



Town of Hampden
Planning Board
Wednesday, August 9, 2023, 7:00 pm
Municipal Building Council Chambers
Minutes

In Attendance:

Planning Board

Richard Tinsman, Chair
Benjamin Dunham, Vice-Chair
Jacob Beaulier
Ryan Tribou
Dennis Marble
Monica Small (Alternate)

Staff

Clifton Iler, Town Planner
Amy Ryder, Economic Development Director
Wanda Libbey, Admin Asst.

Public

Jim Kiser

Chair Tinsman called the meeting to order at 7:00 p.m. and verified that all attendees in-person and virtual could hear and see each other. In the absence of a regular member, he appointed Alternate Member Small to serve as a full voting member for the duration of the meeting.

1. Administrative

a. Minutes – July 12, 2023, Regular Meeting

Motion by Member Beaulier to amend the minutes of July 12, 2023, Regular Meeting Minutes; amendment one is to add a vote before 3.b. to discuss and initiate the amendment to the Zoning Map and amendment two is to correct the adjournment vote from 7/0/0 to 6/0/0; seconded by Member Dunham; motion carried 6/0/1 by roll call vote.

Motion by Member Dunham to accept the minutes of July 12, 2023, Regular Meeting Minutes as amended; second by Member Beaulier; motion carried 6/0/1 by roll call vote.

2. Old Business - NONE

3. New Business

a. Sandollar Service Facility – Public hearing for a revision to the subdivision plan for the Hampden Business and Commerce Park, Lot 2, and Major Site Plan in order to construct a 2,688 SF commercial building on Carey Circle, Parcel 10-B-002. This property is located in the Industrial Park District.

Chair Tinsman confirmed with Administrative Asst. Libbey that the required public hearing posting had been met and then opened the public hearing at 7:06 p.m.

Jim Kiser, representing the applicant, presented the plan for Subdivision Amendment and Site Plan:

- Subdivision Amendment for Lots 2 & 4.
- When the right-of-way, formerly known as Business Court, is deeded to JDS Holdings LLC they will include it in the deed for Lot 2. This will enable them to give access easement to Lot 4.
- The owner, JDS Holdings, LLC, is proposing to move the lot line between Lots 2 & 4 20 ft. which will give more flexibility in developing Lot 4, which isn't part of the application in the future.
- In reference to the Site Plan, the applicant is proposing a service building of approximately 1,700 sq ft. on Lot 2.
- The primary use of this building is for the service and repair of hot tubs.
- The applicant proposes constructing an access road, which will remain named Business Court, into Lot 2 and allow access to Lot 4 for future development.
- Water for Lots 2 & 4 will be run down Business Court.
- Lot 2 will have parking and a fenced-in area for storage of equipment and materials that are able to be stored outside. The existing tree stand associated with the property is just outside within the right-way.
- Will provide Hampden Water District access to their water meter station in front of the development so they won't have to access the station from Rt. 202.

Town Planner Iler started by suggesting that the Planning Board vote on this Minor Subdivision amendment and Major Site Plan as one as has been done in the past. Planner Iler stated that overall, there are no issues with the Major Site Plan Application. The project was sent to Woodward & Curran for peer review. Comments from Woodard & Curran were forwarded to the applicant for their responses, both were included in the packet. A few outstanding questions regarding sediment control and landscaping will be solved through the development process. The one issue that Planner Iler, Town Council, and Economic Development Director Ryder have is the transfer of the Business Court to the applicant. The board will need to determine how to properly amend the subdivision allowing lot 4 access to the Business Court. If the applicant in the future decided to sell lot 4 it would make it a dead lot due to no legal access to Business Court. Following legal review, it was determined that a transfer of the right-of-way was permissible action provided there is proper E911 access to lot 4, and either lots 2 and 4 were combined into a singular lot, or the Business Court was deeded as a private road.

Chair Tinsman asked if the two lots were combined, and in a few years, the same applicant came back and wanted to place another building to support the business, would that be allowed? Planner Iler stated that yes, they could.

Member Marble asked if the applicant should go the deeded right-of-way route, and if they did would it have to be 66 feet wide or 50 feet wide? Planner Iler explained that it would be deeded as a private road where it meets Carey Circle and recorded at the registry.

Member Marble asked if the other roads in the Business Park were public. Planner Iler stated that the other roads are public.

Member Small asked if a 66-foot right-of-way would meet E911 requirements, what prevents a 66-foot right-of-way from happening and lastly, what is the benefit of a private road versus a right-of-way. Planner Iler stated that the right-of-way itself is not sufficient and rather a road of some sort would need to be constructed.

Economic Development Director Ryder clarified that legal counsel said that whether it is a private or public road for lot 4 to have an E911 address it needs to be a deeded road.

Jim Kiser stated that he does not have a problem with the multiple ways to resolve the issue concerning lot 4 and it doesn't really affect any of the development proposed under the Site Plan. He believes that with a condition and then working with legal staff to make sure the T's get crossed and the I's get dotted. The final plan will be coming back to the Planning Board to be signed before it can be recorded allowing you to see the end result.

Chair Tinsman asked Jim Kiser which option the applicant most favored. Jim Kiser believed it would be the 50-foot right-of-way access easement from Lot 2 to Lot 4 or a private road and the applicant would prefer not to combine the two lots.

Planner Iler explained that Business Court would be deeded as a 66-foot private road access and a 50-foot easement would be granted to Lot 4 off Business Court.

Member Beaulier asked where he could find the private roads in the Subdivision Ordinance. Planner Iler stated that private roads have traditionally been categorized as the lowest road type in the developmental standards and there is no specific design guide solely for private roads at this time.

Chair Tinsman closed the public hearing at 7:45 p.m.

Public Questions/Concerns/Opposition: - NONE

Planning Board Questions:

Member Marble asked if a condition could be added to the motion that legal access is provided to Lot 4 to support the possible future sale of that lot or something to that effect. Planner Iler stated that the Town can work with legal counsel and the applicant to find something sufficient for both parties.

Motion by Member Beaulier to approve based on the findings and information presented herein, Minor Subdivision Amendment and Major Site Plan for the construction of a commercial building located on Carey Circle in the Hampden Business and Commerce Park (Tax Map/Lot: 10 -B - 002) with the following condition:

- The access to Lot 4 satisfies the Town of Hampden's legal counsel.

; seconded by Member Marble; motion carried 7/0/0 by roll call.

4. Town Planner Report

Planner Iler asked the board members present if they would consider changing the Planning Board Workshops from the third Tuesday of each month to the third Wednesday. It was the consensus of the board to hold future Planning Board Workshops on the third Wednesday of the month from here forward.

Planner Iler reminded board members the meeting for August will be Wednesday, August 16, 2023, at 6:30 p.m. in Town Chambers

5. Planning Board Comment - NONE

6. Adjournment

Motion by Member Beaulier moved to adjourn the meeting at 7:55 p.m., seconded by Member Dunham; the motion was carried by a roll call vote of 7/0/0 in favor.

Respectfully Submitted By,

Wanda Libbey, Administrative Asst.