

Town House

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**TOWN OF HAMPDEN
MASSACHUSETTS****Planning Board**

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Phillip Schneider, Chair
Judge Robert Howarth
John Matthews
Edward Loiko
Richard R. Green

**HAMPDEN PLANNING BOARD
PUBLIC HEARING MINUTES – CASE 2017-E
LOT 8H SOUTH RIDGE ROAD
Wednesday, January 24, 2018
Town House**

Approved 2/14/18

Edward Loiko informed both the Board and the attendees that he represents Mr. Morton as a Realtor on another parcel of land. He doesn't believe there is a conflict of interest with regards to this parcel being presented tonight (Lot 8H South Ridge Road); however, he would like to hear from the Board and the attendees. John Matthews clarified he is not representing Mr. Morton on this parcel of land. Both the Board and the attendees did not indicate they felt there was a conflict of interest and the hearing proceeded as scheduled.

Phillip Schneider, Chair, addressed two items prior to the start of the Public Hearing. The first issue was the fact only four members were available for this hearing as Mr. Green could not attend. Mr. Schneider indicated as they are a five board, it would normally require a vote of at least four members. As only four members are in attendance, it would require a unanimous vote. Mr. Schneider asked Mr. Morton if he wants to proceed, and Mr. Morton agreed to proceed with four members.

Mr. Schneider also indicated the Board was notified by the Town Clerk back taxes are due for this parcel and others that Mr. Morton owns in town. Therefore, if this permit is granted, it will be a Condition of the Special Permit that any taxes due by the landowner must be current before the release of the Special Permit.

Mr. Schneider also announced that this Public Hearing is being recorded.

Phillip Schneider, Chair, opened the Public Hearing at 7:07 PM. This hearing was scheduled on the application of Russell Morton for a Special Permit for a Common Driveway for Lot 8H South Ridge Road.

Members Present: Phillip Schneider, Chair; Judge Robert Howarth, John Matthews and Edward Loiko.

Introduction of Board Members: Mr. Schneider introduced the Planning Board Members.

Statement of Authority: Mr. Schneider read the Statement of Authority.

Legal Notice: Mr. Schneider read the Legal Notice.

Reports from Other Agencies: The Tax Collector reported the applicant has outstanding taxes. The Fire Department reported there are no issues with this single lot driveway. The Board of Health reported at this point the common driveway poses no issues.

Applicant's Presentation/Board Questions: Mr. Morton presented to the Board plans for Driveway R.O.W. Plan for Lot 8H South Ridge Road dated December 14, 2017 by Paul S. Smith Land Surveying, 319 Shaker Road, East Longmeadow, MA. This driveway will cross over land owned by another member of the Morton family. This is a driveway R.O.W. to serve lot 8H. John Matthews stated as this is a Common Driveway, the plan must be revised to

reflect the Common Driveway surface to be fourteen (14) feet which will service both Lot 8H and Lot 8J. Mr. Matthews also stated that a Statement of Covenants for Use and Maintenance of Right-of-Way will be recorded with both owners of Lots 8H and 8J and shall be recorded in the Hampden County Registry of Deeds. He stated the Building Inspector should be aware of this requirement. Ted Zebert of the Conservation Commission stated he has no issues with the proposed Common Driveway.

Audience Questions/Comments: None

Decision: Judge Robert Howarth made a motion to approve the Special Permit for Common Driveway with three conditions stated:

- 1) Any taxes due by the landowner must be current before the release of the Special Permit.
- 2) Driveway Right-of-Way Plan for Lot 8H South Ridge Road dated December 14, 2017 must be revised to reflect the Common Driveway surface to be fourteen (14) feet.
- 3) A Statement of Covenants for Use and Maintenance of Right-of-Way shall be recorded in the Hampden County Registry of Deeds.

Edward Loiko seconded the motion. All in favor so approved (4-0).

Phillip Schneider declared the Public Hearing closed at 7:15 PM.

Submitted by: Joanne Fiore, Adm. Assistant