

TOWN OF HAMPDEN  
MASSACHUSETTS

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Joanne Fiore, Clerk



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Joseph Dolben  
Cornelius Flynn  
John Matthews  
Judge Robert Howarth  
James Quackenbush

**MINUTES OF THE HAMPDEN PLANNING BOARD**  
**Wednesday, October 12, 2011**  
**Town House**

Approved 10/26/11

Attending Members – Cornelius Flynn  
John Matthews  
Joseph Dolben  
Judge Robert Howarth  
James Quackenbush

**The meeting was called to order at 7:02 PM by Chairman Cornelius Flynn.**

**Approval of Minutes** – Mr. Dolben called for a motion to approve the minutes of the September 14<sup>th</sup> Regular Board Meeting as submitted. Judge Howarth seconded the motion. VOTE: All in favor so voted.

Mr. Dolben called for a second motion to approve the minutes of the August 24<sup>th</sup> and September 14<sup>th</sup> (Reconvened) Public Hearing Minutes for Stephen Carabetta for a Special Permit for Proposed 600 ft. common driveway to access (4) adjoining lots. Judge Howarth seconded the motion. VOTE: All in favor so voted.

**Site Plan Review Fees** – The Board discussed the Site Plan Review Fee (\$25) and when this fee is imposed. To clarify, if an applicant comes in front of the Board on their own initiative, the \$25 fee is charged. However, if the Board requests an individual/business to appear in front of the board, no fee is imposed.

**Subsidized Housing Inventory Biennial Update** - Pertaining to the request from the Department of Housing & Community Development concerning the update from the Town of Hampden on subsidized Housing Inventory, Mr. Dolben will check with Community Preservation Commission on this issue.

**Bibeau Oil** - Mr. & Mrs. Norm Bibeau appeared before the Board concerning the October 3, 2011 letter from Lance Trevallion, Building Commissioner, Zoning Enforcement Officer. This letter indicates they are operating a business out of their home without a special permit violating the Hampden Zoning By-Law, Section 6.1. Mr. Bibeau indicated they have been in business at this location since 1986. He has two employees (one driver and one office worker/bookkeeper). Mr. Bibeau works part-time occasionally. Mr. Bibeau indicated there is no business sign on the property. The hours of operation are 7 a.m. to 1 p.m. and during the winter the day is extended to 4-5 p.m. He indicated the trucks are not visible from the street and are fenced in. The trucks hold

2,400 gallons and weight about 33,000 lbs. They require a Class B license. He has a hazmat permit, tanker permit and air break permit. The only maintenance work done on the trucks at their location is oil changes. These trucks are single-wall tanks parked on hard-pack ground and are inspected each year. He has a permit for a 500 gallon diesel fuel tank on the premises. He has night motion lights on the property for security.

Mr. Flynn indicated it would be a challenge to say this qualifies for a special permit because of the following: 1) There are oil trucks on the premises; 2) There is no containment if a truck leaks; 3) He has employees on the premises and 4) There is an exterior storage facility. This doesn't meet the criteria for a residential area according to the Hampden By-Laws. The Board indicated to Mr. & Mrs. Bibeau to seek the advice of an attorney or talk with the Zoning Board of Appeals and explore their options and communicate to Lance Trevallion what their plan of action will be.

### **Audit/Site Plan Review of Main Street Businesses**

#### **KF&K Restaurant LLC – Ed Kennedy**

Attorney James McEwan represented Mr. Kennedy at the site plan meeting. Attorney McEwan indicated the tenants that exist are McLadden's, formerly Black Horse Tavern; a pizza shop, a salon, a dance studio, and (1) vacant office. The Board has requested Attorney McEwan provide a site plan for this location 546 – 548 Main Street.

Attorney McEwan notified the board that McLadden's will open on October 17, 2011. The Board indicated that McLadden's has not met with the Board prior to opening. Mr. Flynn requested Attorney McEwan to provide a floor plan of McLadden's reflecting the areas of the building they will be utilizing, the number of parking spaces, etc. The Board requested this information be provided to them by the October 26th Planning Board Meeting which gives two weeks to provide this information or they will be out of compliance.

**Carrie Polci – Auto Dealer's License – 653 Main Street** - Carrie Polci addressed the Board in order to present a business plan (Attachment A) for an Auto Dealer's License for M&C Auto at 653 Main Street. Ms. Polci's business objective as stated in her business plan is:

M&C Auto will be purchasing vehicles on-line and selling vehicles on-line. There will be no employees hired or working on property of said business. There will be no commercial vehicles entering the property, no towing vehicles to or from and no maintenance will occur on the property. There will never be any more than two vehicles being stored on the property before transferred to purchaser at one time.

The Business Plan reflects both Carrie Touchette and Michael Ladden as owners of the business. She mentioned they are both residents of the town, and Michael Ladden will handle the auto business. The hours of operation are by appointment only. The Board indicated that this business must be a separate building not attached to her house, and it must have its own entrance. John Matthews indicated his concern that there will be multiple businesses at this site (New England Mortgage, Real Estate, and now M&C Auto). He is concerned of the possibility there may be 4-5

vehicles on the property at one time. Judge Howarth indicated there are no restrictions in the by-laws indicating how many businesses someone can have at one location. Mr. Dolben set forth a restriction on the motion that there are no more than (2) vehicles in connection with M&C Auto parked on the site at any time. Mr. Howarth seconded the restriction of the motion. (4) In favor of the restriction of the motion (Mr. Dolben, Mr. Flynn, Mr. Quackenbush, and Judge Howarth); (1) opposed (Mr. Matthews). Motion so approved.

Therefore, Mr. Dolben made the motion to approve the additional business use at the subject location as described with the further condition that there be no more than (2) vehicles parked onsite in connection with any business at 653 Main Street. Judge Howarth seconded the motion. (4) In favor of the motion (Mr. Dolben, Mr. Flynn, Mr. Quackenbush, and Judge Howarth); (1) Opposed (Mr. Matthews). Motion so approved.

**Mail** – Reviewed.

**Adjournment** – Having no further business, Judge Howarth made a motion to adjourn at 9 PM. Mr. Dolben seconded the motion. VOTE: All in favor so adjourned. The Planning Board's next scheduled meeting is Wednesday, October 26, 2011.

Submitted by: Joanne Fiore, Clerk