

Approved August 23, 2006

**Minutes of Regular Meeting
August 9, 2006
Town House 7:00**

Members Present: Joseph “Charlie” Dolben, Chair, Joseph Kruzel, Laurie Niles and Cornelius “Neil” Flynn

Absent Members: Robert E. Majkut and Anthony Bongiorno, Associate Member

Minutes – Joseph Kruzel motioned to accept the minutes as read, Laurie Niles seconded.

Bills – Payroll for Planning Board Clerk was signed.

Tighe & Bond bill reviewed. Mr. Dolben will be in touch with Ed Speight re: account balance.

M.F.P.A.B. membership dues approved.

Meeting was opened by Mr. Dolben and map of Wentworth property on Bennett Road was reviewed in preparation of Mr. Wentworth’s arrival.

7:15 p.m. – Dave Wentworth/Bennett Road Lots 41 & 42 – Introductions were made between Mr. Wentworth and the Board members. Mr. Wentworth explained that he plans to become a resident of Hampden again and is looking to change some boundaries on his property on Bennett Road in order to build a home there. Lot lines were reviewed with Board members. Mr. Bennett’s proposal is to move a side property line approx. 50’ to create a right of way extending to the back estate lot. One lot is just less than 20 acres and he plans to “move” 2.5 to 3 acres from that lot into the second lot. Should Civil Engineer advise?

Mr. Dolben had one point of correction, stating that it would not be a right of way, but would be a driveway which must be 60’ wide.

Mr. Wentworth confirmed, 60’ all the way, not just 60’ frontage, and thought he could do that by moving property lines.

Mr. Dolben advised that he get input from a Civil Engineer but thought that his proposal was do-able, looked like it met qualifications. There was some discussion regarding the setbacks required due to the pond located on the property and it was recommended that the Conservation Commission be contacted as well.

Dave Wentworth, cont. - The topography of the property was also discussed and meeting was concluded. Mr. Wentworth thanked the Board for their time.

7:30 p.m. – Mr. and Mrs. Scott and Laura Pashko, 14 Wehr Road – Mr. and Mrs. Pashko walked in after being sent to the Board by Mark Feeney, Building Inspector. Mrs. Pashko explained that their above-ground pool recently collapsed and they planned to replace it with an in-ground pool. They learned from Mr. Feeney that they did not meet the 40' setback requirement, although the year the house was built only 20' was required and it could possibly be grandfathered. Mr. Pashko stated they were trying to do things the right way. The Board members looked up the zoning requirements and confirming that in an R-4 zone 40' was required, determined that the old bylaw does not apply as this would be a new addition to the property. Mr. Dolben suggested a Variance would be necessary. Mrs. Pashko asked how long the process would take, and Mr. Dolben stated approximately one month and explained the process. Mr. and Mrs. Pashko would confirm the footage with Mark Feeney and excused themselves, thanking the Board.

Tall Pines – no update

Colony Hills Estates (Shadow Wood) – Mr. Dolben thought this was currently under review by the Fish & Wildlife Committee.

Scantic Meadows – Board reviewed the Civil Engineering Associates and Tighe & Bond update reports. There was a brief discussion regarding the propane gas/heating issue. Mr. Dolben would be in touch with Ed Speight.

Howlett Hill – There was no update other than Robert Majkut's return home and that he is getting better. Mr. Majkut may be able to attend the meeting with Smart Growth and Selectmen on August 21st.

Smart Growth – Mr. Kruzel opened discussion explaining that the Smart Growth work was necessary to meet requirements in order to be eligible for grants and that these items would need to be brought to Town Meeting. Mr. Dolben asked if all three issues would be included. Mr. Kruzel explained that they will present three although not recommend all three as there were some disagreements as to wording within the documents. Mr. Dolben asked if Mr. Twarog would be available on August 21st for the meeting with the Selectmen. Kathleen Foster, clerk will call Melissa Reeves and Eric Twarog regarding that meeting.

Duane Mosier confirmed with Planning Board that the Town Meeting would be held on October 30th and that there will be three Smart Growth articles.

Mr. Mosier had questions regarding the Smart Growth issues requiring a Public Hearing, and would the Storm Water issues be included. Mr. Dolben asked if they've started the wheel rolling, and Mr. Mosier answered yes, they would start in spring and would like to incorporate this in the Public Hearing before October 30th.

The Public Hearing is tentatively scheduled for September 27th although there is a conflict for Mr. Kruzel. He should be in attendance for the Storm Water issue.

Smart Growth cont. - Mr. Dolben asked Ms. Foster to poll the Planning Board members by e-mail to see what date works best.

Mr. Kruzel stated that some issues needed to be cleaned up and explained that in regards to the Right To Farm violation and fees, there was no way to police, although the intent of the Bylaw is good. Mr. Kruzel explained to Mr. Dolben that of the three Bylaws, we were not recommending the Inclusionary Zoning Bylaw but would still present it at the Town Meeting in order to meet requirements. Mr. Mosier stated this was the same situation with Storm Water.

Mr. Dolben asked what the purpose of the Right to Farm Bylaw was and Mr. Kruzel explained that it was to inform potential property/home buyers of existing Right to Farm law so people could not complain. Mr. Flynn asked where the definition originated from outside of 61.A and questioned if they were in conflict. Mr. Mosier gave a brief explanation of 61, 61.A, 61.B re: Forestry/Rec/Farming, the main three. There was some further discussion about types of farms including statements referring to packaging of farm products such as meats and Mr. Dolben stated that the explanation in the document was broadly written. Mr. Flynn stated that there must be enforcement by the Selectmen. The ideas about Realtor notification were discussed and it was thought to be taking it too far. There was some discussion about this issue already being covered in bylaws and would this be a duplication of the bylaw. Mr. Flynn asked why we would re-write this and Mr. Kruzel stated that it had to be done in order to meet the requirements for points. Mr. Mosier confirmed that it was mandated to re-write bylaws for town use in order to enforce. Mr. Dolben stated that he was in favor of this bylaw for points, as long as we did not have to do special notification. Mr. Mosier asked what the points did for us and Mr. Dolben stated it ensures Hampden on record as a farming community. Mr. Mosier commented that if it was not enforced, people would think they had more right to change things. Further discussion took place pertaining to what definitions should be included within bylaw, was it too lengthy and should it be stripped down. Mr. Dolben stated again that other than the notification part, he was ok with it. Mr. Dolben and Mr. Kruzel stated they would like to remove section 4, and Ms. Niles agreed. Mr. Dolben underlined that these activities have to be supporting product of farming on site as opposed to packaging.

Mr. Dolben asked for an update on the FROSD Bylaw and Mr. Kruzel pointed out some of the controversy with this item and pointed out the revision provided by Eric Twarog of P.V.P.C. There was further discussion about the purpose of FROSD, and the change in wording on page 5 of 9 in the FROSD document. There was some discussion about dropping page 9 from the document.

After discussion about the format for handouts being the full 7.15 for the Town Meeting, the final Smart Growth item, Inclusionary Zoning was discussed. Mr. Kruzel stated that the Smart Growth Committee was not comfortable with this Bylaw, and it was suggested that it be presented, and then tabled. Mr. Dolben would be calling Melissa Reeves to discuss this and other issues with her.

Valley Vision – Mr. Dolben gave a synopsis of the Valley Vision booklet and reviewed the color-coded map showing potential land use in Hampden. The booklet and map would be made available for review by the Board of Selectmen. It was thought that the Valley Vision ideas might not apply that much to Hampden after looking at area deemed appropriate for this type of land development.

8:50 p.m. – Mark Feeney, Building Inspector – Mr. Feeney came to the Board to explain a situation that has come up regarding the potential receipt of the dirt fill necessary for development of the Spray Park at the REC. The dirt would be removed from property located on Isaac Bradway owned by Chris Haluch. The concern was whether a Special Permit would be required to remove the dirt from the property if it was for town use. The Board reviewed the Bylaws and determined that according to Bylaw 7.8, 1. it was allowed under these circumstances. No Special Permit would be necessary.

King Map/Town Meeting - A request to the clerk was made to provide the wording for the legal ad explaining the vote necessary to accept the map showing the zoning change on the King property located on North Monson Road. The Board would review this at the next meeting.

Mr. Kruzal made a motion to adjourn, Ms. Niles seconded. Vote was unanimous and meeting was adjourned at 9:12 p.m.

Submitted by: Kathleen Foster, Clerk