

Town House

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Joanne Fiore, Adm. Assistant

TOWN OF HAMPDEN MASSACHUSETTS



Planning Board

625 Main Street
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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, October 25, 2017

Approved 12/13/17

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

1) 51 Oak Knoll Drive, Site Plan Review for Home Occupation

Applicant cancelled.

2) Discussion Re: Used Car Licenses

John Mathews alerted the Board that the Selectmen would like a formal response regarding parking spaces. The Board referenced Section 7.5411 – Minimum Parking Space Requirements of the Zoning Bylaws. The Board will prepare a response to the Select Board.

3) Discussion Re: Read into Meeting Correspondence Ted Zebert/Rick Green

The Board decided to include in the minutes two e-mails regarding the Keddy Property land clearing: The first, an e-mail dated October 12, 2017 from Ted Zebert of the Conservation Commission; and the second, an e-mail from Richard Green of the Planning. Rick Green believes the Board has done their due diligence in this matter as the State Forester indicated to him he has spoken with four town employees regarding the clearing of the property. Judge Howard made a motion to include this correspondence into the record. Phillip Schneider seconded the motion. All in favor, so approved (5-0).

E-Mail from Ted Zebert of the Conservation Commission

On Oct 12, 2017, at 6:44 PM, Theodore Zebert <thezeberts@gmail.com> wrote:

Hi all. Ted Zebert, Hampden ConComm.

A little history.:

Yes, I talked to Mr Hutcheson a couple times over the last two months, starting when I first heard of the cutting, and his response to me was more or less what it was to Mr Greene and I had relayed this information to multiple Town officials at that time.

I have gone to the Oak Knoll cul-de-sac multiple times, talked to Mr Arute and Mr Bombard and a few others who live on that street, who I didn't know, about this situation. To my knowledge, I was the first Town official to respond to this situation, being asked to by Selectmen John Flynn on August ninth, after he had received a phone call about it.

I had reported details of this situation, not only in ConComm meetings, but also to a previous Planning Board meeting and to a selectmen's meeting AND to Mr Arute. I have notes and emails going as far back as August ninth and tenth, were I have made contact not only with fellow ConComm members, but with the two above residents and Selectmen John Flynn, DEP staff, Mr Stinson, Mr McKenna, and Mass Forestry, Mr Hutcheson. So many concerned individuals and Town boards knew of this situation and knew of it early.

Originally, I had contacted Mr Mark Stinson of Mass DEP who is our local ComComm DEP circuit rider and got his input as he is who we go to for any needed guidance and authority. When this situation seemed out of control, I contacted Mass DEP again and at the time, a Tim McKenna, Mass DEP, was dispatched to come out and review the situation. We had a Oak Knoll Roadside meeting and then he went along to see what he could find out. During all this time, I had multiple emails with Mr. Hutcheson and all information I have relayed to the ConComm and various Town boards as requested.

An additional note, both Mass Forestry and Mass DEP have had discussions with Rocky Mountain, the contractor for this land clearing, to review the situation and to be sure Rocky Mountain was observant of the regulations.

As I personally had not heard directly the outcome of Mr McKenna's review, I recontacted Mark via email the other day when I knew that there was to be another meeting on this matter. Below is his response, which is exactly what he had stated when this issue first came to light. You will see it echoes what Mr Hutcheson has stated.

As an aside, I had this note from Mr Stinson with me last night, as well as other notes, for the Planning Board meeting, in case one of us from the ConComm was called upon, as Bonnie Geromini, ConComm chairmen, was also there, but when we were told this issue was not going to be addressed, AND we were told to get out, so I went to the Water Sewer meeting instead, not knowing that the the issue was later addressed. Otherwise I would have been there.

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[Mr Stinson email remarks]

Under Chapter 132, a conversion from forest to pasture cannot get a Forest Cutting Permit as the intent is not forestry management. It is not really exempt, it just does not apply. Chapter 132 only applies to land in forest use, forestry management.

If all the work is outside of wetlands jurisdiction, then they can go ahead and cut. As I recall, Tim did not remember seeing any wetlands jurisdiction where the work was taking place

Mark [Stinson]

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10/12/17
Theodore Zebert
Hampden Conservation Commission

By the way, in case you have not checked or remembered, we are a Right-to-Farm Town per our General Bylaws, Chapter XV Right-To-Farm, as of 4/30/07.

Theodore Zebert
ConComm

E-Mail from Richard Green, Planning Board

Good afternoon,

Spoke with Douglas Hutcheson, The State Forester for our district this afternoon and we reviewed the work done on the former Keddy Farm. We were correct in the understanding that the forester was involved but not in that a cutting plan was filed. The work in question was not subject to a cutting plan as it was agricultural in nature. The property and scope of work were reviewed on site by Mr. Hutcheson and John Bursom from Rocky Mountain Wood Company. In as much as the owner was restoring the fields to their prior agricultural use (there was also some expansion of these agricultural fields) a cutting plan was not required. Mr. Hutcheson did note that if additional work is done on this property, a cutting plan may be needed at that time. In closing Mr. Hutcheson did note that in instances where a cutting plan is not required, the local conservation may be involved, predicated on the owner filing with the commission or by their choice. Mr. Hutcheson did tell me that he had been contacted by representatives from our Conservation Commission (He spoke with Ted), Board of Health (Jane), The Building Inspector (they did not connect) and myself from the Planning Board. I have CC'd Mr. Hutcheson as every effort has been made to summarize our conversation accurately but would ask that if he has any correction, he feel free to respond to all of us.

Thank you,
Rick
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Richard R. Green Insurance Agency, Inc.
32 Somers Road
Hampden, MA 01036

4) Discussion Re: Review of Property Zoned Incorrectly

Rick Green discussed the Scibaldi property on Somers Road. He referenced the April 27, 2009 Annual Town Meeting Minutes for Article 14 rezoning the parcel to entirely Business District. There is a question as to the depth of the business zone. Rick stated it looks like when the change was made to the property around it, the Town did not clear up the issue of the front of the property. Rick stated there are four possible scenarios: 1) All residential; 2) All business; 3) 158 feet deep zoned business; and 4) 50 feet deep zoned business. Rick stated this would need to be cleaned up in order for Dr. Peck to buy the property. The Parcel ID on the GIS System is 12-039-000. Dr. Penny Peck originally wanted to purchase the property. She is now considering leasing the front half of the parcel to park cars. John Matthews stated the zoning would have to be cleaned up at Town Meeting before anything occurs. This is one zone change that the Board will present at spring town meeting along with two other zone changes (Norm Turnberg Property and McNamara Property).

Other Business

- Discussion Regarding Recreational Development Overlay District – John would like the Board to review the proposed bylaw and come back with comments/concerns/questions regarding the proposal. There was also discussion as to whether the Overlay is needed as most of the proposal is covered in our existing bylaws. John Matthews will ask Town Counsel to guide the Board through this process. John Matthews doesn't want to rush this process. The Board needs to do their due diligence. Rick Green did some research on Overlay districts but most of the time it's for expediency. He stated there are some cases the Overlay District works. Also discussed is how the property is assessed with an Overlay District.
- Ed Loiko discussed possibly revising the Bylaws for the Tracking Solar Panels. John Matthews stated we will look at this as this is new technology.
- All Board Members were provided a copy of "A Guide to the Massachusetts Public Records Law"

Having no further business, Phil Schneider made a motion to adjourn the meeting at 8:15 PM. Robert Howarth seconded the motion. All in favor, so approved (5-0).

The Planning Board's next scheduled meeting is Wednesday, November 8, 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