

Town House
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TOWN OF HAMPDEN MASSACHUSETTS



Planning Board
625 Main Street
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Tel: (413) 566-2151 Ext. 109

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

MINUTES OF THE HAMPDEN PLANNING BOARD Regular Board Meeting Wednesday, February 14, 2018

Approved 03/14/18

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

Adm. Assistant: Joanne Fiore, Adm. Assistant

General:

Call to Order – Phillip Schneider called the meeting to order at 6 PM.

Mail

Bills – Payroll signed

Minutes – A motion was made by Robert Howarth to approve the January 24, 2018 Regular Board Meeting Minutes. John Matthews seconded the motion. All in favor so approved (3-0). Richard Green abstained from the vote.

A motion was made by Robert Howarth to approve the Public Hearing Minutes, Case 2017-E, South Ridge Road, Lot 8H. John Matthews seconded the motion. All in favor so approved (3-0). Richard Green abstained from the vote.

1) 106 East Longmeadow Road – Business Development Discussion

DJ and Jessica Henry presented to the Board preliminary plans for 106 East Longmeadow Road to split the property and construct four storage/office spaces to sublet. He indicated a possible cleaning/maintenance business is interested in possible renting space.

John Matthews indicated that a more detailed plan will have to be prepared conforming to the zoning bylaws (i.e. parking spaces, accessory buildings, setbacks, access/egress, etc.). John also stated the issue of running two businesses on one parcel needs to be reviewed.

2) Lot #2 Mountain Road

ANR Plans prepared by Paul S. Smith Land Surveying of East Longmeadow, MA were prepared for Lot #2 on Mountain Road owned by John Kirsch, Gail Kirsch and Robert Kirsch. The plans divide the property into two parcels. Parcel 2-A, 5.065 Acres and Parcel 2-B, 5.075 Acres. Gail Kirsch indicated she will be applying for a Special Permit for a Common Driveway. She also indicated they plan to construct an accessory building on the property. John Matthews stated she will need to take into account the square footage of the accessory building with regards to the square footage of the footprint of the home to be built. Ted Zebert of the Conservation Commission stated they will need to provide a grading plan, and they are scheduled to meet with Conservation. Richard Green made a motion to approve the ANR plans as submitted. John Matthews seconded the motion. All in favor so approved (4-0).

3) Highland Road Subdivision – Discussion – John Matthews made a motion to meet on February 21, 2018 to discuss this agenda item. Richard Green seconded the motion. All in favor so approved (4-0).

4) Kibbe Lane – Update

The Board received an e-mail from Tom Speight of Ed Speight & Co. regarding the Scantic Meadows Subdivision, Kibbe Lane. Phil Schneider stated the \$59,000 was received from the Letter of Credit. Tom indicated they plan to seek acceptance of Kibbe Lane as a public way. However, a new Letter of Credit will be forthcoming but won't be in place until sometime in March. Phillip Schneider will discuss this matter with Town Council.

5) Retail Marijuana – Update

Phillip Schneider updated the Board regarding his discussion with Town Council regarding the proposed warrant articles to be presented at Annual Town Meeting. Two Articles will be presented by the Planning Board. The first is for a Temporary Moratorium on Marijuana Establishments and the second will be an Amendment to the Zoning Bylaws to add a new Section 6.2 to Prohibit Marijuana Establishments within the Town of Hampden. The Public Hearing will be scheduled for March 14, 2018.

6) 118 & 135 Raymond Drive Homes (owned by Fletcher & Maple, an affiliate of GreatHorse) – Discussion – Phillip

Schneider updated the Board regarding his discussion with Town Council concerning this matter. Phill indicated the occupants are renting the homes which is allowed within the Zoning Bylaws.

7) 16 Somers Road (Lot 39) – Zone Change – Discussion - John Matthews made a motion to meet on February 21, 2018 to discuss this agenda item. Richard Green seconded the motion. All in favor so approved (4-0).

8) 220 Mill Road – Review of Special Permit Application and Documentation Before the discussion began, Mr. Schneider wanted to respond to Susan Alston regarding Monson’s Solar Bylaw. He received a copy of the Attorney General’s Response and spoke with our Town Council. Mr. Schneider stated the Board can regulate safety and aesthetics; but cannot prohibit solar. He stated if the Town of Monson was challenged, they would probably lose.

Mr. Thomas Millette stated the Town of Hampden Solar Bylaw is inappropriate for what the town is doing which is industrious-scale solar farms. The Bylaw passed at Town Meeting is incompatible with what the Board is doing. Mr. Millette stated each time the Board approves an industrious-solar farm by Special Permit, they are bypassing the town residents’ opinions. Mr. Schneider thanked him for his opinion and stated we are not bypassing the town residents as we are holding open meetings, and we have public hearings in which the abutters are notified and the meeting notice is posted as well. John Matthews stated as Susan Alston and her husband have attained legal counsel, we will not discuss this issue. John stated we are going to continue with our review of the proposed plans.

In reviewing the plans, Mr. Schneider stated the proposed project would occupy approximately 7 acres of land and consist of around 1,500 kilowatts (DC) of solar modules. Over 650 to 1500 kW requires 13 acres. This parcel is over 28.1 acres. They meet the 50% requirement. The minimum lot size required is 13 acres with maximum lot coverage of 40%. Mr. Schneider stated they will maintain the same white fence, screening, and arborvitaes as the adjacent Eversource facility. Phill also noted the setbacks are correct. Ted Zebert of the Conservation Commission indicated they have not had a formal review of the plans. John Matthews stated it will have to be clarified at the public hearing if the land is under one ownership. Also, John stated it looks as if they are including the land across the road owned by the same individual.

Susan Alston asked what triggers a Special Permit. Phill stated the Table of Use and the Bylaws. For solar facilities larger than 3,501 square feet of panels, a Special Permit is required. We have some control of solar facilities such as aesthetics, trees, etc. Mr. Millette stated the Board’s responsibility is to represent the interest of the town residents; and he states the problem here which no one on the Board grasps when the original bylaw went to the town for vote, the board did not craft a bylaw that envisioned an industrial solar farm. As a result of this, selected people in the town pays the price for the Board’s irresponsibility. He stated the town should have hired a better lawyer.

Phill Schneider suggested we end the conversation. John Matthews made a motion to end the conversation. Judge Howarth seconded the motion. All in favor so moved (4-0).

Having no further business, the meeting adjourned at 8:10 PM.

Other Business

- The Planning Board will hold a Special Meeting on Wednesday, February 21, 2018. Meeting Notice will be posted.
- The Planning Board’s next Regular Scheduled Meeting is Wednesday, February 28, 2018.
- Phill Schneider updated the Board regarding his discussion with Town Council concerning the Open Meeting Laws. He stated any more than two members is considered a quorum site visits notwithstanding. All correspondence forwarded to board members in preparation for a meeting will be noted as such, “FOR YOUR INFORMATION ONLY (FYI). PLEASE DO NOT RESPOND.

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

Submitted by: Joanne Fiore, Adm. Assistant