

## 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, December 13, 2017

#### Approved 01/10/18

**BOARD MEMBERS:** John Matthews, Chair  
Robert Howarth  
Phillip Schneider  
Richard Green

**Adm. Assistant:** Joanne Fiore, Adm. Assistant

**A motion was made by John Matthews to Re-Open the Regular Planning Board meeting at 7:33 PM and seconded by Judge Howarth. VOTE: John Matthews, yes; Judge Howarth, yes; Phillip Schneider, yes; Richard Green, yes. (4-0).**

#### General:

Mail

Bills – Payroll signed

Minutes – Robert Howarth made a motion to approve the October 25, 2017 and November 8, 2017 Regular Meeting Minutes. Richard Green seconded the motion. All in favor so approved (4-0).

A motion was made by John Matthews to change the order of the items on the Agenda. Judge Howarth seconded the motion. All in favor so changed (4-0).

#### **1) Retail Marijuana Moratorium - Discussion**

The Board discussed the 9/22/17 letter from Tim Brennan of PVPC regarding Recommended Model Retail Marijuana Moratorium. The letter states if a community intends to regulate or prohibit retail marijuana facilities within their community, they must have something in place by April 1, 2018, which is the date that applications for licenses can begin to be submitted for review and approval by the CCC. PVPC has provided a Model Retail Marijuana Moratorium that incorporates language that they believe is acceptable to the Attorney General's Office relative to its extended expiration date.

John Matthews stated the Table of Uses would have to be changed in the Zoning Bylaws. The Board will request to get on the Board of Selectmen's Agenda as soon as possible to discuss the Moratorium.

#### **2) 77 Howlett Hill Road – Discussion with Atty. Peter Siciliano (Town Counsel Michael Schneider attended)**

Atty. Peter Siciliano and his wife, Karen Siciliano/Realtor, addressed the Board regarding land owned by Frederick W. and Betty Markham. Atty. Siciliano stated according to the Board of Assessor's, the land is coded undevelopable. John Matthews stated the road needs to be cleaned up and was abandoned for safety reasons.

Craig Sweitzer, Chair of the Monson Planning Board, attended the meeting and indicated that the grades, width, and surface need to be addressed. He stated maintenance of the road was discontinued. Atty. Siciliano will research the abandonment versus maintenance of the road.

#### **3) Scantic Meadows Subdivision – Letter of Credit/Discussion**

The Board received a letter from Berkshire Bank notifying the Town that the Bank has elected not to renew the Irrevocable Standby Letter of Credit for the account of Ed Speight & Co, Inc. beyond its expiration date of January 24, 2018. Draws against this letter of credit will not be allowed after the maturity date.

Atty. Michael Schneider asked for copies of the Original Development Agreement and the 11 Amendments. Copies will be forwarded to him. Atty. Schneider will review these documents for any breach of contract, and stated the Town should draw down the remaining balance of the Letter of Credit.

Also discussed was the acceptance of Kibbe Road at the 2018 Annual Town Meeting. A e-mail will be sent to Mark Langone of the Highway Department confirming everything was completed according to specifications, and there are no outstanding items. Also, any other safety issues—specifically a 40-ft. high gravel pile.

#### **4) 2017 Open Space and Recreation Plan Update – Discussion**

John Matthews reviewed the 2017 Open Space and Recreation Plan and indicated his concerns with this update.

John indicated that as only 50 residents replied to the update, and there are over 5,000 residents in town. John mentioned there are items listed that the Planning Board is responsible for; however, the Planning Board was never contacted for their input.

John also read from Page 5, Paragraph 2, and feels this sheds a negative light on the Planning Board. Ted Zebert of the Conservation Commission attended the Board Meeting and indicated the document needs to meet the deadline in order to apply for state grants which can be used for town sidewalks, etc. This document is required to apply for those grants.

After much discussion, a motion was made by Judge Howarth stating the Planning Board has received the 2017 Open Space and Recreation Plan Update but does not support its content in its entirety. Phillip Schneider seconded the motion.

VOTE: 4-0. A Letter will be given to the Conservation Commission Assistant as requested.

#### **5) Discussion Regarding Timetable for Recreational Overlay District**

John Matthews stated a letter was mailed to Atty. Frank Fitzgerald indicating the Board cannot commit as to when the Amendment will be ready to present at future Town Meetings. Richard Green mentioned many issues in Town that would benefit from Public Water and feels there is a viable discussion with regards to it. Phillip Schneider feels the Board should table this discussion in which the Board agreed.

#### **Other Business**

- 2018 Meeting Schedule – Richard Green made a motion to approve the 2018 Planning Board Meeting Schedule with a change in start time **FROM 7 PM to 6 PM effective January 24, 2018**. Judge Howarth seconded the motion. All in favor so approved (4-0).
- Planning Board Legal Expenses – John Matthews updated the Board on the amount of Legal Expenses incurred by the Planning Board due to Complaints filed with the Atty. General; Subdivision Legal Advice, etc. In 2017, over \$10,500 was incurred in Legal Expenses; 2018 – Year-to-Date through 12/5/17, over \$6,350 in Legal Expenses. Therefore, John is requesting a line item be added to the Planning Board to cover Legal Expenses in the amount of \$20,000 for the 2019 Fiscal Year.
- Records Access Officer (RAO) and Open Meeting Law (OML) – John Matthews reviewed the RAO and OML handouts with the Board
- Board Members signed the Conflict of Interest Acknowledgement of Receipt form and copies to be provided to the Board of Selectmen
- 12/5/17 E-Mail from Eversource regarding Solar project on Mill Road. They are requesting to add a privacy screen manufactured with slits every 10' to minimize the risk of tears and damage due to wind. The Board agreed to the change and no formal Planning Board review is required as the change is in compliance. An e-mail response will be sent also indicating all other requirements of the Special Permit must be completed.

The Planning Board's next scheduled meeting is Wednesday, January 24, 2017.

cc: Assessor's Office  
Building Dept.  
Conservation Commission  
Highway Dept.  
Moderator  
Selectmen  
Zoning Board of Appeals  
Office Files