



TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 120

Planning Board

Meeting Minutes from

Thursday, January 5, 2023

Selectboard Meeting Room

126 Main Street, Ware MA 01082

Planning Board Members in Attendance:

Rick Starodoj Chair
Nancy Talbot Vice Chair
Ken Crosby
Ed Murphy
Chris DiMarzio
Elizabeth Hancock Alternate

Staff Members in Attendance:

Rob Watchilla PCD Department Director
Kristen Jacobsen PCD Dept. Admin. Assistant

Members of the Public in Attendance:

Jerome Richard Josh Kusnierz
Donald Dunbar
Brian Winslow *

*Last name corrected as per 1-19-23 Planning Board Meeting

PLEDGE OF ALLEGIANCE

Chairman R. Starodoj called the meeting to order at 7:00pm and led the Pledge of Allegiance.

ADMINISTRATIVE

Approval of Minutes from December 1, 2022 & December 15, 2022

Motion by N. Talbot to approve the December 1, 2022, meeting minutes as submitted. Seconded by E. Murphy. **Discussion:**
None

R. Starodoj		Aye
N. Talbot		Aye
E. Murphy		Aye
K. Crosby		Abstain
C. DiMarzio		Aye
Four in favor. One Abstention Approved 4/0/1.		

Motion by N. Talbot to approve the December 15, 2022, meeting minutes with corrections to pg. 11. And areas where E. Murphy was marked as absent. **Seconded** by E. Murphy. **Discussion:** None

R. Starodoj		Aye
N. Talbot		Aye
E. Murphy		Aye
K. Crosby		Abstain
C. DiMarzio		Aye
Four in favor. One Abstention Approved 4/0/1.		

Public Hearing

Definitive Subdivision Modification (Strawberry Fields)

R. Starodoj read the legal notice

R. Watchilla gave board a summary of the proposed rescission.

- From 2005
- Two lots have homes
- Road partially begun
- Proponent wishes to combine the remaining lots and sell to neighbor
- Rescinding the subdivision will not affect the built homes
- The home with driveway access on Penny Lane will have access via an easement in perpetuity

J. Richard stated construction would be prohibitively expensive.

R. Starodoj added that the lots that had been sold were frontage lots and would not be affected.

C. DiMarzio discussed the amount of gravel that was removed prior to road construction, though stated he supports the rescission.

R. Starodoj inquired about the HOA . J. Richard stated it was for the 10 lots (on Penny Ln.) and the two frontage lots were not supposed to be included, if they were it was a mistake on the attorney’s part. The homes to be located on Penny Lane were to maintain the detention pond whereas the homes with frontage did not have drainage issues.

C. DiMarzio inquired about the usage of the constructed portion of Penny Ln (100’). J. Richard discussed how that portion will be used as driveway access for the property with the easement (217 Greenwich Rd). J. Richard continued by saying he had constructed that driveway to connect to Penny Ln for safety purposes. The board discussed the easement and the frontage of that property.

C. DiMarzio and D.Dunbar discussed what would happen with the land after it was combined. D. Dunbar had not decided on what would ultimately be done with the land.

R. Starodoj discussed the easement on the property which was accepted by the Town and told J. Richards that in order to get rid of that it would need to go before town meeting.

R. Watchilla confirmed that it was not chapter 61A land.

Motion made by C. DiMarzio to approve rescission of the Strawberry Fields Subdivision at the request of the applicant in conformity with the submitted plan. **Seconded** by E. Murphy. **Discussion:** None

R. Starodoj	Aye
N. Talbot	Aye
E. Murphy	Aye
K. Crosby	Aye

C. DiMarzio	Aye
All in favor. Approved 5/0/0.	

ANR

- ANR-2022-13 (Penny Lane)
- Board will make the determination of whether or not this plan requires their approval under the Subdivision Control Law

Motion made by E. Murphy to accept ANR-2022-13 as presented. **Seconded** by K. Crosby. **Discussion:** C. DiMarzio and R. Starodoj discussed the shared driveway, and that it would not become a Private Way.

R. Starodoj	Aye
N. Talbot	Aye
E. Murphy	Aye
K. Crosby	Aye
C. DiMarzio	Aye
All in favor. Approved 5/0/0.	

SP-2022-10 (Bond Construction Corporation) [CONTINUED]

Applicant is requesting a Special Permit to remove earth materials at 219 Babcock Tavern Road. Deeded in the Hampshire County Registry of Deeds, Book 12833, Page 207, and Book 07177, Page 314. Assessor’s Parcel 4-0-14 & 4-14-2. Zoned: Rural Residential (RR).

Motion made by N. Talbot to continue the Public Hearing at the January 19, 2023 Planning Board Meeting at 7:00pm. **Seconded** by E. Murphy. **Discussion:** None

R. Starodoj	Aye
N. Talbot	Aye
E. Murphy	Aye
K. Crosby	Aye
C. DiMarzio	Aye
All in favor. Approved 5/0/0.	

Old Business

- Review of newly proposed Subdivision Regulations
- Sections 2.4.10 (Evidence of Performance and Release/Partial Release of Performance Guarantee) to Section 2.4.14 (Road Acceptance) [Pages 37-45]

R. Watchilla and the board discussed previously raised questions for Town Counsel (noted as comments in the document)

R. Watchilla read through section 2.4.10.

- R. Starodoj discussed partial release and milestones to be used as indicators.
- C. DiMarzio and R. Starodoj discussed grading and how over excavation could trigger a major modification.
- K. Crosby spoke of inspections and road construction.

- R. Starodoj discussed the possibility of having a periodic review to determine project compliance. R. Starodoj and R. Watchilla discussed how other towns handle that. R. Watchilla stated it is through the Inspection Dept.
- N. Talbot suggested changing ‘Highway Superintendent’ to DPW Director/Designee
- R. Starodoj discussed at what point cash funds could be forfeit, personal guarantees, and forms of surety.
- The board discussed 1 in 5 lots would be retained and chosen by the Planning Board. (pg. 39)
- K. Crosby discussed the As Built and felt it was premature
- R. Starodoj spoke of the lack of durability of roadways in subdivisions

New Business

Right of First Refusal: Lot 3, Osborne Road, Ware, MA.
 Board will discuss their recommendation for the Selectboard

R. Watchilla summarized the letter. The board discussed the property with R. Watchilla.

Motion made by C. DiMarzio that the board recommends to the Select Board not exercising its Right of First Refusal. **Seconded** by N. Talbot. **Discussion:** None

R. Starodoj	Aye
N. Talbot	Aye
E. Murphy	Aye
K. Crosby	Aye
C. DiMarzio	Aye
All in favor. Approved 5/0/0.	

Town Planner Update

R. Watchilla discussed the possibility of scheduling a joint meeting with the Historic Commission to discuss the Scenic Road Bylaw. The Historic commission seeks a meeting designated for that specific topic. The board discussed the possibility of attending a Historic Commission meeting or designating an hour at the start of a Planning Board meeting.

The board discussed meeting recordings and ideas to have them posted for longer periods of time.

R. Watchilla spoke of the proposal received for the Mary Lane Project. The hospital committee will meet with the architects to discuss the proposal.

The LED sign has been installed and will be activated next week.

Motion made by C. DiMarzio to **ADJOURN at 8:40**. **Seconded** by E. Murphy. **Discussion:** none

R. Starodoj	Aye
N. Talbot	Aye
E. Murphy	Aye
K. Crosby	Aye
C. DiMarzio	Aye
All in favor. Approved 5/0/0.	

<p>Minutes Approved on: _____</p> <p>Starodoj _____</p> <p>Murphy _____</p> <p>Talbot _____</p> <p>Crosby _____</p> <p>DiMarzio _____</p>
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NEXT PLANNING BOARD MEETING DATE:

Thursday, January 19th, at 7:00pm.

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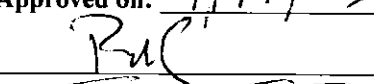

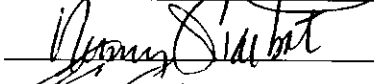

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