

Town House

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TOWN OF HAMPDEN MASSACHUSETTS



Planning Board

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

HAMPDEN PLANNING BOARD PUBLIC HEARING MINUTES – 128 WILBRAHAM ROAD HAMPDEN COUNTRY CLUB, LLC – CASE 2016-L Wednesday, October 26, 2016

Approved 12/14/16

John Matthews opened the Public Hearing at 7:15 PM and announced the hearing will be recorded.

The Public Hearing was scheduled on the application of Hampden Country Club, LLC to amend the Special Permit with Site Plan Approval granted on November 25, 2014, as amended on May 27, 2015, by adding the following condition: "Hampden Country Club shall be able to construct a stable for the raising and keeping of horses on the premises as an agricultural commercial enterprise during the months of December through April each calendar year. This use is allowed as a right pursuant to Table 6.0." Information related to this application is on file in the Town Clerk's Office and is available for view by the public during normal business hours.

Members Present: John Matthews, Chair; Judge Robert Howarth, Edward Loiko and Richard Green, Associate Member. Phill Schneider recused himself from the hearing.

Introduction of Board Members: John Matthews introduced the Planning Board Members.

Statement of Authority: John Matthews read the Statement of Authority.

Legal Notice: The Legal Notice was read by John Matthews.

Reports from Other Agencies: The Tax Collector reported the account is current

Applicant's Presentation/Board Questions: John Drost and Jane Mantolesky both of Fitzgerald Attorneys at Law, P.C. of 46 Center Street, East Longmeadow, MA representing their clients, Frank, Guy and Chris Antonacci of Hampden Country Club, LLC, presented to the Board their client's request to amend the Special Permit to construct a stable for the raising and keeping of horses on the premises as an agricultural commercial enterprise during the months of December through April. Atty. Drost stated the Antonacci Family has been involved in the raising of horses for the purpose of harness racing. Atty. Drost explained the Gaming Act in Massachusetts and introduced Frank Antonacci, Jr., President of Lindy Farms of CT and of Greathorse breeding operations of MA to discuss this further. Frank discussed the Gaming Act and the MA Sire Stakes Program that was set up to preserve open spaces and increase agricultural use of the land in MA. They are looking at putting horses in MA to raise, sell and race in the MA Sire Stakes races. He explained this would be a commercial use and agricultural use of the land and will have horses from Dec. 1 to April 1. The horses will be bred in CT, move to MA and once they are close to foaling, they will be moved to a foaling barn in East Longmeadow. Once they are born, they will be raised in CT. The stable in Hampden will be used for brood mares. The horses must reside in the state of MA until date of foaling. Frank explained they know exactly when the horse will be born. It is a very scientific process and are on a Foal Alert System.

Guy Antonacci explained the stable. It will be a 12 ft. X 40 ft. running shed with a gravel pad. The opening will be on the south side. The building will be located 110 ft. from the property line. There will be two sliding doors and will hold 5-6 horses at the most.

John Matthews asked John Drost to explain how this fits into the Town's Zoning Bylaw. John Drost referenced Table 6 of the Bylaws. Within Section 3.20 - Raising/keeping of horses is not allowed in the Golf Recreational District. However, as a Commercial Agricultural Use, it is allowed in the Golf Recreational District. Atty. Drost believes the Raising and Keeping of Horses is intended for Residential Districts with respect to pets. Town Counsel asked if Hampden is a "Right to Farm" town. Atty. Drost explained within the Town General Ordinance, it has a provision where it encourages agriculture which falls under the "Right to Farm" as long as you are doing it for a commercial purpose. Town Counsel asked if the State is promoting this program. Frank Antonacci explained it is promoted by the Department of Agriculture.

Town Counsel, Atty. Callan, asked how many hours per day will the horses be outside in the corral? Frank Antonacci explained they are free range and the horses can go in and out day and night.

Atty. Callan asked what will be in the barn. Guy stated it will be only open space. John Matthews asked how many times a day will the horses be fed, and Frank Antonacci stated twice a day.

Atty. Callan also asked if they anticipate coming back to the Board in the future for a bigger operation. Frank Antonacci said this is the only plan they have and they wouldn't want more horses than that on the property. Atty. Callan asked why they chose this spot on the course. Guy Antonacci stated because it is flat and the most accessible from the road without being on the golf course. Richard Green asked how wide is the corral. Guy stated 160-170 feet in width.

Atty. Callan asked how the proposed structure will be integrated into the existing landscape and protects abutting properties. Atty. Callan was concerned specifically with the lighting. Guy stated there will be no lighting.

Audience Questions/Comments:

Dorothy Simonds of 148 Raymond Drive addressed her concern stating she feels this violates the agreement they signed two years ago, that allowed the 75 foot treed buffer strip. She is concerned with the fence for the corral in the 75-foot buffer strip. Dorothy also referred to Section 6.11 and 6.11.2 of the Bylaws dealing with pets. John Drost responded the original agreement is not being changed, and the 75-foot buffer strip is not being changed; the trees still remain for misdirected golf balls. There will be a fence in the buffer strip. He stated the bylaw states this is not a structure as the fence is under six feet and is allowed. He addressed the horses are not for pets but for commercial use which is allowed.

In reviewing this, Atty. Mike Callan feels under the Zoning Bylaw it is a close call but the more consistent reading of it is that this particular use would be allowed in this spot under the "Right to Farm" bylaw which was added at Town Meeting in April 200. This bylaw specifically defines farming as agricultural as raising of livestock including but not limited to horses, poultry, cattle and other animals. He feels under the Zoning Bylaw this would be a permitted use, and the "Right to Farm" in the General Bylaws added in April 2007 pushes it well over the line into a permitted use.

Phillip Schneider of 143 Raymond Drive (speaking as a Resident and not as a member of the Board) discussed the issue that the residents of Raymond Drive gave up 25 feet of the buffer strip, and referenced the conditions of the Special Permit. Phil asked why the Zoning Bylaws override the conditions of the Special Permit regarding the buffer strip. John Drost indicated there will not be traffic within the 75-foot buffer strip. The cart path is outside the buffer strip.

Atty. Callan reviewed the Special Permit Conditions (Case 2014-K). He asked Mr. Schneider if his concern is that no activity should occur within the 75-foot buffer strip. Condition #2 intent is to protect from misdirected golf balls from the neighbors. Atty. Callan asked if anyone has anything in the bylaws that the Country Club cannot do anything within 100 feet of the neighboring properties. He states the definition is exactly what the condition states. Many of the residents questioned the definition of a buffer strip and what is allowed within the buffer strip.

A resident asked why the fence cannot be moved out of the buffer strip. Frank Antonacci stated they want to take the best care of the horses and give them the most area. Guy Antonacci indicated they are roughly 25 feet off the property line. John Matthews asked if the fence could be pulled back a little. Frank Antonacci stated it cannot be pulled back.

There was discussion regarding various issues that will be considered as conditions to the Special Permit:

- 1) No more than (6) horses may be on the property at any given time.
- 2) No exterior lighting on the barn/shed or corral area.
- 3) Horses permitted on the property from December 1 to April 1 and at no other time.
- 4) The buffer strip between the adjacent landowners and Greathorse shall be routinely maintained.
- 5) No use of the shed/barn for any other purpose other than for the horses during the designed timeframe.
- 6) No offices, storage of golf course equipment or any vehicles at any time.
- 7) There shall be no expansion of the barn or corral.
- 8) Any further modifications desired by Greathorse to its site plan, Greathorse shall apply to the Hampden authorities before any work occurs for a review and request for modification.

A resident asked what happens if a horse gets loose. Guy Antonacci stated there will be a Farm Manager on site if a horse gets loose.

Arthur Booth of 149 Raymond Drive commented about what was to occur tonight at this hearing. He did not think the Board should be negotiating on a Decision. John Matthews stated the Board posted a meeting previously to discuss the matter and review the plans. Mr. Booth asked the Board to seriously consider the 75-foot buffer strip with no vehicular traffic, densely treed and no structures as per their Agreement.

Decision: Ed Loiko made a motion to approve the Amendment to the Site Plan with the conditions proposed. Richard Green seconded the motion. All in favor so approved (4-0). John Matthews declared the Public Hearing closed at 8:40 PM.