



Town of Hampden

Planning Board

Wednesday November 9, 2016, 7:00 pm

Municipal Building Council Chambers

Minutes

In Attendance:

Planning Board

Peter Weatherbee, Chairman
Kelley Wiltbank
Joan Reilly
Michael Avery
Andrew Scott, Alternate

Staff & Others

Karen Cullen, AICP, Town Planner

Scott Small

Chairman Weatherbee called the meeting to order at 7:04 pm.

1. Administrative – minutes of October 12, 2016 meeting: Motion by Member Wiltbank to approve as submitted, seconded by Member Scott, so voted 5/0/0.
2. Old Business: none.
3. a. Public Hearing: Site plan review application for a Home Occupation permit submitted by Scott Small to open his art studio to the public for sales at 104 Shaw Hill Road, in the Rural district.

Chairman Weatherbee read the hearing notice into the record and confirmed with Planner Cullen that the proper notice for the hearing had been given. He then opened the public hearing at 7:06 pm.

Scott Small gave a brief history of his tenure in Hampden; he has lived here for 25 years after earning a Master's degree in metal smithing and painting. Mr. Small has managed to make a living from his artwork but the recession of 2007/08 hit him hard as sales through art galleries fell off significantly. He recently inherited some money and used it to build a new studio on his property, and now he would like to open it to the public since he knows there is an opportunity to sell artwork to tourists as well as others. Mr. Small described the studio and site improvements, including a driveway with parking for at least 2 cars.

There being no other speakers on the application, Chairman Weatherbee closed the hearing at 7:10 pm.

Member Avery noted that the setbacks in the Rural district are 30 feet and the studio has a 32 foot setback. He also noted the word “proposed” on the plot plan should be deleted since the studio building now exists. Planner Cullen noted the plot plan is from the one submitted for the building permit and agreed with the suggested edit.

There was discussion regarding signage; Mr. Small said it will be 2 feet by 2 feet and will comply with the requirements of the zoning ordinance.

There was discussion on non-resident employees; finding 1 of the draft Order was modified to indicate that this decision does not prohibit future non-resident employees.

Motion by Member Scott to approve the application and Planning Board Order as amended and the plot plan as amended (remove the word “proposed”); seconded by Member Wiltbank.

Mr. Small asked the Board if he could teach at the studio. Discussion ensued on this idea and the Board agreed that teaching a few students at a time would not be a significant deviation from the application and would not have any detrimental impact on the neighborhood. The Board decided to amend the Order to add language regarding teaching to the summary description of the application and to set a condition that there be a maximum of three students at the site at any given time.

Motion by Member Avery that the application and the Planning Board Order as amended tonight be approved; including removal of the word “proposed” from the plot plan, deleting “one day a week from 9 am to 5 pm” from the summary description of the application (in the Order), adding “for sales of artwork, and to offer lessons in artwork to the public at the site” to the end of the summary description, and to add “but the option exists to have a non-resident employee at the site” to the end of Finding 1, and to add a condition to read: “There shall be a maximum of three students at any given time at the site.” The motion was seconded by Member Scott; passed by unanimous vote (5/0/0).

Planner Cullen noted to Mr. Small that the final decision will be prepared next week.

- b. Zoning Ordinance Amendments, Home Occupations. Planner Cullen briefly discussed the draft language for home occupations, and noted that the Planning & Development Committee has also discussed this draft. They had several comments on it and staff will be redrafting parts of the amendment. Discussion on process regarding when the Planning Board's Ordinance Committee should discuss it; Planner Cullen suggested a joint meeting of the P&D Committee and the Ordinance Committee. The Planning Board agreed that made sense.

Motion by Member Wiltbank with a second by Member Scott to send the amendments regarding home occupations to the Ordinance Committee; so voted 5/0/0.

Planner Cullen said once the revisions regarding truck size and other issues discussed by the P&D Committee are made, she will contact the Ordinance Committee to set up a joint meeting with the P&D, if possible at one of the P&D meetings.

- c. Zoning Ordinance, discussion on format of permitted uses (use table). Planner Cullen led a discussion on the conversion of the paragraph form of the uses permitted by right and by conditional use permit into a table format where the uses are listed down one side and the 15 zoning districts across the top. She explained that by using a table format it becomes very easy for property owners and others (including town staff and officials) to see what is allowed in each district as well as which districts allow a particular use. The current format where each use is listed in paragraph form (really just a list of uses separated by commas) is more difficult to use and in some cases to interpret.

Planner Cullen said she has discussed this with the P&D Committee and they are very much in favor of making this change. She added that the first version is a straight conversion of the existing language, and she is working on a second version which will clean up the inconsistencies and combine uses which are essentially the same but which are currently worded slightly differently (probably because no one checked the zoning ordinance for similar uses in other districts when one district was being amended to add a particular use). She does not expect to make many (if any) significant changes to the uses allowed in the various districts.

The Board felt it would be premature to refer this to the Ordinance Committee at this time, but will take it up again at the appropriate time (once the next version of the table is completed).

4. Planning Board Comments:

Member Avery asked the status of the accessory apartment amendment to the zoning ordinance; Planner Cullen said it's on her list of amendments to work on but it is not a high priority since the person who had originally requested the Town consider it has found an alternative solution.

The meeting was adjourned at 8:32 pm by motion of Member Wiltbank with second by Member Scott; motion carried 5/0/0.

Respectfully submitted by Karen Cullen, Town Planner

Materials reviewed at the meeting:

- Application, Report from Planner Cullen, and draft Planning Board Order, Scott Small home occupation
- Memorandum and draft language from Planner Cullen – Amendment to Zoning, Home Occupation
- Memorandum and draft use table from Planner Cullen – Zoning Ordinance, Uses