

Town House

625 Main Street
Hampden, MA 01036

Fax: (413) 566-3513
E-mail: 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
Edward Loiko
Associate Member: Richard R. Green

MINUTES OF THE HAMPDEN PLANNING BOARD Wednesday, October 12, 2016 Regular Meeting

Approved 12/14/16

In Attendance: John Matthews
Judge Robert Howarth
Phillip Schneider
Edward Loiko

Staff: Joanne Fiore, Adm. Assistant

General: Call to Order – John Matthews called the meeting to order at 7 PM.
Mail
Bills – Payroll signed.
Approval of Minutes

John Matthews alerted the audience this meeting is being recorded by the Planning Board. John Matthews disclosed the fact he previously met with Town Counsel and Atty. Fitzgerald, Counsel for Hampden Country Club, LLC, to discuss the Site Plans to be presented for Site Plan Review. Judge Howarth also disclosed he met with Atty. Fitzgerald on the same matter. Therefore, John Matthews asked Atty. Fitzgerald to present to the Board what was discussed at their previous meeting concerning their proposal prior in preparation for the Site Plan Review Hearing.

1) 128 Wilbraham Road – Greathorse – Discussion Regarding Amendment to Special Permit

John Matthews explained the purpose for Greathorse meeting with the Board was due to the Building Inspector receiving complaints regarding the curb cut on Wilbraham Road which was not reflected on the approved site plan. Therefore, the Building Inspector cited Greathorse on this issue, and Greathorse provided a revised site plan adding the curb cut. Any change in traffic plans must be reported to the Planning Board.

Atty. Frank Fitzgerald of Fitzgerald Attorneys at Law located 46 Center Square in East Longmeadow, MA, Counsel to Hampden Country Club, LLC and Greathorse addressed the Board regarding the revised site plans. Atty. Fitzgerald introduced Guy Antonacci, Frank Antonacci, Jr., Ray Campbell, Director of Standard Breeders of MA, along with John Drost from his office.

Frank Antonacci, Jr. provided the history of their business regarding the breeding, raising, racing and selling of horses in Connecticut for over 40 years. They sell and race horses all over the world. Frank stated this is a growing and viable business and are looking to move some of their mares to Massachusetts to be part of the program.

Ray (Chip) Campbell, Director of Standard Breeders of MA of Belchertown races Standardbred horses. He explained the only way to race in Massachusetts is if you breed to a stallion, the requirement is the mare reside in MA by December 1 of any particular year. You must register with both the state and to the Standard Breed Owners of MA. The mare has to stay there until she foals. State Inspectors will come out to make sure the mare is where she is supposed to be. Once the mare foals, you then can move the mare elsewhere. Then that foal is eligible to race in the races that are put on by the state breeding program. The main purpose of his organization is to promote Standardbred breeding farms. The main culture of the business. The rules were changed years ago, to 1) try to have more mares in Massachusetts and 2) to be able to increase the commercial liability of these particular off-spring. They would be worth more money if they were eligible to this program. The specific requirement is they must here by December 1. Judge Howarth asked when they will foal. Mr. Campbell stated depending on when they were bred, between March through May. Both the mare and the foal can be moved out and are eligible for the program. The Judge asked where they race in Massachusetts. Mr. Campbell stated at the Plainville Race Course funded through the gaming commission.

John Matthews asked if this was a business and not just raising and keeping of pets. Frank Antonacci stated every year you raise a crop that goes to sale or to race in the 2017 program. John confirmed the mare has to be in MA by December 1. Atty. Fitzgerald referenced the Residency Mare program. John asked how long the horses would be here. Frank Antonacci stated they will be putting their early foaling mares here. John asked what will happen to that area once the horses are gone. Guy stated the fence will remain. John stated the area is dedicated just for the horses and not as a maintenance building.

Rick Green asked how many mares will be there at any given time. Frank Antonacci, Jr. indicated about five or six. They will not be foaled there. They will be foaled in East Longmeadow. Frank stated they rent a farm in East Longmeadow off Route 83.

John Matthews referenced the Town of Hampden Bylaws. The raising and keeping of horses in the Golf Recreational District is not permitted within the Table of Uses, Use 3.20. Atty. Fitzgerald referenced Table 6.0, Use 3.16, Commercial Livestock, dairy, poultry

farm on parcels of land less than 5 acres within the Golf Recreational District is permitted in the Golf Recreational District is permitted and this is a commercial use.

Atty. Rebecca Thibault discussed the General Rules in which agricultural is allowed and the specific rules, this type of use is prohibited. In this case, the specific generally governs. In taking into account the other consideration reading the bylaws to minimize conflicts, she believes Atty. Fitzgerald's interpretation is reasonable. If you look at the fact that it references the note that horses as pets, that that specific prohibition of keeping and raising of horses, is about keeping them as pets and not commercial use.

Judge Howarth asked is this program a state statute. Atty. Fitzgerald stated yes—passed by the legislature. Atty. Thibault stated she would have review this, however, the General Bylaws reflect the right to farm community or includes the commercial use for agricultural.

Atty. Fitzgerald stated if you look at the bylaws, one provision states not allowed in the Golf Recreational District but references the fact its dealing with pets. All of the other provisions deal with agriculture being allowed as a commercial enterprise. In addition, you have the right to farm provisions of this bylaw which leads more credence to the fact we are encouraging commercial farming, commercial enterprises as well as the state laws, the state statutes. It seems it is a reasonable interpretation that this is allowed in this zone.

Phil Schneider, speaking as a resident of Raymond Drive, stated he believes a question may arise about the conditions of the special permit which created a 75-foot buffer which is supposed to be "natural". His question is where does that agreement allow a building and a fence. Guy stated the barn is outside the 75 feet. He believes it is 110 feet. Atty. Fitzgerald stated a fence is not a structure. Phil stated the residents may say a berm is not a structure also, but it was proven to be a structure. Atty. Fitzgerald would be interested in hearing from the neighbors their concerns. Phil stated it's only affecting three residents. The concerns are how this applies to the buffer zone agreed to in the special permit, and the location of the building, this point is mute with respect to the building. Per John Matthews, he spoke to Lance Trevallion, if a fence is under six feet, it is not considered a structure. There was also a concern that the residence side of the fence is wire, and the other area is split rail. Per Frank Antonacci, Jr., the wire fence is more safe and prevents others from getting onto the property. Frank Antonacci, Jr. stated they will look at the fence design if this becomes an issue.

Guy Antonacci asked if the structure is outside the 100-foot buffer, can the structure be used for storage for horse items. The Board would like it disclosed up front what the building will be used for on the off-season.

Rick Green asked the size of the building. Guy stated it is 12 X 40 feet with two sliding doors with opening on the southern side. The closed side of the run-in shed will be facing the neighbors.

The public hearing is scheduled for October 26, 2016.

2) Kibbe Lane (Scantic Meadows) – Discussion Regarding Subdivision of Phase II and Phase III

At the last meeting, Mr. Speight stated he will start paving the road "tomorrow". John Matthews indicated that Kibbe Lane will not end up getting paved this year, and he would like to include in the 11th Amendment to Development Agreement some protection for the town regarding the letter of credit. Town Counsel will work with Ed Speight's Attorney, Bob Fratar, to comprise the document. John Matthews will ask the attorneys to include an escalation factor.

Having no further business, the meeting adjourned at 8:15 PM. The Planning Board's next scheduled meeting is Wednesday, October 26, 2016.

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

Submitted by: Joanne Fiore, Adm. Assistant