

## 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, July 26, 2017

#### Approved 08/23/17

**In Attendance:** John Matthews, Chair  
Robert Howarth  
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 06/14/17 Regular Board Meeting Minutes. Bob Howarth seconded the motion. All in favor so approved (4-0). Richard Green made a motion to approve the 06/28/17 Regular Board Meeting Minutes. Bob Howarth seconded the motion. All in favor so approved (4-0).

#### **Agenda Items:**

##### 1) 350 Allen Street – Site Plan Review – Home Occupation, 3C's Designs, LLC

Christopher J. Chapdelaine and sister, Michelle Chapdelaine, met with the Board to discuss a full-service remodeling company. They formed the business in June 2017 with Christopher Chapdelaine named Principal and President. He explained an existing room shall be used as the company office for paperwork/financials/payroll/planning and meetings, etc. He explained all construction and remodeling services will be performed at potential homeowner's locations. Mr. Chapdelaine stated he will have one employee. The hours of operation are 7 AM to 3 PM. There will be no deliveries or materials stored on the premises. He also stated there will be no sign posted. Judge Howarth made a motion to approve the Home Occupation under Section 7.12 of the Hampden Zoning Bylaws. Ed Loiko seconded the motion. All in favor so approved (4-0).

##### 2) 478 Main Street – Change of Use – Scantic River Child Care Inc.

Sarah Blain, Owner/Director of Scantic River Child Care, Inc., presented to the board her plans to move her child care business from 590 Main Street to 478 Main Street (Change of Use). Ms. Blain explained the new space (3,205 sq. ft.) will include three classrooms, one office, small teacher lounge/storage space, three child size toilets and one adult bathroom. A covered porch attached directly to the building will be used as a playground for the children.

The Center will accommodate children from 12 months old to 5 years of age, accommodating a total of 31 children. The three classrooms will be broken down as follows:

- 1) 12 Preschool/Pre-K children to 1 lead teacher and 1 assistant teacher
- 2) 10 Preschool children to 1 lead teacher
- 3) 9 Toddler children to 1 lead teacher and 1 assistant teacher.

Ms. Blain indicated she has five families on a waiting list for 2018. They have outgrown their current space and this new location will allow growth and maintain a full enrollment while fostering a safe, secure and fun learning environment. The hours of operation at Monday through Friday, 7 AM to 5:30 PM. They will operate 51 weeks a year, including a summer fun program. Ms. Blain indicated Scantic River Child Care, Inc. is licensed by the State Department of Early Education and Care. Ms. Blain is hoping to be in the new location by September 18<sup>th</sup>.

3) Scantic Meadows – 12<sup>th</sup> Amendment to Development Agreement – Scantic Meadows Discussion of Possible Release of Certain Covenants - Ann Marie Alexander, Counsel for Custom Homes Development; Atty. Larry Levine, Counsel for Mr. Celetti, buyer of house located on Lot #4 on Kibbe Lane; and Atty. Mike Schneider, Town Counsel all attended the Board Meeting to discuss the 12<sup>th</sup> Amendment to Development Agreement between Ed Speight & Co., Inc. and the Town of Hampden. Mike Schneider started the discussion regarding adequate security to complete Field Road and Pine Hill Road. It was decided there is not adequate security. At the

same time, Atty. Fratar and Ms. Alexander are requesting the release of certain covenants specifically for Lot #4. At the Board's previous meeting, the members decided to request a letter of credit in the amount of \$309,000 to cover the completion of Kibbe Lane and both Pine Hill and Field Roads. Mike Schneider alerted the Board that to date we do not have the revised letter of credit, and the town is in the same position as it was a month ago. Mike said the pieces are in place except the most crucial—the Letter of Credit. Mike Schneider drafted a release for when the LOC is in place and stated the Board can sign the 12<sup>th</sup> Amendment to Development Agreement and hold it in escrow and retain until the LOC is in place.

Ms. Alexander stated her concern with the Board allowing her client to sell the lot, issue a building permit and a certificate of occupancy but her client, Custom Homes, cannot close on the property. She stated she has one lot (#4) that needs to be released, and there is a gentleman living in the house under a use of occupancy. He is leaving for the reserves, and his rate lock is expiring. She stated Mr. Speight has agreed to substitute another lot as collateral for #4.

Atty. Larry Levine, representing the buyer, indicated Mr. Celetti, is leaving for thirty days to Fort Knox and his closing is scheduled for tomorrow, July 27, 2017. He stated they could extend the closing a few days, but his papers expire. Atty. Levine has been in touch with Atty. Frater's paralegal. She has been in contact with Berkshire Bank regarding the LOC and stated it could be up to 30 days before the LOC arrives.

Bob Howarth asked is there any way we could release Lot #4 tonight. Mike Schneider stated you could but you would be releasing collateral, and he wouldn't recommend that; however, it is up to the Board. Ed Loiko asked if we release this lot tonight, what collateral does the Board have. Mike Schneider answered the town has the \$49,000 from the existing letter of credit, now the completion of Kibbe Lane, and also Lots #7, #12, #22. The town also has Lots #11, #8, #3, #2, #1, and #23 which are Pine Hill Road and Field Road which have not been developed yet. John Matthews stated this is a gamble if we went this route. If these two roads never get developed, that collateral is not worth anything. Mike stated you won't have the money to complete the development and we don't have the liquid to go to the bank to get full recovery to complete those two roads. Mike advises not to give up collateral until all the pieces are in place. Rick Green stated we won't give up #7, #12, and #22. Atty Levine stated his client is going to Fort Knox on July 27, 2017 for four weeks. Mr. Celetti's rate lock expires in a few days and would have to go through the whole application process—however, his is a jumbo loan and doesn't go by a normal mortgage rates. Ms. Alexander stated there is a house on Lot #12 being taxed. Rick Green stated the dominos will start if we don't get the Letter of Credit. Mike Schneider stated he should have had the LOC today, and now it is stated it could be up to 30 days.

The following motions were made:

Judge Howarth made a motion to release Lot #4. Richard Green seconded the motion. All in favor so approved. (4-0).

Judge Howarth made a motion to enter into the 12<sup>th</sup> Amendment to Development Agreement to be held in escrow by Doherty, Wallace, Pillsbury and Murphy pending receipt of the Letter of Credit. Motion seconded by Edward Loiko. All in favor so approved (4-0). The Board signed the 12<sup>th</sup> Amendment removing Lot #4. This will remain in escrow upon receipt of the Letter of Credit.

Judge Howarth made a motion to release Lots #7, #12, and #22 provided the Letter of Credit is received. Edward Loiko seconded the motion. All in favor so approved (4-0).

#### Other Business

John Matthews indicated that the Board must reflect the change in the berm on the Definitive Plans for the Scantic Meadows Subdivision.

Having no further business, the meeting adjourned at 8:38 PM. The Planning Board's next scheduled meeting is Wednesday, August 23, 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