

Town House

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TOWN OF HAMPDEN MASSACHUSETTS



Planning Board

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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, September 13, 2017

Approved 09/27/17

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

Staff: Joanne Fiore, Adm. Assistant

General:

Call to Order – John Matthews called the meeting to order at 7:03 PM.

Mail

Bills – Payroll signed

Approval of Minutes – Phillip Schneider made a motion to approve the 8/23/17 Regular Board Meeting Minutes. Robert Howarth seconded the motion. All in favor so approved (4-0).

John Matthews announced the meeting is being recorded.

Agenda Items:

1) 20 East Longmeadow Road – Reid's Corner, Discussion Re: Additional Seating

Mr. Bernard Reid met with the Board regarding the addition of seats to his business, Reid's Corner, located at 20 East Longmeadow Road. He would like to add 14 additional seats to his restaurant for a total of 57 seats. Mr. Reid indicated on the south side of the building there are 10 parking spaces directly in front of the restaurant and an additional 19 parking spaces located in the closest parking group located between the dry cleaners and La Cucina for a total of 29 spaces. He stated they will be investing between \$75,000 to \$100,000 into the business to remodel the restaurant. They are moving the kitchen to the storage area in the back allowing the space for the additional seating. They will be making the restaurant ADA complaint with two handicap bathrooms. They will be putting in a new grease trap which will ease the burden on the septic system and a new state-of-the-art kitchen. Mr. Reid provided a site plan of the existing restaurant and the proposed addition to the restaurant reflecting the additional seating. Judge Howarth made a motion to approve. Ed Loiko seconded the motion. All in favor so approved (4-0).

2) Discussion with Jack Arute of 91 Oak Knoll Drive Re: Great Horse Farms

Mr. Arute met with the Board to discuss the cutting at the Keddy property owned by Great Horse Farms. He provided a document covering his concerns (Attachment A). He mentioned the issues of the sounds of the equipment, vibrations, and dust created by the clearing. Mr. Arute mentioned he spoke with the various town departments but did not receive a response. Mr. Arute also discussed his concern regarding soil erosion. Mr. Arute contacted the DEP and was told to speak to the Board of Health regarding the dust and pollutants. He also mentioned transient workers living in homes on Raymond Drive. In the document provided, it includes their demands of the town and Great Horse Farm. The Board took this information under advisement and indicated that these matters do not pertain to the Planning Department. Judge Howarth addressed Mr. Arute's concern regarding the clear-cutting on the property. He noted there is an Affidavit of Continued Use filed by The Farm at GreatHorse, LLC in which a portion of the property in tax lien for Agricultural and Horticultural use. The plan is approved by the State Forester, Doug Hutcheson. The Board has no control over the cutting plan. John Matthews explained the Planning Board does not enforce the laws. The Board writes the bylaws. Mr. Matthews stated the Zoning Enforcement Officer/Building Inspector handles these matters and reports to the Board of Selectmen. Ted Zebert of the Conservation Commission explained to Mr. Arute that because they are a farm, a plan does not have to be submitted. Mr. Zebert explained that you cannot just go on their property unless something brings it to the forefront. Mr. Zebert said the same thing is true with the DEP--that you cannot enter the property unless there is something that brings it to the forefront. Since you cannot see it from a public area, you cannot do anything about it. The discussion ended by providing Mr. Arute with the appropriate departments/government agencies to address his concerns to.

3) 122 East Longmeadow Road, Hampden Power Equipment – Specialty Car Repair Discussion

Applicant cancelled meeting.

4) 391 South Road, Katherine Goodrow – Question Regarding Right-of-Way

Katherine Goodrow, potential buyer of 391 South Road, met with the board to ensure she has covered all the basis regarding the right-of-way at 391 South Road. She explained her attorney has confirmed there is a right-of-way, however, the seller is disputing this. The Board has indicated this matter should be handled by the attorneys. If her lawyer states there is a right-of-way filed with the Registry of Deeds, then that is the case. She should take the advice of her attorney in proceeding with this matter. Mrs. Goodrow also questioned the difference of a Common Driveway and the Maintenance Agreement for the Common Driveway. The Board stated the Maintenance Agreement should also be filed at the Registry of Deeds reflecting what was agreed between those parties utilizing the common driveway.

Mr. Kosokowski, representing his daughter Cheryl Kosokowski and Edward Moska owners of 391 South Road, stated they feel there is no right-of-way held by Mr. Morton. The Board stated this would be decided by the lawyers and there is no decision to make in this matter by the Planning Board.

5) 16 Somers Road – Discussion Regarding Zoning District of Property

The Board discussed the information provided from the Town Clerk regarding Article 14 submitted at the Annual Town Meeting of April 27, 2009. This article amends the Hampden Zoning By-law and accompanying Zoning Map by rezoning this property which is divided between the Business District and the R-4 Residential District, to entirely Business District. This information will be provided to Penny Peck in order for her attorney to research. She will have to have her surveyor lay this out on a plan to present to the Board.

6) Discussion Regarding Recreational Development Overlay District (Guy Antonacci and Atty. John Drost)

Each member of the Board was provided a copy of the proposed Recreational Development Overlay District for review. John Matthews explained this bylaw sets the parameters for a Recreational Development Overlay District. At Town Meeting, the Town agrees or disagrees to change a proposed parcel to a Recreational Development District. Then, the plan goes to the Planning Board proposing what they want to do on that piece of property. This would have to go to Public Hearing which gives the various town departments and the townspeople the opportunity to present their concerns. Mr. Arute asked for a copy of the proposed verbiage for this bylaw. A copy was provided to him.

Atty. John Drost and Guy Antonacci joined the meeting. John Drost stated the plan would be to have the Overlay District language approved at town meeting, and if the Overlay District is approved, the Keddy property be designated that night as an overlay district. A timeline was prepared working back from the date of the Fall Town Meeting, to see if the Overlay District language will be finalized and ready to present at Town Meeting. John Matthews indicated that Town Counsel's legal expenses would have to be covered by the applicant and in this instance, Greathorse. Both Guy and John Drost indicated they will cover these charges.

The Board reviewed the draft proposal and asked brought up various issues, i.e. Lot size of 20 acres, frontage, setbacks, building coverage, etc. John Matthews stated this proposal is not Greathorse exclusive. John Drost stated these dimensions relate to a lot within a development. John Matthews has indicated his concerns/issues with the proposal and will forward to Town Counsel for review.

Other Business

Bob Howarth alerted the Board he will be mailing back to Doherty, Wallace, Pillsbury and Murphy, P.C. documents that required his signature regarding the Bechard Case.

Phil Schneider brought up the issue regarding the July 14th Memo from the Planning Board to Town Counsel regarding the homes on Raymond Drive. Atty. Fitzgerald responded on behalf of Greathorse, and we are awaiting Town Counsel's response to this correspondence.

Having no further business, the meeting adjourned at 8:54 PM. The Planning Board's next scheduled meeting is Wednesday, September 27, 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