

## 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, October 11, 2017

#### Approved 11/08/17

**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 7:08 PM and announced this meeting is being recorded by the Board.

Mail

Bills – Payroll signed

Approval of Minutes – Robert Howarth made a motion to approve the 09/27/17 Regular Board Meeting Minutes. Ed Loiko seconded the motion. Roll call on Approval of Minutes: Robert Howarth, approved; John Matthews, approved; Phillip Schneider, approved; Edward Loiko; and Richard Green, approved. All in favor so approved (5-0).

1) Correspondence from PVPC Re: Recommended Model Retail Marijuana Moratorium  
Tabled for future meeting.

2) Discussion Re: Solar Energy Systems/Process to Review and Adjust Surety

John Matthews recommend a letter be sent to the Town Engineer, Tighe & Bond, for guidelines on the cost per square foot to decommission and disposal of solar array equipment.

3) Discussion Regarding Recreational Development Overlay District with Board of Assessors

John Matthews stated the Board of Assessors could not attend the meeting tonight so this item will not be addressed. Judge Robert Howarth announced his apology for his foal language as he was rudely interrupted, and it upset him very much. Mr. Jack Arute said he begs to differ with him as he stated he did not rudely interrupt him and stated the Judge gave inaccurate information. The Judge stated again he was rudely interrupted. Mr. Arute stated he accepted his apology. John Matthews asked why the antagonistic atmosphere. John stated the Board is done with this until a plan is presented to us. John allowed Mr. Arute five minutes to speak as he is not on the agenda. Mr. Arute stated he spoke with the State Attorney General regarding what can be put on the agenda. Mr. Arute passed out copies of the letter sent from the Planning Board to Mr. Arute dated September 28, 2017 (Mr. Arute read the letter into record). Mr. Arute quested the letter with regards to the Board's speaking to the Building Inspector and the Conservation Commission. The meeting in which this was discussed was the September 27<sup>th</sup> meeting in which a letter will be sent to Mr. Arute indicating the Planning Board spoke with both the Building Inspector and the Conservation Commission regarding The Farm at Greathorse, LLC. Mr. Arute also discussed the Zoning Enforcement Officer's e-mail requesting Mr. Arute to put his request for information in writing. Richard Green stated the Building Inspector reports to the Board of Selectmen and is not obliged to report back to the Planning Board. Mr. Arute stated the Attorney General stated the letter dated September 28, 2017 from the Planning Board is not worth the paper it is written on. Mr. Arute discussed the Open Meeting Law and the Board being in violation. He indicated the notices should reflect the time the notice is posted on the town bulletin board. Mr. Richard Green stated again this conversation is off track on the issue he wants to discuss. If he has issues regarding procedures, there are venues to address procedures.

John asked Mr. Arute asked if he would like to discuss the Recreational Overlay District that we are not going to have. Richard Green explained the Board has 3-4 months of work to do on this bylaw. We asked the Assessor's to attend to discuss the taxing of property if this district was ever approved. This is only one component. There is skepticism on the board and asked the Assessor's to attend. So, theoretically, this falls off the agenda as the Assessors could not attend.

A concerned resident asked the Board to explain how an Overly District would apply. Mr. Schneider and Mr. Green explained the process in which the overlay district is applied which ultimately expands the uses on the property. This allows more flexibility of the land. The Board explained they did not have enough time to even get this in for the Fall Town Meeting and were not comfortable at this time to proceed. This is why they have to do their due diligence and a great deal of work to proceed with this bylaw. This bylaw is not just focused for Greathorse. John Mathews explained there are large tracks of land that will allow residents to do more with their property; however, we are not sure at this time as we are still in the review process.

Mr. Arute asked if we fast forward and the Recreational Overlay District is approved at a Town Meeting and Greathorse who initialed the request, can they apply for the Overlay to be applied to the Keddy property? Richard Green stated the first this to happen is we have to support whether we want to proceed with this bylaw. If the Board recommends the Overlay Bylaws and it lands on the books, it needs to go to Town Meeting. Then Greathorse could petition the town to apply the Overlay District to the Keddy property, but that has to go to Town Meeting and they need to plead their case. If it was voted down at Town Meeting, that's the end of it. Every time an applicant wants to apply an overlay district to a parcel of land, they have to go to Town Meeting for approval. Mr. Arute asked why do we need this Overlay District. Richard Green answered by indicating that is exactly why the Planning Board wants to du their due diligence to find whether we need it or not. Mr. Arute asked how does a resident track this overlay district process. John Matthews stated if the Board proceeds and drafts an Recreational Overlay District bylaw, a public hearing will be which a Legal Notice will be published in the Hampden/Wilbraham Times. At the public hearing, there is open discussion in which the Board takes residents comments under consideration, and they may make changes to the Bylaw. If this is the case, the Board would hold another Public Hearing until the final version is completed. Once t5his process is completed and the final

verbiage is complete, the Board would proceed and recommend this at Town Meeting. If voted favorably at Town Meeting, it goes to the Attorney General for approval and another appeal period before it gets on the books. It was stated that this does not rezone the property, and the applicant does not have to reveal their use of the land. At Town Meeting the land is approved as an overlay district. Then, the Planning Board holds a public hearing in which the applicant will present the use on the overlay property.

Mr. Arute asked If the Planning Board does not endorse this bylaw, what is the process. Mr. Green stated it can still be advanced depending on Annual or Special Town Meeting. He stated once the warrant is open, the Board of Selectmen can let any question of their own choosing with the required signatures. Richard Green explained the process at Town Meeting on how warrant articles get approve for both Special Town Meetings and Annual Town Meetings. Mr. Green stated we are not fast-tracking this that is why we did not proceed with its inclusion in Fall Town Meeting. This could still make it to Special Town meeting but those presenting would be on their own.

Mr. Green addressed Mr. Arute's concern regarding why the Planning Board did not request a Site Plan or Environmental Impact Study. Mr. Green explained if there is a Change of Use, a site plan can be requested. As far as an Environmental Impact Study, if the board has reason to suspect downstream impact on the neighbors, it can be considered if it will cause a significant issue. The Board has to be careful to be consistent in requesting this study and careful of selective enforcement.

John Matthews has ended the discussion regarding this matter. He stated all public hearing will be published in the Hampden/Wilbraham Times. The Planning Board is not in any hurry to push the Overlay District along. The Planning Board Agenda posting also reflects future discussions regarding this matter.

#### Other Business

227 Mill Road - Mark Kasinskas of Burns & MacDonnell summarized the letters provided to the Board (dated 10/5/17 and 10/11/17). The latest letter indicates they have recently learned that due to Kinder-Morgan (the company who owns the pipeline) requirements, two utility poles (each approximately 30-35 feet tall) will be needed for solar array wiring to cross the high pressure natural gas pipelines which bisect the solar array site. He also discussed the two utility poles, which would be located at least 650 feet from Hill Road, were not anticipated at the time of the Special Permit hearing; and, therefore, were not depicted on the approved plans by the Planning Board. John Matthews stated that they consider the comments from the residents and move those poles to the western part of that site since the interconnection site will be near the East Longmeadow line. Mr. Green stated he knows that Kinder-Morgan will come back with their plan, but providing the Board's concerns along with the neighbors in advance may present future issues. Mr. Kasinskas will take the Board's input back for consideration. John Matthews stated Eversource should be the one coming back to present the changes or site plan changes to the Planning Board as this is their project.

John Matthews stated a revised plan would have to be presented to the Board from Eversource. Whatever revision control that is used by Eversource would have to be presented to the Planning Board. We would then schedule a Public Hearing in order for the neighbors to be notified. John stated they should get this finalized between National Grid and Eversource.

Susan Alston brought up the underground option. John Matthews stated whatever they can do to make it aesthetically pleasing.

One resident asked how Hampden benefits from all the solar in Hampden. John Matthews stated that is negotiated through other boards and the Board of Selectmen.

#### Other Business

Planning Board Assistant will send to Town Counsel correspondence regarding homes on Raymond Drive. This includes original letter to Atty. Frank Fitzgerald, Counsel for Greathorse, his response to the Board's letter, and also Phil Schneider's comments will all be forwarded to Town Counsel on October 12.

A copy of the Open Meeting Law Guide was provided to the Board Members for their review and signoff of the Certificate of Receipt of Open Meeting Law Materials. All Board Members provided signed Certificates which will be forwarded to the Board of Selectmen.

The Board discussed the District Improvement Financing Article #7. The Board indicated they had not been involved in meetings or discussions pertaining to this matter. Richard Green stated this is like "patchwork zoning". Judge Howarth stated he would like to receive a letter from Town Counsel regarding this matter. Judge Howarth will check with the Advisory Committee on this matter. Judge Howarth will clear this up before Town Meeting.

Having no further business, Judge Howarth made a motion to adjourn the meeting at 9:10 PM. Edward Loiko seconded the motion. Roll call to adjourn: John Matthews, agree; Judge Howarth, agree; Phillip Schneider, agree; Edward Loiko, agree; and Richard Green, agree.

The Planning Board's next scheduled meeting is Wednesday, October 25, 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