

Approved 12/20/2006

**Minutes of Regular Meeting
December 6, 2006
Town House 7:00**

Members Present: Charlie Dolben, Chair, Laurie Niles, Joseph Kruzel, Robert E. Majkut, Neil Flynn, Anthony Bongiorno, Associate Member

Members Absent: None

Minutes – A motion to accept meeting minutes with amendments was made by Joseph Kruzel, seconded by Laurie Niles. Vote was unanimous to accept the minutes as amended.

Bills – Approved payroll for Planning Board Clerk. Invoices for legal services and engineer inspections for Scantic Meadows were approved.

John Matthews/28 North Monson Road – Mr. Matthews came before the board to inquire about restrictions of running a business in a residential area. His concern was with a neighbor who seems to have an increase in trucks coming and going from property as well as possible employees. The Board asked if this had been addressed with his neighbor. Mr. Matthews stated that he had addressed this a few years ago but the business seems to have grown and there are 3 to 4 trucks constantly moving about, and possibly 4 to 5 employees. Mr. Matthews feels this stretches the definition of home occupation and the Board agreed that it seemed to go well beyond a home occupation as described in the Bylaws. He inquired about how to get this issue on the ballot, and Mr. Dolben stated that it would require a petition. It was determined that 10 signatures would be required for a citizen sponsored warrant. Mr. Matthews has also contacted the Building Inspector, Lance Trevallion, and he will be visiting the property. He thanked the Board for their time.

Ford Realty Group LLC/ 530 Glendale Road - There was no one at the meeting to represent this inquiry, although the Mylar and copies were available for review by the Board. The Board members reviewed the Mylar, but were unable to make a decision without a representative to answer questions regarding the intention. There was also no record of ANR fee payment. The clerk will contact representatives to request that they attend next meeting and confirm payment of ANR fee.

Brendon Perelli of Dunn & Phillips/Chapin Road Map 9/Parcel 27 - There was no representative present. The Board was unable to advise on this property. An attorney would need to determine whether this property was grandfathered.

Steve & Julie MacCormack/Michael Kane property Map 1 – Mr. Michael Kane and potential buyers, Steve and Julie MacCormack were present. Mr. and Mrs. MacCormack are interested in purchasing from Michael Kane 95 acres of property located on Somers Road, with possible access from Potash Hill Lane. They would like to build one single family home on this property, placement of which would require approximately 3000' of driveway including two wetlands crossings. It was noted that a portion of the property was zoned business, and Mr. and Mrs. MacCormack would seek to re-zone as a single family lot. Mr. Dolben informed them that a town meeting would be required to re-zone the property as residential and explained the process stating that the requirement date for warrant articles was January 15th. There was some discussion about driveway specs in regards to slopes and drainage. Mr. MacCormack would provide an engineer's survey identifying their intentions. They stated that they would be addressing the Conservation Committee to discuss the wetlands crossings, as well as the Fire Dept. regarding fire truck access and turn-around areas. Mr. MacCormack would be contacting the Planning Board office for further information in the weeks ahead.

8:00 p.m. Russ Morton – South Ridge/Common Driveway: Russ Morton was present to address the Board regarding a common driveway plan at South Ridge Estates. Also present were Todd Pelletier, a lot owner, as well as Mr. and Mrs. Eric Weichselbaumer, current residents of South Ridge Estates. Ms. Laurie Niles, Planning Board member and resident of South Ridge, recused herself from the discussion.

Mr. Morton came before the Planning Board to address some of the problems that have occurred on South Ridge Road which prevent Mr. Morton from continuing with the common driveway project according to Special Permit conditions. Mr. Morton is currently under a cease and desist order from the Board of Selectmen which cannot be lifted unless Mr. Morton appeared before the Planning Board for approval of any change in plans. Mr. Morton described to the Board problems related to swales, grading, existing condition of ledge that prevents them from getting the grades down to a level required by the Town of Hampden Subdivision Regulations. Mr. Robert Majkut questioned the timing in relation to new driveway Bylaw and Mr. Dolben stated that the Special Permit relates to the current Bylaw. Mr. Morton told the Board that his main concerns were safety and fire truck accessibility. Mr. Majkut inquired about the current percentage of the slope. There were no plans available showing any proposed changes but Mr. Morton said they would be prepared by the engineer. Mr. Dolben stated that the original plans that were presented by the engineer were reviewed and approved with expectations that it would be built as planned. The changes to the plan must now be submitted for review and approval may require another Special Permit. Mr. Morton would like to move forward and stated that the only change is with the amount of grade. Mr. Dolben reiterated that any change must be presented to the Board to be approved and must be able to be evaluated by the Town engineer. If changes are minor the Board may consider approval, but if they are major changes then a Special Permit would be required.

Mr. Pelletier expressed concern about the timing involved as he has purchased lot 62 and would like to build in March. It was explained to him that under the current cease and desist order no projects could continue.

Mr. Morton agreed to have plans showing the changes prepared to present to the Board, if not in time for the December 20th meeting, then for the January 10th meeting.

Tall Pines: Project does not have a go ahead at this time due to conservation restrictions

Colony Hills Estates (Shadow Wood): no update

Scantic Meadows: Mr. Speight is currently negotiating with a company regarding a bond. The Planning Board is expecting a report from Tighe & Bond relating to outstanding roadway issues.

Howlett Hill: The Board was informed that maintenance by the Town on Howlett Hill Road would be discontinued and a sign posted stating a warning as required by law.

Mr. Bruggeman/Kennel inquiry: Mr. Bruggeman has interest in purchasing a home or land to build a home in Hampden and has inquired about building an accessory building to house their dogs. They have six dogs but could have up to eight as they rescue dogs and then find homes for them. According to the Zoning Bylaws more than six dogs would constitute a “non-commercial” kennel which requires 10 acres. Other animals, such as turkeys, horses, etc, require only five acres. Mr. Bruggeman found the Bylaws regarding the issue of having animals confusing and wanted clarification and the Board responded as the Bylaw states that a “noncommercial” kennel requires ten acres.

Other:

Catherine Ferraro 258 South Monson Road: Ms. Ferraro was not present but had inquired if her activities constituted a home occupation and wanted to know what was required by the Planning Board. Ms. Ferraro purchases sweaters that come from Ecuador; she brings them to her home to price them and then sells them to a retailer. The Board questioned if she was registered as a business (she is registered as a business with the Town of Hampden). They propose that she schedule an Administrative Review with the Planning Board.

Fire Suppression System: The Board was provided with a summary of information from the Wilbraham Fire Department as well as contacts for more information. Mr. Dolben requested that Mr. Kruzel look into costs and legal issues, which he agreed to do.

Building Permit Process: Mr. John D. Flynn, member of Board of Selectmen, presented the Planning Board with a copy of proposed changes in the procedure for obtaining a building permit. The new procedure would include signatures of dept. or board signing off on that portion that is within their jurisdiction. The Building Inspector would determine which departments or boards would be required to sign off.

All other information and mail was reviewed with no further comments from the Board.

A motion to adjourn the meeting was made by Robert Majkut, seconded by Laurie Niles, vote was unanimous to adjourn.

Submitted by: Kathleen Foster, Clerk