road – A letter will be sent to Steve Andwood requesting an updated plan for the solar facility reflecting what was approved and what changes were made from the original plan..

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Adjournment – Having no further business, the meeting adjourned at 9 PM. The Planning Board's next scheduled meeting is Wednesday, December 9, 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