

Approved 9/9/09

**HAMPDEN PLANNING BOARD  
REGULAR MEETING MINUTES  
August 12, 2009  
Town House**

Meeting called to order: 7:05pm

**Members Present** – Cornelius Flynn, Chair, John Matthews, Joseph Dolben and Joseph Kruzel and Robert Howarth.

**Minutes** – The minutes from the July 8, 2009 regular meeting and Public Hearing were read. Mr. Kruzel made a motion to accept the minutes from both the Public Hearing and regular meeting as presented. Mr. Howarth seconded. The vote was unanimous.

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

**Scot McComas/2 Allen St.** - Mr. McComas will be opening a physical therapy business in Unit D of 2 Allen Street called Integrative Body Works Physical Therapy, LLC. He has been working as a physical therapist for ten years and is now opening up his own office. His business will be along the lines of hands on work, gentle movements, low key and no big machines. Mr. McComas will develop a relationship with area physicians and will accept insurance plans. He will be the only employee and would like to be available to clients between 7am and 6pm Monday – Friday. Occasional Saturday hours and one evening a week are also possible. The designated parking area is off of Wilbraham Road which is on the back side of the building. Mr. McComas feels that he will only utilize 2-3 parking spots at any given time. A sign will be put in the same spot as the former Land Mark Realty sign and will be approximately the same size.

Mr. Dolben made a motion to approve the physical therapy business at 2 Allen Street as described by Scot McComas. Mr. Howarth seconded.

Mr. McComas will follow up with the Board of Health.

**Mark Casey/303 Main St.** – Mr. Casey has been denied an application to reconstruct a 12' x 20' building to 20' x 22'6" with a side setback of less than the required 35' by the Building Inspector. The Board of Appeals denied both the appeal to the Building Inspector's decision and a special permit which would allow the setback of less than 35'. Mr. Casey's options now are to dismantle the building, move the building so that it meets the setback requirements or purchase some land from his neighbor. He would like to purchase some of his neighbor's land but cannot buy it now due to liens on the property. Mr. Casey would like to know if he enters into a long term lease-to-buy 30-35' of his neighbor's property, would this be an acceptable solution to his setback problem. His lawyer has told him that it has been done

before. Some questions that came up were; is a lease-to-own considered a lot line? Does a lease establish a lot? If the neighbor's property was foreclosed on, Mr. Casey would be right back where he started. He feels that this would be his best option and would also help to clear up a property line issue. The Board suggested that Mr. Casey contact his own lawyer, Town Counsel and the Building Inspector. Also suggested was that Mr. Casey do some more research on moving the building to meet the setback requirements.

**Danna Krvynowek/map2 parcel 33** – Mrs. Krvynowek, a Somers resident, is interested in purchasing parcel 33 which has 8 acres. It is landlocked with a right of way through Conservation land in Somers. A home cannot be built on the property. Mrs. Krvynowek came to the Planning Board to find out if she would be able to put up a barn on the property and keep her horses there. This would be very convenient as she lives a mile away on Hampden Road. She is currently boarding at a few different stables. The Board agreed that yes, a barn can be built on the property with all setbacks meeting the regulations. A well would be put in for water and electricity could be brought in. The property will be going to tax title as the taxes have not been paid on it for a few years. Mrs. Krvynowek's cousins inherited the property and then stopped paying the taxes. She is going to try to acquire it. She has a call in to the Town Treasurer and has an appointment scheduled with the Building Inspector.

**Planning Board and Ridgeline & Hillside Application Fees** – The current fees were reviewed and remain the same for:

Form A (ANR)	\$50	
Form B (Prelim)	\$50 set fee + \$35/lot	
Form C (Defin)	\$200 set fee + \$35/lot (after Form B)	
	\$300 set fee + \$40/lot (without Form B)	
Special Permits	\$100	
Amendments/Revisions to approved subdivision plans		\$50/lot (for the number of lots affected by such revision as determined by the Planning Board)

New fees were set for:

Site Plan Review	\$25
PURD Special Permit	\$200 set fee +35/unit
Ridgeline & Hillside Review	\$25

**Commonwealth Capital Application** – Mr. Neil Flynn has been working on the Commonwealth Capital Application for the FY10 LAND Grant. The Board reviewed and added to the application. Mr. John D. Flynn also added information. Mr. Neil Flynn will file it online this week to meet the deadline.

**Hampden Country Club/ANR** – The ANR for the Hampden Country Club, which was signed in January, was denied by the Registry of Deeds because it lacked the required wording stating that "approval under the Subdivision Control Law is not required". Attorney James McEwan sent in the amended mylar with the added wording to the Planning Board for a signature. Mr. Flynn signed the mylar.

**Letter to Selectmen** – The letter to the Selectmen regarding Hampden Sign was reviewed by the Board and will be forwarded to the Selectmen's office.

**Town Maps** – John D. Flynn came in to discuss the need to update the town maps. Mr. Dolben also brought this up last spring when budgets were being prepared for the next fiscal year. He suggested GIS conversion of our current zoning map. Mr. John D. Flynn noted that Baystate Gas has offered their GIS mapping to the Town in the past. He will contact Baystate Gas and look into the GIS mapping. Mr. Kruzel will check with PVPC. Software that would allow viewing and updating will be looked into. All town departments that need the maps could share the cost of updating and maintaining them.

**Other Items** – Reviewed without further discussion

**Mail** - Reviewed

Mr. Kruzel made a motion to adjourn at 8:38pm. Mr. Howarth seconded. The vote was unanimous.

Submitted by: Deborah House, Clerk