

Approved August 10, 2005

**Minutes of Regular Meeting
July 27, 2005
Town House 7:00**

Members in Attendance: Joseph “Charlie” Dolben, Chair, John D. Flynn, Robert Majkut, and Melissa Reeves, Associate Member, Anthony Bongiorni

Members Absent: Joseph Kruzel

Meeting Opened 7:00

Minutes: July 6, 2005 Public Hearing, Tall Pines – Change tough to touched, change where to were and omission to Commission Motion to approve as amended: 4-0 unanimous.

July 6, 2005 Regular Meeting - Motion to approve as written: 4-0 unanimous.

Selectmen- Selectmen James Smith and Duane Mosier attended to vote on the Associate Member for the Planning Board. John Flynn explained Bongiorni is willing to continue on the Planning Board and has attended the Planning Board meetings and also attended PVPC meetings and the Ethics Meeting. Smith asked Bongiorni about himself. Bongiorni stated he has lived in Hampden since he was two (2) years old. He graduated from college in 2003. His major was urban planning then switched majors to classic. He stated he is still in a learning curve but would like to continue on the Board. Mosier asked if he on sits in on Special Permits. Flynn explained only if a member is missing from the start of the Special Permit process.

The Planning Board voted to and made a recommendation to the Selectmen to re-appoint Bongiorni. The motion was made by Flynn, second was made by Majkut. Vote: 4-0 unanimously in favor. Yes: Flynn, Majkut, Dolben, and Reeves. No: 0 The Selectmen also took a vote 2-0 unanimously in favor Yes: Smith, Mosier No: 0

Howlett Hill Map 5 Lot 3 and Lot 2- Majkut reported to the Board at the Ridgeline and Hillside Meeting on July 26, 2005 the property on Howlett Hill Map 5 Lots 3 and 2 were discussed. The owner of the property seems to be living in a trailer on the property. There has been a mailbox put up. It is a posted tree farm. At the Ridgeline and Hillside meeting it was agreed there are many violations of the zoning bylaws on this property. One violation is living in a trailer; this is not allowed in Hampden. There is also lumbering happening up there. Majkut stated he is not opposed to development but it should be done by the zoning bylaws of the town. He said the Conservation Commission sees to have some issues with this property.

Flynn explained at the Selectmen’s meeting this issue was discussed. Mosier was going to talk to the Building Inspector to go and talk to the land owner and let him know living in a trailer is not allowed and must be stopped.

Lantern Lane – Dolben would like this taken off the agenda from this point on.

Scantic Meadows – The Clerk reported to the Board the Decision for Scantic Meadows was time stamped dated from the Registry of Deeds. Reeves reported she had received information from Mr. Speight that he was thinking of changing to propane gas to heat the homes in this subdivision. The plans were approved with piped in gas however. Melissa will check with Don Schmidt to see if this will make a difference with the Decision. Reeves also reported the Escrow amount is in. Majkut told the Board the paperwork received by the Board from Buckeye Pipeline was just a notification and no action had to be taken by the Board.

Wendell Prior- Wendell Prior owner of land on Maple Grove Road Map 22 Lot 88 came before the Board with questions if this is a regulation building lot. This property was handed down to his wife from her parents. The original deed from Gleason dated October 16, 1972 stated it was a building lot. AT this date it is not a regulation building lot. Prior was questioning if this is grandfathered or not. Dolben and Reeves felt there may be a problem with setbacks. Dolben advised Prior to seek legal help in finding out if it is grandfathered or not. The Board will also do some research on this property. Majkut will call PVPC on the rules and the setbacks and get back to both the Board and Prior. Prior thanked the Board for their time.

Andrei Guidette- Mr. Guidette, 530 Glendale Road, came before the Board for information. He is semi retired horse trainer and would like to divide up his property keeping the horse track and barn with about twenty (20) acres out of the sixty five (65) that he owns. Guidette would like to sell the house and about twenty (20) to twenty five (25) acres of land. The property at this point has four hundred and forty (440) foot frontage. He was wondering if he could put in a FROSD on the parcel he is going to sell. Guidette asked if he went to someone like Roger Woods would he be able to divide this up for a FROSD or just subdivision or whatever. Majkut told Guidette there are no guarantees. Zoning can change at the next town meeting. When someone is ready to change the property then would be the time to say it can or cannot be done. The first step would be to go to someone like Woods. Guidette thanked the Board for their time.

Open Space- Connie Witt and Sherry Himmelstein came back to the Board with wording for changing the FROSD to make it more appealing to developers. They brought examples of the wording for the FROSD from other communities. The some of communities are Duxbury, Brewster, Grafton, Amherst, Southwick and Belchertown.

One of the examples is anything over five (5) lots or five (5) acres need a Special Permit for development. There must be three drawings: FROSD, Cluster and Standard. In Cummington the developer is asked to draw a voluntary sketch where everything is on the property. Himmelstein would like to find a way to encourage the use of the FROSD. Both Himmelstein and Witt looked at FROSD's in Amherst, Belchertown and Southwick. The only one they did not really like was a FROSD that was not completed. The Board asked if anyone has challenged the ideas. Sherry said the four (4) she spoke to had not been challenged. This is just a different way to encourage the FROSD. Most developers are probably not comfortable doing something new like a FROSD and the Board should find a way to encourage them to try it out. Majkut asked what part of the

FROSD makes it undesirable. Himmelstein felt it was because it is not used and it is a new idea. Witt had some wording for affordable housing. Reeves told Witt the affordable housing figure went up as it is now state wide the figure is \$360,000.

Himmelstein would like some kind of feed back from the Board on the progress of the suggestions. Bongiorno will put some things together and report back to the Board, Himmelstein and Witt. Flynn felt it could be a modification to the Rules and Regulations and would not require going to Town Meeting.

The Board thanked Himmelstein and Witt for their time and energy on this project.

Russell Cable- Russell Cable came to the Board asking for an extension on the Special Permit for Map 8 Lot 2 Block 3 on South Road. He explained the driveway has been cut in with piping as the Conservation Commission had required. Cable stated the Conservation Commission held him up for over a year and would like to get a couple of years extension. Dolben asked where he would be in January. Cable was not sure. At the time of the hold up Cable had all the contractors lined up. Then when Conservation took so long all the contractors backed out. Cable is having trouble getting more lined up they are all booked until spring. Flynn asked if the well was in and if Cable had a building permit. Cable replied no to both questions. Flynn felt if the well was in it would show progress. Flynn asked if the Conservation Commission had looked at the driveway. Cable replied Phil Grant had come to the property and looked it over. Cable stated he was happy with everything in the driveway except it was not finished it was only a 3” process. Cable told the Board he was going to finish the driveway last because of the big trucks going on the property and would ruin a finished driveway. Flynn felt Cable had ample good cause for an extension. Dolben said he would take it under advisement and do some research and get back to Cable.

Tall Pines- Flynn told the Board of the conversation he had with Tony da Cruz regarding Tall Pines, Allen Street PURD. da Cruz has been out of the office on medical leave but gave Flynn verbal approval except for on issue which is the length of the road. The traffic study report had just come in and da Cruz has not had a chance to review but has stated it would be more procedural than having any issue. da Cruz stated the person doing the traffic study, Jeff S. Pechulis, is very reputable and sees no problem at all. The reason for doing the traffic study is strictly to follow Planning Board guidelines. Flynn felt any decision would be based on Town Engineer reviewing the paperwork and writing a positive report. Flynn also called East Longmeadow and Wilbraham to see how they handle private roads. They hold to standards of town roads from top coat to compactions but nothing after that. Gary Weiner, Ecotec Environmental, reported the road is full width up until the first island: after that it is twenty four feet (24’).

Flynn felt the decision should include:

- A. written confirmation from Town Engineer
- B. traffic study report is approved by Town Engineer.

Reeves made a motion to meet the requirement for road length 1500’ and come up with a second access road. Flynn seconds it. Vote: (3-1) against. Yes: Reeves No: Majkut, Flynn and Dolben.

John made the motion to approve the subdivision plans with the conditions A. written confirmation from Town Engineer and B. traffic study report is approved by

Town Engineer, with suitable escrow to be set at a later date. A second was made by Reeves. Vote (4-0) unanimously in favor Yes: Reeves, Flynn, Majkut and Dolben No: 0

Aquifer Protection Overlay District Permit for Tall Pines- It was Tighe and Bonds opinion at an earlier meeting that there will be no impact on the water in this district. Motion to approve Aquifer Protection Overlay District Permit was made by Flynn. Reeves second it. Vote: (4-0) unanimously in favor. Yes: Dolben, Flynn, Reeves and Majkut. No: 0

Phillips ANR- Gary Weiner, Ecotec Environmental, came in with an ANR for the Phillips property on Ames Road. They have a buyer who would like a five (5) acre conforming parcel. They would like to erase the old line and make a new line. There is an old cart road but this crosses a perennial stream. Dolben made a motion that the ANR meets the requirements. Melissa seconds it. Vote: unanimous (4-0) in favor. Yes: Dolben, Majkut, Flynn and Reeves. No: 0

21 North Road- One half of Bernie Clark's old house is trying to be rented. Mark told him no go. It is a flagellant violation of Hampden's zoning bylaws.

Subdivision Check List- tabled until next meeting.

Shadow Wood – Dolben will talk to Gary about the escrow account and a traffic study.

Sidewalk Committee- Flynn checked with Westfield and they have a sidewalk account.

Motion was made to adjourn by Joseph Dolben. Second by Melissa Reeves
Vote unanimous (4-0) to adjourn Yes: Flynn Dolben, Majkut and Reeves
No: 0

Meeting adjourned 9:10

Submitted by: Jane M. Budykiewicz, Clerk