

Approved 1/24/2007

**Minutes of Regular Meeting
January 10, 2007
Town House 7:00**

Members Present: Charlie Dolben, Chair, Laurie Niles, Joseph Kruzel, Anthony Bongiorno, Associate Member

Members Absent: Robert E. Majkut, Neil Flynn

Bills – Approved payroll for Planning Board Clerk

Valley Vision II: The Selectmen were present to discuss the reconsideration of the Valley Vision II project. A representative from PVPC could not be present so a full discussion of the project was tabled until Tuesday, January 16th, 2007. A quorum of the Planning Board would be necessary to meet at the Selectmen's meeting on January 16th. John Flynn, Selectman, discussed the events leading up to the reconsideration of support for the Valley Vision II project. Chris Curtis from PVPC had been in touch with the Selectmen asking for reconsideration as all other communities so far had given their support except for Hampden. Charlie Dolben stated that there was not a problem with the concept but the Board had some concern with what responsibilities and/or requirements would then fall on the Town if they support the project. Duane Mosier, Selectman, made the point that they are providing services to 51 communities, and a couple items support Hampden, but the other communities are larger and have bike paths, etc. where Hampden does not. Richard Green, Selectman, mentioned the importance of having Chris Curtis present to lobby for it, provide a clear understanding of what supporting it would entail. Mr. Dolben stated that clarification was necessary before endorsement. Mr. Dolben, Ms. Niles, and Mr. Kruzel agreed to attend the Selectmen's meeting on January 16th.

Scantic Meadows: Ed Speight explained to the Planning Board that he applied for a bond and the bond company asked for a letter of credit from the bank. The bank then asked Mr. Speight if the Town would accept a letter of credit from the bank instead of a bond. Mr. Speight presented a document from the bank proposing a letter of credit. Mr. Dolben stated he'd like to see an absolute letter of credit with no conditions. Mr. Flynn asked Mr. Speight about the development plans, was the plan to build 3-4 houses per year still accurate? Mr. Speight said that he's planning 11 lots in Phase I, with perhaps 5 houses per year, being finished in two years. Mr. Dolben questioned the conditions made at approval of project and would review the documents on file. He questioned if the subdivision was approved for the entire project including Phase II and Mr. Kruzel answered yes. Mr. Dolben would be in touch with the representative from the Bank of

Scantic Meadows cont'd: Western Mass as well as consult with Attorney Dave Martel before any decision would be made. Mr. Dolben asked if the Board was in agreement. Mr. Kruzel made a motion to approve Mr. Speight's request to replace a covenant with a bank letter of credit subject to legal review. Ms. Niles seconded, vote was unanimous. Kathleen Foster, clerk, informed Mr. Speight of the Tighe & Bond invoice just received, and Mr. Speight said he would drop off a check for deposit to the Scantic Meadows Escrow Account so the invoice could be paid.

42 North Monson Road: Mr. Chris Lomascolo was present to speak in regard to his business at 42 North Monson Road. He currently has large trucks and dumpsters from his business, ALL-Waste, in and out of his property daily with employees parking their cars at his residence while they are out in the trucks.

The Board reviewed a copy of the letter received by Mr. Lomascolo from Lance Trevallion which included a cease order as the business was a commercial business being operated in a residential zone.

Mr. Flynn asked Mr. Lomascolo if his attorney had contacted Mr. Trevallion, and was informed that his attorney, Mr. Mark Beglane had attempted to contact Mr. Trevallion and had left messages. A date had been set with the Planning Board Clerk for Attorney Beglane and Mr. Lomascolo to attend the Planning Board meeting on February 14th for a Site Plan Review. Mr. Lomascolo would be away prior to that and would not be able to attend an earlier meeting. Mr. Lomascolo, in explaining the truck activity at his residence, compared his business to bus drivers who take the buses to their homes in residential districts while they are not out picking up or dropping off the children. Selectman Richard Green stated that this was about the letter regarding his home occupation business, not the school buses. Mr. Lomascolo continued by saying he would like to work with the town, and explained that he is looking at a property where he can park his trucks and dumpsters. He plans to keep a home office at his residence, as well as equipment for his landscaping business, and would seek a variance for that.

Mr. Flynn thought that with Mr. Lomascolo making attempts to rectify the problems they could "stay" the letter until the meeting with Mr. Lomascolo and Attorney Beglane on February 14th. Mr. Green suggested drafting a letter to Mr. Trevallion asking for more time. Mr. Flynn asked Mr. Lomascolo to drop off his plan ahead of time for review, and Mr. Lomascolo said a Post & Beam barn was currently being drawn up and would be provided for review.

South Ridge Common Driveway: Mr. Russ Morton came forward with new plans for the common driveway. Laurie Niles recused herself from this portion of the meeting.

Mr. Morton had met with the engineer Don Frydryk and it was determined that the common driveway was a few feet narrower than it should be. Mr. Morton then hired American Excavation to review site and presented the Planning Board with copies of a letter from Jeff O'Connor from American Excavation. The letter stated he was unable to make it to the meeting but wanted to provide a written document stating his findings with a recommendation for Mr. Morton to seek a variance. He also stated that he felt that the silt run-off problem will not exist once the common driveway is paved.

South Ridge Common Driveway cont'd: Mr. Dolben thought that it was timely to talk with the Town Engineer, coordinate with Mr. Frydryk and Tony de Cruz. Joe Kruzel asked for a plan to be drawn up, and Mr. Morton said it was in the process of being drawn up. Mr. Dolben said we would wait for Mr. de Cruz to look at the plan, and asked if Mr. Morton could get it to Tony sooner than the next Planning Board meeting in two weeks. Mr. Morton answered yes. Mr. Dolben said that things seemed to be moving in the right direction and if Mr. de Cruz thinks we could adapt to this new plan it would be considered favorable. Mr. Morton will be placed on the agenda for the next Planning Board meeting on January 24th.

Hampden Sign Storage Unit 112 E. Longmeadow Road: Mr. Claude Bisson was in attendance regarding the storage unit he has on the Hampden Sign property at 112 East Longmeadow Road. Mr. Dolben explained that the placement of the storage unit was not in conformance with the Bylaws. Mr. Bisson asked what the violations were and Mr. Dolben explained that the setback was not enough. Mr. Flynn stated that it should be flush with the building, and should be rotated. Mr. Panetta had arrived at the meeting and questioned why there was a problem when he had come to the Planning Board for approval and had received a permit from the building inspector for 50' from the road, which he then showed to Mr. Dolben. Mr. Dolben reviewed the permit. There was no diagram showing placement which Mr. Panetta had with him at the first meeting with the Planning Board. The Planning Board had the idea that the storage unit would be flush with the building. Mr. Panetta asked what he was supposed to do, and when he was told it should be moved back he explained that it could not because it would then be over the septic tank, and he would be leaving it where it was. There was more discussion and without being able to agree on a solution, Mr. Green stated that this issue should be handled by Mr. Trevallion and the Selectmen. Mr. Duane Mosier stated that the paperwork would be reviewed, and the issue will be worked on and fixed.

Tall Pines/Right of Way: Beverly Turnberg-Carosello came to the Planning Board with an issue regarding the moving of the right of way on their property which abuts the Tall Pines property. Mr. Dolben asked her if she, as an abutter, had received notification of hearings regarding this project. She stated that her grandmother, now deceased had received notices, and that she now owned the property. She stated that they had never agreed to move their right of way as stated by Tall Pines owners and according to Plan of Land provided by Ecotec Environmental Associates. They own 13 acres and would like to build but with the right of way moved they would not have access due to conservation restrictions, and the new right of way cuts through the middle of another property. She provided a survey by Smith Associates showing a 1300' straight right of way which then turns to the right and stated that there is nothing in writing that they agreed to move this right of way. The documents provided by Ecotec show the new right of way going 700' back and then turning to the right. Ms. Turnberg-Carosello also stated that she informed Tall Pines attorney, Ken Albano of this meeting with the Planning Board. There was no one in attendance to represent Tall Pines. Mr. Dolben stated that the plans had been

Tall Pines/Right of Way cont'd: approved by the Planning Board and this may be a legal issue. Mr. Flynn asked if they were offered a right of way at Greenleaf. Ms. Turnberg-Carosello said that would mean a school bus coming and going through an over 55 community to pick up and drop off the children. Mr. Flynn mentioned the Polygon as well, and Ms. Turnberg-Carosello commented that this was a bigger issue, that it was said that they agreed to the moving of the right of way after they clearly said no when it was brought up to them by Mr. Cimmino and Mr. Weiner of Ecotec in the summer of 2006. Mr. Dolben stated that there may be an issue if the plans brought to them for approval were erroneous and he would speak with Attorney Dave Martel and go over the plans on record as well as any facts discovered after approval. Ms. Turnberg-Carosello would be contacting their lawyer and will also attend the Conservation Committee meeting next week. Ms. Turnberg-Carosello will be on the agenda for the Jan 24th meeting.

Isaac Bradway Road: Ms. Joan Corbin, 55 Isaac Bradway Road, was present to discuss what was happening on Isaac Bradway Road. The Building Inspector, Mr. Trevallion was also present at this time. Ms. Corbin explained the location of her property in relation to properties located at 33 and 39 Isaac Bradway Road and proceeded to inform the Board that there seems to be a few businesses being run at the locations, as well as ongoing construction and gravel removal. She also reported that there are three over-flowing dumpsters on the property. She provided the Planning Board with advertisements found in newspapers for Landlock Tree Service and Haluch Landscape Design, as well as photos that show areas where a large amount of gravel had been removed. Ms. Corbin is bothered by not only what she is in view of, but also diesel logging trucks that start at 6:30 a.m., and other noises on a daily basis, that cause her dishes to rattle. She stated that there are other neighbors who are bothered by this activity, but because of her location at a higher elevation she is most affected. The Planning Board members reviewed the photos. Mr. Dolben stated that this would be investigated and the Town should make sure that the Zoning Bylaws were enforced. He asked if they could have the pictures, and Ms. Corbin said yes. Mr. Trevallion took the pictures and will be inspecting the property.

42 North Monson Road: Mr. Lomascolo re-addressed the Planning Board to request assurance that the same precedent would be applied to the issue at Isaac Bradway as was applied to his situation. Mr. Trevallion, who was not present earlier during the discussion between the Planning Board and Mr. Lomascolo, informed Mr. Lomascolo that the housing court date referred to in the letter sent from the Building Inspector, was Friday. As the discussion continued, Mr. Dolben informed Mr. Trevallion that the Selectmen had been present earlier and would be talking with him further about a possible extension for Mr. Lomascolo until the meeting with his attorney. Mr. Trevallion said that he would talk with the Selectmen. Mr. John Mathews, abutter to Mr. Lomascolo commented on the length of time he has had to live with the activity next door, that there should be no negotiation when someone is in violation of Zoning Bylaws. Mr. Dolben stated that enforcement is out of the Planning Board's jurisdiction and that things seemed to be moving in the right direction with this issue. He added that with a properly configured home occupation plan, the Planning Board would have authority.

42 North Monson Road cont'd: Mr. Lomascolo then addressed the Planning Board to question who would handle complaints of the discharging of firearms and shooting at an individual, when there is no help from the police. Mr. Dolben answered that it could be addressed with the Selectmen.

Agenda: Kathleen Foster, Planning Board clerk inquired about Colony Hills Estate and Howlett Hill updates, and with no update should they be removed from the regular agenda. Mr. Dolben answered that they could be removed from the regular agenda until something comes up in the future related to those items.

Public Hearing Date: The clerk informed the Planning Board that the best date for the Public Hearing would be February 28th. There was further discussion about the warrant articles for Public Hearing and Town Meeting. The articles would include the Right-to-Farm and FROSD, the Ridgeline & Hillside Bylaw revisions, the rezoning of M. Kane property, and possibly Storm Water. Mr. Kruzel would check with Mr. Mosier about the Storm Water article. The estate lot on 41 Mountain Road would be a separate Public Hearing, not included in the Public Hearing for the Town Meeting.

142 South Road: The clerk requested information to offer to Mr. David Smith regarding his desire to proceed with application process for rezoning in order to have a business at his South Road property. Mr. Dolben asked Ms. Niles if she would like to work on this with Mr. Smith and she agreed. The clerk would provide contact information for both Mr. Smith and Ms. Niles so they could communicate via email.

Fire Suppression: Mr. Kruzel had no new information, would like to look into getting more cost estimates and speak with the Fire Chief.

Mr. Dolben stated he was working on the Planning Board Annual Report.

Minutes – A motion to accept December 20th meeting minutes was made by Joseph Kruzel, seconded by Laurie Niles. Vote was unanimous to accept the minutes.

Mr. Kruzel made a motion to adjourn the meeting, Ms. Niles seconded. Vote was unanimous to adjourn.

Submitted by Kathleen Foster, Planning Board Clerk