

## Town House

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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  
Richard R. Green

### MINUTES OF THE HAMPDEN PLANNING BOARD Regular Board Meeting Wednesday, June 28, 2017

#### Approved 07/26/17

**In Attendance:** John Matthews, Chair  
Robert Howarth  
Phillip Schneider  
Edward Loiko  
Richard Green

**Staff:** Joanne Fiore, Adm. Assistant

#### **General:**

Call to Order – John Matthews called the meeting to order at 7:10 PM.

Mail

Bills – Payroll signed

Approval of Minutes – Richard Green made a motion to approve the 06/07/17 Regular Board Meeting Minutes. Bob Howarth seconded the motion. All in favor so approved (5-0). Richard Green made a motion to approve the 06/07/17 Public Hearing Minutes (Case 2017-C – Solar Facility 227 Mill Road).

#### **Agenda Items:**

**1) 350 Allen Street – Site Plan Review – Home Occupation, 3C's Designs, LLC**  
Meeting will be rescheduled as applicant did not attend meeting.

**2) 16 Somers Road – Discussion with Penny Peck**  
Penny Peck cancelled meeting.

**3) Scantic Meadows – Discussion of Security to Complete Field Road and Pine Hill Road with Town Counsel (including consideration of Requests to Remove Certain Covenants**

Town Counsel, Mike Schneider, and Ann Marie Alexander, Counsel for Custom Homes, attended the meeting. First item of discussion was the Letter of Credit in the amount of \$100,000. As the 11<sup>th</sup> Amendment to Development Agreement states, the Letter of Credit will be reduced by \$41,000 once Kibbe Lane has been completed. Kibbe Road is currently scheduled to be completed by July 17<sup>th</sup> and according to the 11<sup>th</sup> Amendment to Development Agreement must be completely installed by July 31, 2017. The Board along with Town Counsel stated the letter of credit for \$100,000 was for the completion of Kibbe Lane only. The Board indicated the balance of the LOC (\$59,000) is not enough security to complete both Field Road and Pine Hill Road. John Matthews feels a deadline should be set for the completion of both Field Road and Pine Hill Road as this has gone on long enough. Also, there is concern of the gas line running through the subdivision. John Matthews stated Field Road and Pine Hill Road must be in by the fall of 2018 to get the asphalt down and completed by January 24, 2017 as indicated in the 11<sup>th</sup> Amendment. Mark Langone, Highway Supervisor, provided an estimate for the completion of both roads. This is a rough order of magnitude and the cost of materials could increase by the time they start the road. Mike Schneider stated we need the estimate to be reviewed by the town engineer plus 25% for the security. Therefore, a 12<sup>th</sup> Amendment to Development Agreement along and a Letter of Credit sufficient to complete both roads would have to be executed. Mike Schneider will work on these two issues. The Board's obligation is to get the road completed and they have all agreed this project has been going on too long.

Ann Marie Alexander, representing Custom Homes, stated she has a problem with the closing for Lot #4 and is asking for a Release of the Covenants. She and her title company looked at the Letter of Credit and thought this covered all the roads and there was no issue and they were good. Atty. Lawrence Levine, who represents the buyers of Lot #4, his title company is saying he needs a release of the covenants. She stated there are people living in the house on Lot #4, and it is going to get costly for her client for carrying costs if the town doesn't release this lot. They were under the impression that the Letter of Credit in the amount of \$100,000 covered the completion of the roads. Atty. Levine wants a Release of the Covenants for Lot #4. Mike Schneider stated that Lot #4 is part of the collateral to complete the roads and the covenants are the other part of it. Richard Green stated he feels we are penalizing the new residents as they were issued a

building permit. Mike Schneider asked if Atty, Levine is willing to look at other title companies? Ann Marie stated she wouldn't be here tonight if that was the case. Bob Howarth asked if the quickest way to clear this up is to increase the Letter of Credit. Mike Schneider stated this would be the way to clear this up. Ann Marie Alexander stated her issue is only with Lot #4. There was discussion to have a Special Planning Board meeting on July 12<sup>th</sup> to resolve the 12<sup>th</sup> Amendment and the Letter of Credit if these issues can be resolve by July 10<sup>th</sup> when Notice is to be posted.

Mike Schneider will speak to Atty. Fratar regarding obtaining from Mr. Edward Speight a letter of Credit in the amount of \$200,000 which will be reduced by \$41,000 once Kibbe Lane is completed. This will leave \$159,000 security for the completion of both Pine Hill and Field Hill Road. A Letter of Credit must be in place adequate for the construction of both roads before the town will release any further lots.

Having no further business, the meeting adjourned at 8:44 PM. The Planning Board's next scheduled meeting is Wednesday, July 26, 2017.

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

Submitted by: Joanne Fiore, Adm. Assistant