

Approved 9/27/06

**Minutes of Regular Meeting
September 13, 2006
Town House 7:00**

Members Present: Joseph “Charlie” Dolben, Chair, and Laurie Niles arrived at 7:30

Absent Members: Joseph Kruzel, Cornelius “Neil” Flynn, Robert E. Majkut and Anthony Bongiorno, Associate Member

Other attendants: Mary Persaud (and friend, unnamed) of 23 South Ridge, Dr. Penny Peck & Alicia Scott of Hampden Veterinary Hospital

Mr. Charles Dolben began meeting at 7:00 PM, with clerk present as well as two Hampden residents, stating that without a quorum there could be no action taken on issues. Dr. Penny Peck and Alicia Scott arrived.

Minutes – tabled for next meeting

Bills – Payment was approved for Payroll for Planning Board Clerk, Abacus invoice, Reminder invoice and Tighe & Bond bill.

Mr. Dolben reviewed the Mylar provided by Michael Kane. Three maps would need to be provided as well. Clerk will notify Mr. Kane that he must provide three maps, and the maps would be reviewed by the Planning Board at the next meeting as no action could be taken without a quorum.

The Ottery Group letter announcing a proposed Cingular telecommunications facility located at 190 Main Street was reviewed by Mr. Dolben. He instructed the clerk to draft a letter urging them to pay attention to Hampden Town Zoning Bylaw 7.14 in regards to wireless communications towers.

Mr. Dolben looked over the notice from Division of Fisheries and Wildlife, as well as the map. This will be reviewed at the next meeting.

7:13 – Dr. Penny Peck and Alicia Scott – Hampden Veterinary Hospital

Dr. Peck announced her interest in purchasing property located at 65 East Longmeadow Road with the idea that she would move the veterinary hospital to that location. She envisioned construction of an addition to connect house to garage. Mr. Dolben informed Dr. Peck that it is an R-4 Zone, and the property would need to be a primary residence

Dr. Penny Peck and Alicia Scott – Hampden Veterinary Hospital cont –

with home occupation. In addition, only one employee would be allowed. Dr. Peck stated that she had ten employees. Ms. Scott brought up the question about the lawnmower repair business, asking if it was operating against the bylaws, and why was it allowed. Mr. Dolben explained that the town was in the process of hiring an enforcement officer. Ms. Scott asked if there was a way to appeal the zoning, and ask for an exception and Mr. Dolben said they would need to show hardship, and that it was not likely that an appeal would work.

Dr. Peck inquired about the Hampden Sign location, and if she purchased that building would an addition be permitted if she worked within the confines of the bylaws? Mr. Dolben answered yes. Ms. Scott commented that the veterinary hospital has outgrown its current location and a new location was necessary. Dr. Peck inquired about knowledge of other commercial properties, and available space off Commercial Drive, or attached to garden center on Somers Road. Mr. Dolben encouraged them to look at the zoning map in hallway and also mentioned that expanding a business zone is more likely as the state takes a dim view at spot zoning. Dr. Peck will be exploring other options, including any available land that might be zoned business on Wilbraham Road as building new could also be an option.

7:30 – Board member Laurie Niles arrived.

Ms. Mary Persaud -23 South Ridge Road –

Ms. Persaud came to the Planning Board with serious concerns about safety this winter relating to the run off from Russ Morton's driveway. She is concerned that due to the driveway not meeting code requirements, the water runs off into her yard and with winter coming may cause dangerous icy conditions. She questioned why it was allowed to be done incorrectly. Mr. Dolben explained the decisions regarding the building of a common driveway and that it should have been done according to plans that were approved. Ms. Persaud expressed the concern of the other residents in the neighborhood. It was stated by Ms. Persaud that it has caused the loss of part of the driveway, and also that much of the forest was torn down so there is no root structure to prevent some of the run-off into other driveways. In addition, Ms. Persaud stated that it looks as though there is a road going in at the end of the cul-de-sac.

Mr. Dolben explained that there were no legal lots there but Ms. Persaud again stated that it looks as though he is building, continuing from cul-de-sac.

The discussion continued with the concerns brought to Ms. Persaud from the Conservation Committee. She states that she is not responsible for clean-up of the wetlands because the cause is from the Russ Morton property and subsequent run-off. A concern is that the Conservation Committee is only looking at the wetlands as their jurisdiction. Mr. Dolben said that by looking at the cause, i.e. run-off from the Russ Morton property, it could expand their jurisdiction.

Mr. Dolben stated that he will look into and address these issues with the Selectmen.

Ms. Persaud inquired about the ongoing issues with the road. She stated there is no berm, the street does not drain properly and there is nothing stopping the water. She stated that

Ms. Mary Persaud -23 South Ridge Road cont'd - Dana Pixley of the Highway Department said to go ahead and put a berm in, but the town could not fund that. There is a safety concern, as the drain fills with dirt, silt, and there ends up being 5 feet of water, creating a dangerous situation for the children in the neighborhood.

Ms. Persaud expressed concern and next steps and questioned the town's enforcement of any of these issues that have been ongoing. She asked who else she could contact. Mr. Dolben commented that it was up to the Selectmen to enforce these issues. He informed Ms. Persaud that the best way to get something done was to go to the Selectmen, and possibly the Conservation Committee with the potential connection to the wetlands. Ms. Persaud asked who inspects these properties once a plan is approved, and Mr. Dolben explained that the Building Inspector does and that once the Planning Board approves, such as with the common driveway on South Ridge, the Building Inspector can't really inspect until it's time for the Occupancy Permit.

Ms. Persaud said that she would e-mail the Selectmen, and she appreciated the Planning Board's time.

The following items were tabled for next meeting:

Tall Pines

Colony Hills Estates (Shadow Wood)

Scantic Meadows

Howlett Hill

Other –Zoning Other Towns, Dept. Housing & Development memo, HUD Grant notice, Div. Fisheries & Wildlife program notice

Mr. Dolben adjourned the meeting.

Next meeting September 27th –**Public Hearing at 7:00 p.m.**, regular meeting 8:00 p.m.

Submitted by: Kathleen Foster, Clerk