

Approved 4/9/08

**HAMPDEN PLANNING BOARD
REGULAR MEETING MINUTES
March 26, 2008
Town House**

Meeting called to order: 7:00pm

Members Present: Charlie Dolben, Chair, Neil Flynn and John Matthews. Joseph Kruzel arrived at 7:05pm.

Members Absent: Anthony Bongiorno, Associate.

Minutes: The minutes from the March 12, 2008 regular meeting were read. Mr. Kruzel made a motion to approve the minutes as presented. Mr. Matthews seconded. The vote was approved unanimously.

Bills: The clerk's payroll voucher was approved and signed.

Mr. William Baxter/193 Mountain Rd. – Mr. Baxter brought in plans for an ANR for his property on Mountain Road. His plans for the future are to create an estate lot and a common driveway. This will require a Public Hearing for two special permits which will be valid for two years. Mr. Baxter is not ready to go ahead with construction plans. He would like to divide the property now and wait a few years before creating the estate lot and common driveway. Mr. Dolben signed the mylars and plan copies and added a note stating that the new lot #12 is a non-building lot without further attention by the Planning Board. If Land Court does not accept the hand written note on the mylars, Mr. Baxter's engineer will have to add it to the plans and the Board will sign it. Mr. Dolben explained to Mr. Baxter that the two lots can be recorded with Land Court now and that he would have to come back to the Planning Board for a Public Hearing for the two special permits. Mr. Flynn made a motion to sign Mr. Baxter's ANR with the addendum. Mr. Kruzel seconded. All voted in favor. Mr. Baxter was given an ANR application to fill out and return with payment. He thanked the Board.

Ingle Property/125 Mountain Rd. – Attorney John Edwards and Grant Ingle attended the meeting to discuss a variance from 1986 on the Ingle property that contains a condition that states "...parcel of land...shall not be subject to future subdivisions". Attorney Edwards asked for some clarification on that condition. Does it mean no dividing of land or no other building on that parcel? The Ingles would like to sell 8 acres of the property if a division (ANR) is allowed under the variance. The Board reviewed the Board of Appeals' 1986 decision and the plans brought in by Attorney Edwards. Mr. Kruzel stated that more research would need to be done. Attorney Edwards explained that there are currently two purchase and sale agreements on the land. One is an old P&S between Mr. Grant Ingle's parents and the Biltons for eight acres of land. The other P&S is between Mr. Grant Ingle and his siblings and the Rumpliks for the entire parcel. This conflict is before the courts now.

Mr. Dolben will consult the Town Counsel on this matter. Attorney Edwards submitted an ANR application, and left the plans with the Planning Board. The Planning Board has 21 days to endorse. Attorney Edwards and Mr. Ingle thanked the Board.

Mr. Rick Dufault/378 South Rd – Did not attend the meeting.

Chapdelaine Property/37 Allen St. – Mrs. Jacqueline Chapdelaine, her sons Michael and Chris and Attorney Larry Levine attended the meeting to discuss the re-zoning of the property at 37 Allen Street. This issue is on the warrant for the Town Meeting scheduled for April 28, 2008. Attorney Levine presented a plan prepared by Smith Associates. They did an overlay of the Town zoning map and the Assessor's map. This shows a partial business zone on the Chapdelaine property. The metes and bounds were done 45 years ago. Mr. Matthews questioned the surveyor's measurements. Mr. Dolben asked why there was an urgency to re-zone. Attorney Levine replied that plans cannot be made until you have the zoning. Mr. Dolben disagreed. Mr. Kruzel noted that the people at the Town Meeting have to understand that anything allowed in a business zone per the by-laws is permitted. Mr. Dolben stated that there is a zone change request before the Board. It has been put on the warrant for the Town Meeting. A public hearing will be scheduled for April 23, 2008. Mr. Dolben added that there is an issue with the current partial business zoning that is represented on the plans. There is a question as to how and when the property was originally zoned partial business. The Board offered advice to Attorney Levine for his presentation at the Town Meeting; be prepared for questions on current zoning and future use of parcel and to use limited pictures. The Chapdelaines and Attorney Levine thanked the Board.

Additional Wording/Subdivision Rules & Regulations Decision – A Public Hearing was held on February 27th for proposed changes to the Subdivision Rules and Regulations. The Board reviewed additional wording to be added to section 6.3.7 in regards to performance testing under the supervision of the Fire Department and bonding to ensure replacement or repair of any failures during the first year. Mr. Kruzel made a motion to approve the changes to the Subdivision Rules and Regulations as presented with the amendments stated. Mr. Flynn seconded. All were in favor. The decision will be typed up and the Subdivision Rules and Regulations updated.

Phillips Property/Ames Rd. – The Phillips are required, per their special permit decision, to have a maintenance agreement drawn up for the common driveway, present it to the Planning Board for approval and record it at the Registry of Deeds. The agreement has not been received. A letter will be sent to the Phillips' to remind them that a maintenance agreement was a requirement of the approval for a common driveway and that no construction is to commence until the agreement is reviewed by the Planning Board.

Home Occupation Review Letters – Mr. Dolben will draft follow-up letters to the two residents who came to the Board on March 12th for a home occupation review. The purpose of the letters is to clarify the Board's understanding of their home occupation.

Other Items – A quote was received from JW Sewall Company for zoning map updates and copies. Mr. Dolben will take the appropriate action. Other items were reviewed without further discussion.

Mail – Reviewed

Mr. Kruzel made a motion to adjourn at 8:52pm. Mr. Flynn seconded. The motion was approved unanimously.

Submitted by: Deborah House, Clerk