

approved 1/27/10

**HAMPDEN PLANNING BOARD
REGULAR MEETING MINUTES
January 13, 2010
Town House**

Meeting called to order: 7:03pm

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

Minutes – The minutes from the December 9, 2009 regular meeting and Public Hearing were read. Mr. Dolben made a motion to accept the minutes from the regular meeting as presented. Mr. Howarth seconded. Mr. Dolben made a motion to accept the minutes from the Public Hearing as presented. Mr. Howarth seconded. The vote was unanimous on both motions.

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

Stanton Auctions/106 East Longmeadow Rd – did not attend the meeting.

Paul Serafin/20 Commercial Dr – Mr. Serafin from Wizard Auto and The Storage Wizard and his tenant Corby Marini from Corby's Auto Service attended the meeting for a site plan update. Mr. Serafin brought in the revised plan dated 9/11/01 parking and fence location for our files. A copy of the original plan revised 4/23/01 was on file but not the 9/11/01 revision. Both Mr. Serafin and Mr. Marini reported that everything is the same and that all three businesses on the property have had no changes. It was mentioned that cars from Corby's business are parked along the driveway. Mr. Marini puts the cars there when they are done and ready for pick up. Sometimes the customers do not pick up the cars until the next day. Mr. Serafin noted that he has made more room available in the back of the building, possibly 7 or 8 parking spots.

Mr. Serafin asked the Board about the street lighting on Commercial Drive. He thinks some lights may be out. The Board noted that all the street lights should be on and suggested calling the power company to replace bulbs if needed.

The Board thanked Mr. Serafin and Mr. Marini for coming in to the meeting and updating the site plan for 20 Commercial Drive.

Lance Trevallion/Bldg Inspector – Mr. Trevallion attended the meeting to discuss the home occupation bylaw, large trucks being parked in residential areas, a demolition delay bylaw and in-law apartments.

Home Occupation/large trucks: Mr. Trevallion stated that the primary complaint that he receives from town residents is that large vehicles and equipment (landscapers, oil delivery vehicles, septic pumping trucks...) are being parked in residential areas. Based on the bylaw, Mr. Trevallion does not believe this is allowed, but has gone on for years. He also feels that the home occupation section in

the Table of Uses was designed, drafted and written to define a professional office (doctor, dentist...) not a business with trucks and equipment. Mr. Trevallion, as the enforcement officer, finds it very difficult to respond to the complaints and enforce the bylaws the way they are written. There are many gray areas. Mr. Dolben noted that maybe the "parking of vehicles" should be addressed and not the home occupation. Mr. Dolben explained to Mr. Trevallion and the Board that a reasonable bylaw regarding vehicle size and number was proposed years ago but was not supported by other departments and did not pass at Town Meeting. Mr. Kruzel asked about the sound limits zoning bylaw and the nuisance general bylaw. Mr. Trevallion stated that they are very difficult to enforce and equipment would be needed for the sound limits testing. A change to the home occupation bylaw was one suggestion. Use is not grandfathered, only structures are. Modifying the special permit section was another suggestion. A Public Hearing will have to be held for any bylaw amendments which will give the residents a chance to give their input. The Selectmen and the Zoning Board of Appeals will be invited to a round table discussion to come up with the best way to go about this. Everyone needs to be on the same page in order to make any progress.

In-Law Apartments: In-Law apartments, two family homes (two separate, independent living areas) are not allowed in Hampden. There are a large amount of them in town. Issues come up when they are sold. Mr. Trevallion suggested a non-transferable special permit for In-Law apartments/two family homes to make them legal. Wilbraham has a bylaw for this. Mr. Trevallion needs to know how to handle this as an enforcement officer.

Demolition Delay Bylaw: Mr. Trevallion stated that he does not oppose the bylaw, doesn't really see a need for it, and feels that a 9 month delay is a long time to hold someone up and it would put a burden on them.

Craig Beck/50 Mountain View Dr – Mr. Beck and his son, Michael Beck attended the meeting. Mr. Beck would like to create an estate lot. He currently owns approximately 14 acres. The Board informed him that he would need 8 acres and 60' of frontage. Mr. Beck stated that he would like to buy some land from his neighbor so that he can have frontage on Kelly Lane. Another option was to buy some land from another neighbor and have frontage on Wilbraham Road. Michael Beck asked about a variance. Mr. Dolben explained that a hardship would have to exist and there isn't one. The Becks will pursue this and approach the neighbors about buying some land.

Mark Casey/303 Main St – Mr. Casey brought in an ANR for review. He will be purchasing Lot 7D containing 4.0549 acres from the Hampden Country Club. This property is behind his current property. He had it surveyed so as to stay away from the hiking trails at Goat Rock that the Minnechaug Land Trust would like to purchase. The Board reviewed the plan and all members present signed it due to the absence of the Chairman. Mr. Dolben made a motion to waive the ANR fee due to the continuation of the previous ANR. Mr. Howarth seconded. The vote was unanimous.

Open Space Plan – Sherry Himmelstein forwarded a copy of the revised Open Space Plan for the Board to review. She will need a letter of review from the Board to submit with the Plan at the end of January.

Ridgeline & Hillside – Mr. Matthews mentioned that he checked on a question about trees that were cut on the Pepin property on South Road. Everything was fine per Mr. Matthews.

Other Items – A site visit report and bonding recommendation were received from Tighe & Bond for Scantic Meadows.

Other items reviewed without further discussion.

Mail - Reviewed

Mr. Kruzel made a motion to adjourn at 8:45pm. Mr. Howarth seconded. The vote was unanimous.

Submitted by: Deborah House, Clerk