

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, November 8, 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 7:05 PM and announced the meeting is being recorded.

Mail

Bills – Payroll signed

Minutes – Robert Howarth made a motion to approve the October 11, 2017 Regular Meeting Minutes. Phillip Schneider seconded the motion. All in favor so approved (5-0).

1) 77 Howlett Hill Road – Discussion with Atty. Peter Siciliano

Atty. Siciliano cancelled and rescheduled.

2) 51 Oak Knoll Drive. Site Plan Review for Home Occupation

Applicant did not appear for meeting.

3) Lot 8H South Ridge Road – Discussion with Meg Scranton Wilson

Meg Scranton Wilson, prospective buyer of Lot 8H on South Ridge Road, and Russ Morton (owner) met with the Board to discuss the possible right-of-way to the building envelope for this parcel. Ms. Scranton is looking to make sure access is available for a driveway using the right-of-way which will cross over Lot 8J also owned by Mr. Morton. John Matthews stated a right-of-way would not be recognized as this causes legal issues. According to the Bylaws, access to both lots would be through a Common Driveway to service both lots. Ms. Scranton would have to apply for a Special Permit for a Common Driveway along with plans prepared by a Surveyor. She will also need to provide a Common Driveway Maintenance Agreement signed by those parties serviced by the Common Driveway.

David Atsales of 11 South Ridge Road addressed the Board regarding Open Space/Wetland concerns on Lot 8H. Tim Hanley of the Conservation Commission suggested a joint meeting of the Conservation Commission and the Planning Board to discuss his concerns and also a new development regarding Lot 8H. Ted Zebert of the Conservation Commission indicated that the markings of the lot are not clear and these issues can all be addressed at the joint meeting.

Mr. Atsales expressed an interest in the Ridgeline/Hillside Committee. John Mathews stated they are not looking for anyone at this time. John Matthews read from the Bylaws that the Ridgeline/Hillside District Review Board is a sub-committee of the Planning Board and appointed by the Planning Board and shall consist of no more than five members. In the absence of such a Board, the Planning Board shall administer this bylaw which John Matthews has taken on. John Matthews stated due to a past case, the Ridgeline/Hillside Committee all resigned and John assumed the responsibility for the Planning Board. Green stated we are trying to solve two issues at the same time. The issue is whether it is appropriate to build a house on the lot. The Ridgeline/Hillside should be addressed at another time. We need to have the joint meeting between Planning and Conservation to discuss this matter and the size of the building envelope. The Conservation Commission's next meeting is December 15th. John Matthews asked they send an e-mail with the date and the agenda, and he will attend the meeting.

4) 296 Ames Road – Discussion Regarding Proposed Solar Array

Mathew Parlon of BlueWave Solar and Timothy Grace of Tighe/Bond met with the Board to discuss a proposal for a Ground mount PV 5.7 MWDC Solar Array on Ames Road and a Special Permit application. The property they are looking at is a collaboration between a Wilbraham owner and a Hampden owner. Mr. Parlon asked the Board since the lot is non-conforming, based on the Bylaws, the Planning Board may issue a Special Permit waving the dimensional requirements in this zone. He asked if the Board would prefer compliance with the Substandard Frontage Bylaw or the Solar setback as they are both very different. John asked if both properties are owned by the same person. John Matthews stated they would have to maintain the bylaws for the setbacks for those structures (Section 7.16 – Solar Energy System(s)). Ted Zebert of the Conservation Commission asked if there are wetlands on the property as he stated there are new guidelines. The property will be leased from the landowners. Mr. Parlon asked as the leased area is one area (located both in Wilbraham and Hampden) for continuous use, do they still need to maintain the setbacks. John Matthews and members stated they will need to go to the Zoning Board of Appeals. The plan stated the service access through the Wilbraham property. John asked the square footage of this solar array on the Hampden side. Mr. Parlon indicated the fenced area is 4.4 acres leaving 5.9 acres not including the buffer zone of open space. Due to the size of the array, they will also have to go to the ZBA. John Matthews mentioned the Cessation of Use & Obsolescence clause of the bylaw and the requirement to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal and disposal.

5) 129 Wilbraham Road (Greathorse) – Discussion Regarding Revised Site Plan

John Mathews updated the Board regarding the trial between the Bechard's and Hampden Country Club, et al. Town Counsel has met with both parties and their Counsel. John noted the court agreed to continue the trial date until May 14 & 15, 2018 which will allow the parties sufficient time to all come to an agreement and plant the trees. John mentioned whatever is decided, they will have to come back to the Planning Board will a requested they come back with a revised Site Plan

Other Business

Richard Green asked about the compilation of questions regarding the Overlay District. All questions/concerns should be e-mailed to the Board and they will be discussed with the Board. Mr. Arute of Oak Knoll Drive asked the process for approval of an Overlay District and when it is disclosed what the use will be on the property. Mr. Matthews stated this will be disclosed at the Planning Board Public Hearing. Mr. Green stated we could have this disclosed at Town Meeting which would have to be presented to the Advisory Committee. The Board still has many questions regarding the implementation of this bylaw, and this is why the Board takes the appropriate time to present or not present this bylaw.

Richard Green made the motion at 8 PM to go into Executive Session without returning to Open Session in order to discuss a Records Access Request from a resident. Town Counsel present to advise Board on the handling of the request. Robert Howarth seconded the motion. All in favor so approved. VOTE: John Matthew, Yes; Robert Howarth, Yes; Phillip Schneider, Yes; Edward Loiko, Yes; Richard Green, Yes.

The Planning Board's next scheduled meeting is Wednesday, December 13, 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