

# TOWN OF HAMPDEN

MASSACHUSETTS



## Town House

625 Main Street  
Hampden, MA 01036

Tel: (413) 566-2151, Ext. 109

Fax: (413) 566-3513

E-mail: [planning@hampdenma.gov](mailto:planning@hampdenma.gov)

Joanne Fiore, Planning Coordinator

## Zoning Board of Appeals

L. Jed Berliner, Chair  
Richard E. Patullo  
Mark R. Barba  
Duane Mosier  
Fred Lesniak

Alternate Members: Thomas Addicks  
Gary Weiner

January 31, 2025

CASE 2025-2

## Hampden Zoning Board of Appeals Notice of Public Hearing

The Hampden Zoning Board of Appeals will hold a Public Hearing on Tuesday, February 25, 2025 at 6 PM in the Town House, 625 Main Street, Hampden, MA, for those interested in the petition of Eric Ainsworth, owner of EDA Sports, to appeal the decision of the Building Inspector regarding a Cease and Desist order dated October 15, 2024 under Section 7.12 (4) "No noise, vibration, smoke, dust, odors, heat, glare, unsightliness or other nuisance is produced" related to his home occupation located at 308 Somers Road.

The Board will also hold a visit of the site, including weapon discharge sound comparisons, on February 19, 2025 at 1 PM at 308 Somers Road, Hampden. The public may attend but may not comment or ask questions at this visit.

The petition and related materials are on file in the Town Clerk's office and may be viewed during normal business hours.

For the Board,  
*L. Jed Berliner*   
L. Jed Berliner, Chair

Published February 6 and 13, 2025

Wilbraham/Hampden Times

cc: Petitioner

Town Clerk/Bulletin Board

Related Town Offices

Abutters

Abutting Towns: E. Longmeadow

Somers

Wilbraham

Monson

Stafford

## REQUEST FOR A PUBLIC HEARING

WITH

## HAMPDEN BOARD OF APPEALS

"EDA SPORTS"

PETITIONER: Eric Ainsworth DATE: 12/31/2024  
 ADDRESS: 308 SOMERS RD HAMPDEN, MA 01036 TELEPHONE: 413 285 4226  
 Applicant is: OWNER Eric Ainsworth (owner, tenant, licensee, prospective purchaser)  
 OWNER: Eric Ainsworth  
 ADDRESS: 308 Somers Rd Hampden MA 01036  
 DATE DEEDED:  
 BOOK/PAGE 24594 445  
 TELEPHONE: 413 285 4226

LOCATION OF PROPERTY: 02 006 000  
 MAP BLOCK LOT  
 (Street address or other description) 308 Somers Rd Hampden MA 01036

Is parcel contiguous to other land held in common ownership? Y  N

TYPE OF APPLICATION: DATE OF DENIAL 10/15/2024

<input type="checkbox"/> VARIANCE	<input checked="" type="checkbox"/> BUILDING INSPECTOR
<input checked="" type="checkbox"/> SPECIAL PERMIT	<input type="checkbox"/> PLANNING BOARD
<input checked="" type="checkbox"/> APPEAL FROM DECISION OF BLDG. INSPECTOR	
<input type="checkbox"/> COMPREHENSIVE PERMIT	

APPLICABLE SECTION OF ZONING BY-LAW: 7.12 Home Occupation #4

REFER TO: <https://www.hampdenma.gov/town-clerk/pages/bylaws>, then go to Zoning Bylaws (latest version is listed) or Library or Planning Board Office or Town Clerk.

Note: Filing requirements for the application and presentation at the public hearing must be attached to this form

This application form shall not constitute a formal request for a public hearing unless all requirements are met.

As the applicant, I agree to pay the costs of legal advertisements.

I also agree to pay engineering fees, legal fees, and other expenses reasonably necessary to the application, including time spent by salaried non-clerical Town employees, should such be reasonably related to consideration of this application

I know that I may withdraw this application before these fees and expenses are incurred.

(Applicant) Eric Ainsworth

Received from applicant, the sum of \$ 100 - (CASH)

Date: 12/31/24 Town Clerk: J. D. Sonnen

BRIEF STATEMENT OF REQUEST

I AM Requesting For My home  
Occupational Business to be Reopened with NO Restrictions

REASON FOR REQUEST AND FURTHER EXPLANATION:

(If applying for a VARIANCE and redesign isn't feasible due to some aspect of your land regarding soil, shape or topography, please so state. Note that shape does not mean size.)

Hi, My name is Eric Ainsworth my business was Shut down on October 13th Due to Noise from the "Live fire" portion of my Course. In the Past 2 and 1/2 years I have taught 47 Courses Including "Live fire" During the Dates and times of my Course there has NEVER been A Complaint filed because I use A .22 Cal handgun which Can Not be heard from my house which is the closest house to my Range. I will gladly invite everyone over to see the live fire portion. You ~~do~~ do not have to where ear pgs from the house because you can not hear it at all and if you are outside it sounds like a Pellet Gun if you are standing by my real house looking at the Range because the range is built 37 feet into the Ground with a 32 foot berm to make it Safe and Deter the noise. I was notified the reason for closure was Due to Complaints regarding the "Live fire" So I put in a FOIA request after viewing the 8 Complaints I can prove 7 of the Complaints were Not from me at all and the 8<sup>th</sup> one was private shooting on my property which I can do During Daylight hours and I can technically do it Shortly After Dark, But I do NOT Shoot at night unless Coyote hunting and once or twice a year me and another cop will Shoot one or two rounds Slightly after dark to make sure we are prepared in case we are put in a position At Night

TOWN OF HAMPDEN  
MASSACHUSETTS

TOWN HOUSE  
625 MAIN STREET  
HAMPDEN, MA 01036  
[inspector@hampdenMA.gov](mailto:inspector@hampdenMA.gov)



BUILDING DEPARTMENT  
Tel. (413) 566-2151 ext. 107  
Fax (413) 566-2010

October 15, 2024

Eric Ainsworth  
308 Somers Rd.  
Hampden, MA 01036

Mr. Ainsworth:

Multiple complaints have been filed with this office with regards to the live fire component of your classes and the associated noise that is generated.

In our Zoning Bylaws, under Section 7.12 Home Occupations (enclosed), Number 4 clearly states "No noise, vibration, smoke, dust, odors, heat, glare, unsightliness or other nuisance is produced."

Upon receipt of this letter, please Cease and Desist all shooting related to your home occupation: EDA Sports LLC at your residence located at 38 Somers Road.

If you aggrieved by this decision, you may appeal against it under the provisions of Section 15 of the Massachusetts General Law, Chapter 40A to the Local Zoning Board of Appeals for the Town of Hampden.

Respectfully,

*Wendel Hulbert*  
Wendel Hulbert  
Building Commissioner  
Zoning Enforcement Officer

WH/clp  
Blddepcomsomersrd308

Date 9/27/24

**TOWN OF HAMPDEN**  
**MASSACHUSETTS**



**TOWN HOUSE**  
625 MAIN STREET  
HAMPDEN, MA 01036  
Wendel Hulbert, Inspector  
Zoning Enforcement

**received**  
9-30-24

**BUILDING DEPARTMENT**  
Tel. (413) 566-2151 ext. 107  
Fax (413) 566-2010

**COMPLAINT OF ZONING VIOLATION**

Pursuant to Chapter 40A, Section 7 of the Massachusetts General Laws, I wish to cite the following individual/property as being in violation of said 40A law.

1. LOCATION OF PROPERTY 308 SOMERS RD HAMPDEN MA

2. OWNER (if known) ERIC AINSWORTH IE:- EPA SPORTS LLC

3. I BELIEVE A VIOLATION HAS OR IS ABOUT TO OCCUR FOR THE FOLLOWING REASONS: 1) NOT ADHERING TO STATED HRS OF OPERATION IN THE MINUTES OF PLANNING MEETING AUG 9<sup>TH</sup> 2023  
2) QUESTIONABLE THAT THE FIRING RANGE IS LESS THAN 600 FT FROM THE PROPERTY LINE OF 71 POTASHILL LANE HAMPDEN.  
4. POSSIBLE BY-LAW BEING VIOLATED

5. DESCRIPTION OF PROPERTY

UP AREA OF OTHER RESIDENTIAL DWELLINGS

6. COMPLAINANT: RESIDENTS OF POTASH HILL LANE 413 726 4255 PotashHill@outlook.com

DO NOT WRITE BELOW

SECTION(S):

DESCRIPTION:

INSPECTIONS/DATES:

ACTION TAKEN/NOTICES MAILED:

DATE AND NATURE OF FINAL DISPOSITION:

**INSPECTOR OF BUILDINGS**

9/27/2024

Please find attached the complaint from Residents of Potash Hill Lane Hampden Ma, regarding the approval of a Pistol and Rifle Range at 308 Somers Road Hampden to be conducted as a Teaching Facility with Live Ammunition as a Home Occupation by the name of EDA Sports LLC.

Listed on the attached paperwork is just 2 of the issues that the Residents of Potash Hill have been subjected to since this Home Occupation has been in operation, with the increase of his business so too has the distress to all residents over the summer.

We have households with young families that can longer enjoy the comfort of their backyards, we have many elderly residents who are subjected to the gunfire at any time of the day or evening, workers from home are finding it impossible to work efficiently, and there are several residents who are dog owners whose dogs are so affected by the gun fire that the dogs are now on medications.

There are several other factors that needed to be addressed regarding the rifle/pistol range aspect of this Home Occupation before it was approved, including the noise levels that we have recorded as being higher than the noise levels permissible in The Hampden By Laws under Section 7 Developments of Sites and Locations of Building and Structures 7.72 Noise P92. Obviously we do not have the equipment required to measure accurately, therefore we would ask that the Building Inspector to test this level of noise, that is causing this street such distress to homeowners and pets.

Potash Hill Residents

Name

Linda McShane \* 70

Steven W. Mann \* 70

Alexander Laird

Nicky Laird 71

Ginny McKeon 28

Ruth McKeon 28

M 59

Charlotte Billinge 71

Ellen Moriarty 22 emoriarty@comcast.org

Eric Morse 41

Kenneth Morse

Christopher West 53

one year. A public hearing shall be held before a permit is renewed by the Board of Appeals.

7.9      **Illumination:**

All exterior lighting, other than street lighting approved by the Selectmen shall be shielded so as to prevent direct rays from shining beyond lot lines.

7.10     **Landscaped Buffer Strip:**

Screening, in accordance with the approved site plan, shall be provided, erected and maintained to shield the business, commercial and industrial uses of land and buildings from any adjoining residential property.

To provide a visual barrier between different land uses along all boundaries of the area developed for business, commercial and industry, except along any portion of such area which is common to business, commercial and industry, there shall be a continuous strip at least twenty (20) feet in width suitably landscaped with grass, and shrubs and trees, broken only where necessary to provide appropriate access and egress. Where the developed area adjoins land developed for a residential use, suitable landscaping shall be interpreted as requiring a substantial sight-impervious screen of evergreen foliage at least eight (8) feet in height, or less dense planting of shrubs or trees complimented by a sight-impervious fence at least five (5) and not more than eight (8) feet in height. Proper maintenance of the required landscaped buffer strip of fence shall be the responsibility of the owner and shall be a condition of conformance with this zoning bylaw.

7.11     **Trailers:**

(Amended 1999)

No trailer or mobile home as defined in Section 2. of this by-law shall be permitted in any district, except as provided below.

1. The Building Commissioner may grant a permit for temporary parking of a construction trailer at the site of any approved construction project.
2. Travel or camping trailers owned or rented by the owner or resident only of the property may be stored upon the premises. Such travel or camping trailer shall not be used for living purposes, except when a residence has been destroyed as described in M.G.L., Ch 40A, Section 3.

7.12     **Home Occupations**

7.121    Professional Office or customary home occupation uses  
Are permitted by Site Plan Review, or by Special Permit (as listed in the  
Table of Uses, Table 6.0), in residential structures provided that:

1. The professional or customary home occupation is conducted by a resident of the premises.
2. The use is clearly incidental and secondary to the use of the premises as a residence.
3. Not more than one (1) person, other than residents of the premises, is regularly employed in connection with such use.
4. No noise, vibration, smoke, dust, odors, heat, glare, unsightliness or other nuisance is produced.
5. There is no public display of goods or wares and there are no signs except as permitted by the sign regulations in this bylaw.
6. There is no exterior storage of materials or equipment and no exterior evidence of non-residential use of the premises, except signs as permitted by the sign regulations in this bylaw.
7. There is adequate off-street parking for any employees or visitors in connection with such use.



308 Somers Road - EDA Sports

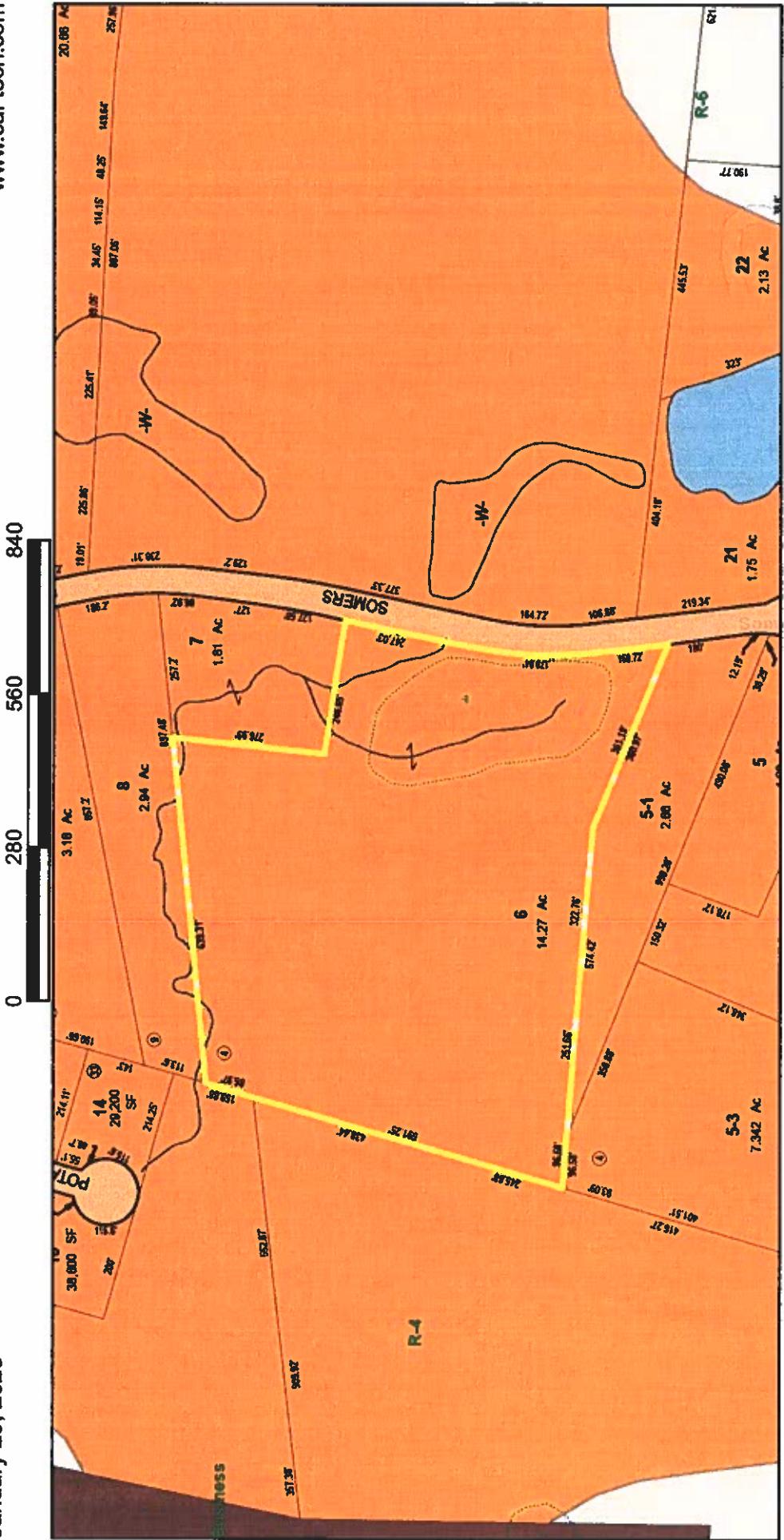
## Town of Hampden, MA

January 29, 2025

$$1 \text{ inch} = 280 \text{ Feet}$$

LECTURES ON

www.cai-tech.com



Water	Property Hook	Water Lines	Wet Areas	Residential R-4
Property Line	Wetland	Shadow	Water-poly	Business
Public Road				Residential R-6
				Right of Ways

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