

Approved 1/28/09

**HAMPDEN PLANNING BOARD
REGULAR MEETING MINUTES
January 14, 2009
Town House**

Meeting called to order: 7:00pm

Members Present – Charlie Dolben, Chair, Neil Flynn, Joseph Kruzel, John Matthews and Robert Howarth.

Minutes – The minutes from the December 17, 2008 regular meeting were read. Mr. Flynn made a motion to approve the minutes as amended. Mr. Howarth seconded. The vote was unanimous.

Bills – The clerk’s payroll voucher was approved and signed.

Mr. Ed Speight/Scantic Meadows Subdivision – Mr. Speight brought in a new Letter of Credit for Scantic Meadows. The original will be held by the Treasurer with copies going to the Selectmen’s office, Town Clerk’s office and Planning Board files. The old Letter of Credit was given to Mr. Speight to return to the bank. The signed Third Amendment to the Development Agreement was given to Mr. Speight. Mr. Speight explained that his bank was bought out by a bank in Connecticut and that was why the process of extending his original Letter of Credit took so long.

Mr. John Mastronardi/Mountain Road-ANR – Mr. Mastronardi resubmitted an ANR for his property of approximately 45 acres on Mountain Road. Mr. Dolben recused himself as an abutter. Mr. Mastronardi would like to create 2 lots containing 1.4 acres each on Mountain Rd and leave his remaining back land as it is for now. The two new lots would be on either side of the “access way” to the four homes up in back. The driveways to the two new lots would be off of Mountain Road per Mr. Mastronardi though they are not shown on the plan. Accessing the back land was discussed. The current “common driveway/access way” would have to be improved and meet requirements in order to develop the land in back. This may be a future possibility. Right now Mr. Mastronardi is only interested in creating the two lots and selling them. The Board wants to make sure that he knows that he is limiting himself as far as his back land is concerned. Currently the “access way” is a pre-existing undefined situation. The Board would like to see this cleaned up and defined. It will be defined and cleaned up in the future on the next plan that comes before the Board which will may be a subdivision plan. This is a future plan as the economy is currently not in Mr. Mastronardi’s favor. The question came up as to what rights to access do the residents who live up in back have. No easements are in place. The Board emphasized that the “access way/common driveway” needs to be defined. Mr. Matthews made a motion to approve the ANR for Mountain Road as presented. Mr. Howarth seconded. All four board members signed the ANR plans in the absence of Mr. Dolben, the Chairman.

Ms. Connie Witt/Scenic Roads Bylaw Proposal – Ms. Witt presented a proposed bylaw for Scenic Roads to the Planning Board for review. This is not a zoning bylaw. She would like the Board's support in submitting this as a warrant article for the annual town meeting in April. She explained that Wilbraham, Brimfield and Palmer are some of the towns locally that have this bylaw. Two-thirds of the towns in Massachusetts have also adopted this bylaw. Taxes, values and Chapter 90 funds will not be affected by the bylaw per Ms. Witt. It would preserve the qualities and character of certain public roads by protecting public trees and stone walls. Road work can still be done on scenic roads, but if trees or stone walls are to be disturbed, a Public Hearing would have to be held first. The Public Shade Tree Act requires a Public Hearing before cutting trees. The power company was in town a few months ago and cut down several hundred trees without a public hearing. In Wilbraham a Public Hearing was held and 76 trees were cut down. Wilbraham has a scenic roads bylaw. Ms. Witt noted that a scenic roads bylaw was previously presented in 2002 and was turned down. Some people have approached her about presenting it again. She would like the Town's people to have the opportunity to either say yes or no. Ms. Witt placed an article in the newspaper about scenic roads and asked for responses. She received about 5, some negative and some positive. Ms. Witt noted that Dana Pixley has rebuilt stone walls when he has had to move them. The Board will review the materials given to them and get back to Ms. Witt.

Old Business – Mr. Dolben submitted the budget request for fiscal year 2010 and the annual report for 2008. A budget for digitized town maps was not submitted at this time. This may be a joint effort with the Assessor's office in the future. An estimated cost from Sewall was \$15/parcel per Mr. Dolben. To add in the zoning would cost a few thousand dollars more. The possibility of grants will be researched.

New Business - None

Other Items – Reviewed without further discussion.

Mail – Reviewed

Mr. Flynn made a motion to adjourn at 8:40pm. Mr. Howarth seconded. The motion was approved unanimously.

Submitted by: Deborah House, Clerk