

TOWN OF HAMPDEN
MASSACHUSETT

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

**HAMPDEN PLANNING BOARD
PUBLIC HEARING MINUTES – 240 Somers Road
Wednesday, January 13, 2016
Town House**

Approved 1/27/16

John Matthews, Chair, opened the Public Hearing at 7 PM.

The Public Hearing was scheduled on the application of Mark Shumway for a Special Permit under Section 7.122 to allow a home occupation (personal training) in an accessory structure at property located at 240 Somers Road, Hampden currently owned by Fredrick B. Shea and Susan M. Shea.

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

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: The Tax Collector reported that the account is current. Michael Gorski, Fire Chief, will need plans that show compliance with NFPA Life Safety Code and the maximum number of people utilizing the facility. Lorri McCool, Board of Health Agent, asked what kinds of restroom facilities are on-site and the septic may have to be increased. The Board of Health needs additional information. A business plan must be submitted.

Applicant's Presentation/Board Questions: Mark Shumway presented to the Board plans for personal training studio in the outbuilding at 240 Somers Road. He stated this is not a commercial gym open 24 hours. The personal training will be by appointment only either private (1-1) or semi-private (2-1), and there will not be more than three vehicles for the business. The vehicles will not be visible from the road. He currently has eight clients. Mr. Shumway stated the doors will be closed while the building is in use, so there will not be loud music. He will be on-site and supervising the studio when being utilized, otherwise, the doors will be secured. The hours of operation will be Monday through Friday, 6 AM to 12 noon and 4 PM to 9 PM; Saturday, 7 AM to 11 AM; and Sunday, the facility will be closed. Mr. Schneider asked if there are three parking spaces available. Mr. Shumway confirmed three spaces available. Mr. Schneider asked if he owns the property. Mr. Shumway stated the closing for the transfer of the property is scheduled for January 29, 2016.

Audience Questions/Comments: Janette Walker of 252 Somers Road asked what happens if the number of clients increases. Mr. Shumway stated he only has the hours specified to work with, and this is not his main source of income. Mrs. Walker asked about the sanitary facilities for the training facility. Mr. Shumway stated he has a portable bathroom within the building now, but plans to run water from the well to the facility for a bathroom. He is not sure at this time how this will be handled.

Mrs. Hayward of 246 Somers Road stated her concern if the number of clients increases, and also the building's visibility from her yard. Mr. Howarth asked what her concern is regarding the cars visible from her house. She stated there will be increased activity there. Mr. Howarth stated the building existed prior to their purchasing the house. Mr. Green asked if the number of clients he currently has fits within the timeframe allowed for the hours of operation. He asked if the number of clients increased, would the two windows of operation stay the same with one to three cars at any given time due to the client turnover. Mr. Shumway agreed with this statement.

Sue Shea of 240 Somers Road indicated there is a three-car garage at the top of the driveway and also a row of hemlocks to obscure the visibility of cars from Mrs. Hayward's house.

Jim Walker of 252 Somers Road asked who monitors the training studio for compliance. Mr. Green stated this is a Special Permit that can be revoked. If a complaint is received, it will be handled through the Enforcement Officer.

Dave Hayward asked if a sign will be displayed. Mr. Shumway stated he will put a small sign if allowed. That is handled through the Building Inspector. Mr. Green stated he believes the size allowed is 1 ft. X 1 ft.

M. Paige Gore stated potentially 50 hours/week available for clients.

Mr. Green cited the Zoning Bylaw for a home occupation.

Janette Walked of 252 Somers Road asked if all the training will be inside the building as the seasons change. Mr. Shumway stated all activity will be inside the building.

Decision: Mr. Green made a motion to approve the Special Permit to allow a home occupation of a personal trainer in an accessory building subject to the conditions stipulated and compliance with the recommendations and requirements of the Board of Health and the Fire Chief. Judge Howarth seconded the motion. All in favor, so approved (5-0).

Conditions for the Special Permit:

- 1) No outside activity and doors closed while building in use
- 2) Maximum of three (3) vehicles for the business
- 3) Hours of Operation: Monday through Friday, 6 AM to 12 Noon and 4 PM to 9 PM
Saturday, 7 AM to 11 AM
Sunday, No Business Hours
- 4) Contingent upon the Purchase and Sale Agreement to be executed.9+*
- 5) Contingent upon the sanitary conditions brought forward by the Board of Health Agent
- 6) Contingent upon the safety issues brought forward by the Fire Chief

Mr. Matthews declared the Public Hearing closed at 7:40 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