

Approved 7/11/2007

**Minutes of Public Hearing
June 27, 2007
Town House 7:00**

Members Present: Charlie Dolben, Chair, Laurie Niles, Neil Flynn, John Matthews, Joseph Kruzel, Anthony Bongiorno, Associate

Members Absent: None

Public Hearing was opened, introductions of the Board members and the clerk were made and the Order of Business was read by Joseph Dolben. Applicant, Ed Haluch of 33 Isaac Bradway Road was then invited to speak about his application for a Special Permit for a Home Occupation.

The petition of Edward Haluch was presented by Mrs. Sharon Haluch. Mrs. Haluch read a letter to the Planning Board which has been filed in the Planning Board office and is a matter of public record.

In the letter from Mrs. Haluch, she stated that they had been running their business for 36 years, 13 years in Hampden, and questioned the need for a special permit. Mr. Dolben stated that the operation of their business came to the attention of the Building Inspector, and requires a special permit under Section Use 7.12. of the Town Zoning Bylaws.

The Haluch family explained that they have a building which houses equipment, as well as serves as a place to fix vehicles when necessary, and they have a permit for the building and trucks. Mr. Dolben stated that the discussion is about nature of use – the primary issue being that no equipment in process creates noise or vibration, referring to Bylaw 7.121. Mrs. Haluch stated that they once had an unregistered chipper which is now registered and usually used in East Longmeadow.

John Matthews, Board member, questioned where trees they cut down are stored when they come off a site and do they chip those trees on the premises? Mr. Haluch explained that small loads go to Canada, and until they are picked up they store them on their property. Mrs. Haluch confirmed that there is no more traffic generated than 3-4 trucks, and that any chipping done at their home would be done only if they cut their own trees down.

Mr. Kruzel asked if only maintenance was done in the building, not storage of trucks, equipment. Mrs. Haluch stated that the vehicles were housed in building if bad weather.

Mr. Haluch said they had 5-6 trucks used for business, some with trailers for bobcat, chipper, etc. No signs are present at the property advertising the business. There are 2 employees, both of whom are family. If the need arises for an additional piece of equipment, Mr. Haluch returns to property to exchange, heads back out.

Mr. Dolben asked for comments from the public.

Anne Marie Lauer of 36 Isaac Bradway supported statements about traffic, stating that an average of 2 trucks passed through daily, she never hears work being done and has had no complaints for 5-6 years.

Richard Smart of 3 Isaac Bradway commented that he does not hear noise from that area. (Carol Smart commented that the property is kept clean and beautifully landscaped)

Bruce & Marie McIntyre commented on the fact that much of the wooded area has been depleted; they are concerned about the loss of a buffer between their Hampden/Somers property and the Haluch's property.

Dale Barrett of 54 Isaac Bradway expressed concerns about possible negative effects of activity in the area on the environment; he inquired if the Conservation Commission had visited the area.

Mark Feeney informed the Planning Board that the Conservation Commission had reviewed the parcel at one time.

Joan Corbin of 55 Isaac Bradway presented photos of the property she had taken in January of the current year. She explained that she sees and hears activity regularly, particularly when logs are brought back. She has seen 2 logging trucks on the property and the vibrations cause her dishes to rattle. She stated that other businesses in town take place on Commercial Drive and offered that as an alternative business location. She further explained that the current activity affects her more than other neighbors due to the location of her home which is at a higher level, above the Haluch property.

Ms. Corbin inquired if there was a sound ordinance/decibel limit in the Town. The Planning Board reviewed the sound pressure level limits in section 7 of the Bylaws which states in 7.72 -10. a. that the maximum permissible sound pressure level shall not exceed 55 in a residential district between 7 am-10 pm, and 45 between 10 pm and 7 am.

At this time the Planning Board determined that visits to the site would be necessary; A motion was made by Joe Kruzal that the Board members would schedule visits with the property owners as they could over the next two weeks and the Public Hearing would be continued to July 11th at 7:00 pm. Seconded by John Matthews, all were in favor.

Submitted by Kathleen Foster, Clerk