

TOWN OF HAMPDEN  
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Joseph Dolben  
Cornelius Flynn  
John Matthews  
Judge Robert Howarth  
James Quackenbush

Approved 02/13/13

**HAMPDEN PLANNING BOARD  
PUBLIC HEARING MINUTES/SUBSTANDARD FRONTAGE LOT – MORTON  
January 9 and January 23, 2013  
Town House**

Mr. Flynn re-opened the Public Hearing at 7:07 PM originally scheduled on January 9, 2013. Mr. Quackenbush recused himself from the decision making process as he is an abutter.

The Hearing was scheduled on the application of Russell and Olga Morton for a Special Permit under Section 7.2.4 of the Hampden Zoning Bylaws for a substandard frontage lot for Parcels 23 & 24, Lot 51, located on South Road in Hampden, MA.

**Members Present:** Cornelius Flynn, Chairman; John Matthews, Joseph Dolben, Judge Robert Howarth, and James Quackenbush (recused).

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

**Legal Notice:** The Legal Notice was ready by Mr. Flynn.

**Reports from Other Agencies:** The Tax Collector reported that the account is current.

**Applicant's Presentation/Board Questions:** Mr. Paul Smith, Surveyor, presented the request for a special permit on behalf of Russell and Olga Morton. He indicated the ANR was previously approved. He noted access to the lot would be from South Road and the building envelope is reflected on the plans. As these plans have been revised from the original submission, it is reflected as Driveway Revision dated 1/22/13. The proposed driveway reflects a 2' wide/6" deep grass swale to control the run-off and direct water away from the abutter's property. Fill will be required to change the grade slope. The plans reflect the 2 ½ acre clearing envelope.

Mr. Matthews confirmed the frontage to be 67.59 feet. Mr. Matthews questioned the dotted lines on the plans, and Mr. Smith indicated they represent the 100 foot buffer setback.

Mr. Smith noted the existing stone wall on the plans.

Mr. Flynn mentioned no objections were received from other departments; however, Mr. Matthews mentioned they must apply for Ridgeline/Hillside Review due to steep slope.

**Audience Questions/Comments:** Mr. Richard Kosakowski, representing the buyer of the lot, indicated they would be clearing part of the 2 ½ acres. Mr. Matthews indicated they try to keep as many trees as possible within the 2 ½ acres. Whenever a tree is cut, Ridgeline/Hillside would have to be notified. Mr. Matthews requested they notify him of their plans on what trees will be cut down.

Mr. Kosakowski asked about the old foundation on the north part of the property near the road. Mr. Flynn indicated the old foundations on either side of the right-of-way may be a condition of the Special Permit.

Mr. Kosakowski asked if they can move the rock wall that exists on the property. Mr. Flynn indicated that Mr. Kosakowski will have to investigate this further. Another concern he had was putting in a well and the location of the driveway with regards to Conservation. The Board indicated that a "Request for Determination" will have to be done first.

Stephanie Zick of 399 South Road asked how the process works once they buy the land, put in driveway, put in the well, and Conservation stops them? Mr. Matthews explained to her that once the plans are accepted, then they will go to Conservation. Mr. Dolben indicated that the Planning Board is merely approving it is a feasible development and that it has no negative impact on the abutters of South Road.

Mr. Flynn noted the plans reflect a (12) feet wide driveway, and if Mr. Kosakowski wants a 14 or 16 feet wide driveway, he should get this cleared up with Mr. Morton beforehand due to pavement costs. The Board also indicated that the first (20) feet of the driveway must be pavement or concrete in order to receive a Certificate of Occupancy.

It was mentioned that the utilities will be underground and will run from South Road.

**Decision:** Mr. Dolben made a motion to approve the Special Permit for a substandard frontage lot for Parcels 23 & 24, Lot 51, located on South Road with the following (2) conditions:

- 1) A (2) feet wide/6" deep grass swale to be constructed on proposed driveway in order to control run-off (as reflected on Driveway Revision plans dated 1/22/2013).
- 2) Any foundations that reside on the property lines are not touched and remain intact.

Judge Howarth seconded the motion. All in favor so approved. Judge Howarth made a motion to close the Public Hearing at 7:51 PM. Mr. Dolben seconded the motion. The vote was unanimous.