



Town of Hampden
Planning Board Meeting
Wednesday December 11, 2019

Minutes

In Attendance:

Planning Board

Gene Weldon, Chairman
Jake Armstrong
Brent Wells
Ladoiya Wells
Richard Tinsman
Jennifer Austin
Kelley Wiltbank

Staff

Karen Cullen, AICP, Town Planner
Jessica Albee, Recording Clerk

Public

Jim Kiser
Stan MacMillan
Paul and Jessica Phillips
Perry Antone and Cooper Antone
Joyce Clark Sarnacki
Don Grogan
Chris and Melissa Hink
Tom and Elizabeth Figurs

The meeting was called to order at 7:00 pm.

1. Administrative

- a. **Motion:** by Member Tinsman to approve the minutes of the October 9, 2019 regular meeting; second by Member Ladoiya Wells; motion carried 6/0/1. **Motion:** by Member Tinsman to approve the minutes of the October 15, 2019 workshop meeting; second by Member Ladoiya Wells; motion carried 5/0/2.

2. Old Business

- a. Stanley & Sean MacMillan – Continuation of Public Hearing for Preliminary Subdivision plan for Stearns Farm. Proposal for a major subdivision for a single family 39 lot cluster housing development with three new roads, on a 27.7-acre parcel located on Main Road North (parcels 33-0-011-A & 33-0-015-A). This property is in the Residential A district.
- Motion:** was made by Member Wiltbank to continue the Public Hearing for the Stearns Farm application; second by Member Brent Wells; motion carried 7/0/0.
- Jim Kiser with Stan MacMillan in attendance went through the updates on the Stearns Farm application:

- The subdivision has pretty much the same conceptual layout as previously presented, but this plan follows the new standards under the updated Cluster provisions of the Zoning Ordinance (effective Dec 4, 2019).
- Reduced the number of lots from 39 to 38
- Adjusted the roads, to adjust the buffers
- Provided lot setbacks (see enlarged diagrams of those lots) to show preliminary suggested landscaping, to fill in areas that are not wooded.
- This is an open field that we are developing, much of the perimeter of the tract is open field.
- Need some direction from the board on what will qualify as adequate buffer screening for the abutters.

Motion: by Member Wiltbank to review the updated Stearns Farm application under the updated Ordinances; seconded by member Brent Wells; motion carried 6/0/1.

Chair Weldon opened the public hearing at 7:16 pm

Public Opposition/Comments/Questions:

Perry Antone from 27 Sunset Ave; owns 17 Westbrook Terrace that abuts Lot 2.

- In opposition to the proposed buffer on Lot #2. The buffer being pushed back is going to allow development of that house lot to be that much closer within 55 to 60 ft to the structure that is already existing on 17 Westbrook Terrace
- The Ordinances are in place to protect land owners, to protect current setbacks, and current developments.
- On lot 2 the encroachment is significant to the property that he owns.
- Asked the board to enforce the Ordinances, and setbacks in place.
- These items were brought up before, and the issue has become larger with the new layout of the project.

Chair Weldon asked what is more beneficial to Mr. Antone, the screening, or a bigger setback? Mr. Antone said a combination of the two. He said he could provide screening on his own. He asked what is going to ensure that the screening the developer provides will be maintained? What he is trying to avoid is for the development of that lot from being closer to his property. Chair Weldon confirmed that it is more of a setback issue than a screening issue; Mr. Antone agreed.

Jim Kiser then approached the Board to respond to the applicants concerns. The lot is small and much of the area is behind tree lines, the lot has been realigned and house rotated to comply with the 50 ft setback that the ordinance now has so the structure must be over 50 ft from the property line. The developer is just asking that the side yard be used for side yard instead of it being all buffer. This area would be more of a lawn area. So, they are requesting for some reduction of the buffer, but not the setback on that side. They propose to supplement the existing vegetation with additional plantings to provide the buffer. The previous plan had the home much closer to that property line.

Member Wiltbank asked what the rationale is to reduce the buffer? Jim Kiser said to be able to easily move construction equipment around the side of that lot and provide passive space for the landowner. Asking for a 15 ft additional adjustment to that buffer. The intent is to keep it as a buffer.

Resident Cooper Antone from 17 Westbrook Terrace

- Mentioned he thinks the 25 ft buffer (reduction from 40 ft) shouldn't be allowed. Agreed with his father Perry Antone it would bring the property closer and he would lose some of the property that he has. Worried about the privacy in the end.

Chair Weldon asked regarding the buffering, what is more important to you? Having the area undisturbed, or having the screening so you don't see the other residence? Cooper Antone said both.

Resident Joyce Clark Sarnacki on the corner of Stoneybrook and Linden (11 Linden St)

- Has a question on water. Directly behind her property is proposed open space and this is because of wetlands, so she wants to know what the subdivision will do about the flow of water? Her yard is soggy a lot of the year. Will this subdivision push more water directly behind her lot?

Jim Kiser mentioned that she is adjacent to open space. The swale is directing water away from her property so he doesn't anticipate that any significant amount of water will be impacting the back yards of the existing homes in that area.

Resident Don Grogan of 210 Main Rd North, adjacent to Lot #1

- Commented on the amount of water that collects on Lot #1 and his property
- Are the new Ordinances more or less restrictive? Planner Karen Cullen said the new Ordinances proved for more flexibility and she didn't consider it more or less restrictive.
- Also wanted to stress the Board should be protecting the people already here, just as much as the developers making profit. Just makes the hairs on the back of his neck go up, when the last time they had a meeting they couldn't meet the ordinances, and now the ordinances are more flexible.

Jim Kiser addressed the last point first in the situation where we are talking about having a bigger area. The new ordinance requires us to have a further setback than the old Ordinance did in structure placement. We are out to 50 ft. With the structure under traditional development the setback for the backyard is 20 ft. We have an extra 30 ft that we are holding standard on abutting properties. Regarding the water issue, the revised plan shows a new catch basin beside lot #1 to hopefully alleviate some of the water ponding between lots 1 & 3 to drain that area.

Chair Weldon asked if there were any additional Questions/Concerns/Oppositions? There were none.

Planner Cullen then went through her report touching on the key points:

- Will the Board accept a portion of the frontage on Main Road North to count as the required 50 ft of frontage for Lot # 7? During the sketch phase the planning board felt that if the access of the lot would be via the new road and that there was going to be no access to Main Road North, then it would be acceptable. This plan is providing 30 ft more access than the sketch plan showed.
- Aerials showing new plantings. In reviewing these, Karen realized there were a few locations where proposed landscaping was inadequate. She listed those areas in her report.
- Under the new requirements under the cluster provisions in the Zoning Ordinance the Planning Board must make a finding that a reduction in the buffer can only be approved by the planning board if this reduction would result in a design that would provide some public benefit, such as but not limited to additional housing units targeted for moderate income households, or more land included in the common open space and specifically designated for trails within the buffer that will be built by the developer prior to issuance of the Certificate of Compliance, or an increase in the buffer depth in other locations of the proposed development adjacent to existing developed areas. The proposed plan does not indicate that any of these items have been addressed.

Jim Kiser addressed the Planners comments:

- Gone through the buffer areas. In Lots 37, 38, and 39 we provided plantings in those areas even though those buffers are a full set space. We went through and tried to go

through the perimeter buffers and decide where are we potentially impacting homes and where are we asking for a reduction in the buffer. So, with some reduction in the buffer we determined we had to do some plantings in those areas. Except for one stretch that goes down Briggs Drive on Lots 29, 28, 26 there is some perimeter vegetation there, but the homes are far away, so it didn't seem like an effective use of plantings. We tried to create buffers on areas where there was direct vision of the houses going on the lot.

Chair Weldon asked if there was intent to access Lot 7 from Main Road North? Jim Kiser said he can't have access to Main Road North, because the buffer doesn't allow for any access. The Board agreed to make a condition to restrict access for Lot 7 to the new road.

Chair Weldon mentioned with the buffers, past practice has been that the Board has asked that the applicants work with the abutters to try and come to a mutual agreement before coming to the Board. The Board will provide as much feedback as possible at that point. The application potentially impacts 9 lots.

Planner Karen Cullen noted that the owner of 180 Main Road North (Mr. Cale Burger), who is adjacent to Lots 17, 19 and 20 had reached out to her and said he would prefer to see additional buffering and possibly not a reduction in the buffer on those three lots.

Jim Kiser also mentioned he would be able to work in additional open space area and increase buffer depths to offset for the buffer reductions.

Member Wiltbank asked what Jim Kiser planned to do about Lot 2? Jim Kiser said that he will probably include it (the buffer area) into the open space; that way the Association has control over that space, not the owner of Lot 2.

Chair Weldon closed the Public Hearing at 8:14 pm.

2. New Business

- a. Paul Phillips – Public Hearing for a Conditional Use for an expansion of a nonconforming structure located at 544 Main Road South, parcel 03-0-059, which will encroach the side setback no more than the existing house does. This property is in the Rural district.

Paul Phillips applicant of 544 Main Road South

- Constructing an addition to their existing residence, which will incorporate more living space and garage space.
- The closest that the existing structure comes to the north property line is 22 ft and they have no intention or plan to come closer to that property line than they already are.

Chair Weldon asked how he came up with the 22 ft. Mr. Phillips said he had a survey done after he purchased the property 10-11 years ago. The existing structure parallels the current property line.

Planner Karen Cullen said that the application is complete and in compliance with all the provisions of the Zoning Ordinance. A draft Board Order is included with the report.

Chair Weldon apologized that he forgot to open this for Public Hearing. Chair Weldon then opened the application for Public Hearing at 8:18 pm and asked if there were any Questions /Concerns/Opposition?

Abutter Chris Hink didn't have any questions once he found out the application was across the road (Main Road South) from him.

Chair Weldon closed the Public Hearing at 8:20 pm

Motion: by Member Austin to approve the Conditional Use for an expansion of a nonconforming structure located at 544 Main Road South; seconded by Member Ladoiya Wells; motion carried 7/0/0 by roll call vote.

- b. T&M Contractors Inc. – Sketch Plan for Lupine Meadows, a multi-family development consisting of 8 dwelling units in two buildings on parcel 08-0-009 and a portion of 08-0-007-G. This property is in the Rural district.

Jim Kiser summarized the application:

- 4-acre parcel with two 4-plex buildings for a total of 8 units
- Less than 4 acres on lot 08-0-009 is proposed to be supplemented with land from the abutting parcel 08-0-007-G to establish the 4 acres needed to allow 8 dwelling units
- The land that is currently part of 08-0-007-G has some covenants on it which restrict that land to single family homes, the current proposed plan shows all buildings on the non-restricted lot (08-0-009). Jim stated they would like to move one of the buildings back a little bit but that would encroach on the restricted portion. The applicant is exploring options on building placement regarding the covenant.
- In two separate ownerships
- Applied to DOT for an Entrance permit
- Sight distances are good 700-800 ft in both directions
- Soils have been tested. Septic systems will be on each side of the units. One will be on the Hampden side the other will be on the Newburgh side with a well in between the two buildings

Discussion regarding the covenants and impact on the proposal; the current sketch plan has the buildings on the unencumbered land. Planner Karen Cullen noted that because it is a deed restriction it isn't enforced by the Town, so the Board doesn't need to be involved in enforcement of the covenant, it's up to the applicant to site the buildings so that the development complies with the covenant, or for the person who has enforcement authority to enforce the covenant.

Motion: moved that this application is a Major Subdivision application by Member Tinsman; seconded by Member Brent Wells; motion carried 7/0/0. *[Ed. note: there are no roads involved in this application, therefore a determination on road type is not applicable. In addition, the application will be submitted as a Major Site Plan and a Major Final Subdivision Plan in compliance with the Zoning Ordinance and the Subdivision Ordinance.]*

- c. R&B Development, LLC – Request for an extension to the approval of the Preliminary Subdivision plan for Honey Hill Estates, located on Main Road South (parcel 06-0-050-1). This subdivision is in the Residential A and Rural districts and received Planning Board approval of the Preliminary Plan on July 16, 2019, which expires on January 16, 2020.

Jim Kiser asked for an extension because the applicant is still in the process of getting their financial guarantee in place. The applicant had to start over with another bank because the project was too big for the Credit Union they were dealing with. Jim asked for a 6-month extension. Member Tinsman asked if the applicant has been marketing the properties? Jim Kiser mentioned they aren't allowed to officially market them. The way

he understands it is that they can't take any monies or contracts, but they can take indications of interest in a property.

Motion: to extend approval to July 16, 2020 by Member Tinsman; seconded by Member Austin; motion carried 7/0/0.

4. Staff report: None
5. Planning Board comment: Member Austin asked what was on the next meeting's Agenda for January? Planner Karen Cullen said that the only thing on the Agenda is an informal discussion on the Sky Villa property on Main Road North. They have a potential proposal to expand the Site Plan that was approved a couple years ago on that property to put an additional building to the rear of the building. They want to talk to the Board before they finalize their applications to the Town and DEP.
6. Adjournment: Upon **motion** by Member Wiltbank and second by Member Austin, the meeting was adjourned at 9:04 pm.

*Respectfully submitted by Jessica Albee,
CED Administrative Asst.*