

Approved 1/13/10

**HAMPDEN PLANNING BOARD
PUBLIC HEARING MINUTES
December 9, 2009
Town House**

Mr. Flynn opened the Public Hearing at 7:02pm.

The Hearing was scheduled on the application of Roger Beaumier for a special permit for a common driveway and a non-conforming horse barn at 298 North Road.

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

Introduction of Board Members: Mr. Flynn introduced the Planning Board members.

Statement of Authority: Mr. Flynn read the Statement of Authority.

Legal Notice: The legal notice of the Public Hearing was read by Mr. Flynn.

Audience questions/comments: John D. Flynn was in attendance representing John M. and Sheila Flynn who are abutters of Mr. Beaumier's property. Mr. and Mrs. John M. Flynn have no problem with the creation of the lot.

Mr. Dolben made a motion for continuance at 7:07pm since Mr. Beaumier had not yet arrived. Mr. Kruzel seconded. The vote was unanimous.

Mr. Flynn reopened the Public Hearing at 7:28pm

Report from Other Agencies: The Tax Collector reported that the account is current, the Board of Health and the Historical Commission reported "no comment at this time". The Conservation Commission was concerned that a driveway would cross a stream on the property. The stream is at one end of the property and the existing, common driveway is on the opposite side of the property and on the next parcel. The Conservation clerk was going to explain this to the Conservation Board.

Applicant's Presentation/Board Questions: Arthur Beaumier will be dividing his property on North Road so that his son, Roger will have a 10 acre parcel. A common driveway which is on Arthur Beaumier's property will be used to access the two residences. (There are currently two existing houses on Arthur Beaumier's parcel. An ANR has been submitted to correct this). The driveway is 18.5' wide which is more than adequate. After reviewing the plan, it was determined by the Board that the driveway meets the bylaw requirements for a common driveway. Roger Beaumier brought in a maintenance agreement for review. The Board determined that the agreement was insufficient. The plan and the date need to be referenced in the agreement. Mr. Beaumier was given a sample agreement last week to use as a template. Mr. Matthews suggested that Mr. Beaumier see an attorney and have the agreement drawn up correctly as it will have to be filed with the Registry of Deeds. The way the parcel will be divided now makes the horse barn non-conforming. Mr. Beaumier said that he will move the barn further away from the property line to make it conform to the setback requirements. (See Regular Meeting minutes 12/9/09)

Mr. Dolben made a motion to approve the special permit for a common driveway subject to the satisfactory review of the maintenance agreement. Mr. Howarth seconded. The vote was unanimous. Mr. Flynn will review the maintenance agreement. A timeline of January 31, 2010 was given to Mr. Beaumier.

With no further questions or discussion, Mr. Flynn closed the Public Hearing at 7:50pm.

Submitted by: Deborah House, Clerk