



TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 120

Planning Board

Meeting Minutes from

Thursday, October 20, 2022

Board of Selectmen's Meeting Room, Town Hall

Planning Board Members in Attendance:

Rick Starodoj, Chairman
Nancy Talbot, Clerk
Ed Murphy, Vice-Chairman (Remote)
Ken Crosby (Remote)
Chris DiMarzio
Elizabeth Hancock, Alternate

Staff Members in Attendance:

Rob Watchilla, PCD Dept. Director
Kristen Jacobsen, PCD Dept. Admin
Anna Marques, Building Commissioner

Members of the Public in Attendance:

Jeff Lindquist, Attorney for Forty Pine LLC
Kenneth Chatel (Bird Hill Farm)
Peg Trim (Remote)
K.Mongeau Ring (Remote)
Russel Prouty
Don Ouimette
Janice Ouimette

PLEDGE OF ALLEGIANCE

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

ADMINISTRATIVE

Approval of Minutes

Approval of minutes from September 15th, 2022

Motion made by N. Talbot to approve of the minutes as submitted from Thursday, September 15, 2022. Seconded by K. Crosby. There was no additional discussion.

R. Starodoj	Aye
N. Talbot	Aye
E. Murphy	Aye
K. Crosby	Aye
C. DiMarzio	Absent

All in favor. Approved 4/0/1.

C. DiMarzio arrived 7:05pm

ANR's (Vote to determine that Planning Board approval is not required under the Subdivision Control Act)

ANR-2022-06 (Pine Street) [Continued from 9/15/2022 meeting]

J. Lindquist summarized that 40 Pine was seeking the ANR to move a lot line and facilitate the sale of a piece of the parcel to Gillespie Manufacturing.

R. Starodoj asked if any of the board members had any questions.

K. Crosby stated he sought clarification as to why this as an ANR. He stated that as per the new Zoning Bylaws there are requirements the property does not meet. R. Starodoj spoke stating there is no frontage requirement for that lot in that area. K. Crosby asked R. Watchilla to clarify the bylaw. R. Watchilla stated that the frontage was required for lots created after 2013. K. Crosby asked if this would be constituted as creating a lot after 2013. R. Watchilla explained that this would not be creating a lot, it would be adjusting boundary lines of an existing lot. R. Starodoj stated it is physically impossible to create the 200' frontage and in this zone there is no frontage requirement.

C. Dimarzio explained the reasoning behind the lack of frontage requirement for the zone.

Motion made by C. DiMarzio to approve ANR-2022-06. Seconded by E. Murphy. There was no additional discussion.

R. Starodoj	Aye
N. Talbot	Aye
E. Murphy	Aye
K. Crosby	Nay
C. DiMarzio	Aye

Four in favor, One Nay. Approved 4/1/0.

ANR-2022-07 (Campbell Road)

R. Watchilla stated the purpose of this ANR was to section off a piece of land. It meets the area and frontage requirements for the Rural Residential Zoning District.

N. Talbot asked if the applicant had applied for other ANR applications. R. Watchilla stated they had but approximately 11 months ago.

The board reviewed the well lot and asked if there were any structures on the lot.

Motion made by C. DiMarzio to approve ANR-2022-07 due to the plan having sufficient area frontage and not leaving the balance of the land unbuildable. Seconded by N. Talbot. There was no additional discussion.

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

All in favor. Approved 5/0/0.

ANR-2022-10 (North Street)

R. Watchilla explained that the Diocese of Springfield MA. Sought to adjust lot lines of 17 North Street ‘All Saints’ Catholic Church. Currently, the property line intersects the church building. The adjustment leaves both lots with adequate frontage. The change would help the property conform as best it can to zoning regulations and correctly address the nonconformity. The change would make each building a conforming structure.

The board discussed the parcel and if the change would lead to zoning issues. R. Watchilla stated that this change would make both lots conform.

Motion made by C. DiMarzio to approve ANR-2022-11. Seconded by N. Talbot. There was no additional discussion.

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

All in favor. Approved 5/0/0.

PUBLIC HEARING

7:10 pm : SP-2015-04 Modification (Bird Hill Farm BNB)

Applicant is seeking to amend an existing special permit to allow for small events of 50 people and fewer on the premises. Property located at **145 Church Street, Ware, MA 01082**. Recorded in the Hampshire County Registry of Deeds Book 11044, Page 169. Assessor’s Parcel ID 30-0-30. Zoned: Rural Residential.

R. Starodoj read the legal notice.

R. Watchilla read the summary report, a letter from Geoff McAlmond, and the memo from A. Marques.

K. Chatel spoke stating he had spoken with a conservationist and would have no issue accommodating the 15-foot buffer and by doing so he could accommodate the larger parking spaces required. He stated there would be no pavilion at first and that he would be using a tent. K. Chatel also addressed the concerns

about the wetlands on his property and he said he would be placing the tent more than 100-feet from the wetland area. He mentioned that ADA parking could be in the space in the driveway nearest the house. He also inquired if the driveway could be widened. Geoff McAlmond stated he could have a second driveway since under current regulations he is limited to a 15-foot driveway.

K. Chatel mentioned he has a second access to the desired parking area.

The board inquired if he was planning on paving the parking area. K. Chatel answered that he did not want to pave it and wanted to have a gravel path down the center for the cars to drive down. N. Talbot asked if he was attempting to maintain the rustic country look. K. Chatel answered yes and that this was an effort to save his business.

C. DiMarzio questioned K. Chatel on the nature of the events that would be held on the property. K. Chatel answered that he was looking to have events of no more than 50-people (including staff) those events could be micro weddings, 1-day retreats, breakfast meetings, or showers. He stated he would market the events as peaceful affairs.

C. DiMarzio asked if there could be live music at these events. K. Chatel stated that it was a possibility. They continued the discussion with K. Chatel stating that events would end by 8pm, be scheduled Monday through Sunday and could begin as early as 7 or 8 am.

C. DiMarzio asked if he was planning to install lighting in the parking area. K. Chatel answered that he was not.

K. Chatel mentioned he did not feel comfortable representing himself and would prefer to have an attorney. The board and K. Chatel spoke about their concerns of limiting when events could be held. N. Talbot said no one had mentioned that. A. Marques stated the Bylaws have design guidelines.

R. Prouty stated 7am seemed to be early for an event. K. Chatel explained that breakfast meetings might be held that early. R. Prouty also inquired about overflow parking. K. Chatel stated the calculations included that. C. DiMarzio explained that there is a formula in the Bylaw to figure out the amount of parking spaces needed. R. Prouty asked if cars would be prohibited from parking on Church Street and if the events would have a time limit. C. DiMarzio and R. Starodaj stated that the events would be over by 8pm. R. Prouty asked if the board could address the start time for live music.

D. Ouimette spoke stating that he and his wife are in favor of the plan.

The board discussed what conditions they may impose. K. Mongeau Ring asked what other permits may be needed. R. Starodaj answered that the Planning Board only deals with the use and other permits are handled by different departments.

R. Prouty suggested adding a temporary sign that may be placed near the curve on Church St. Warning cars of enter/exiting traffic. The board discussed different types of signs that may be used, and proposed K. Chatel place a sandwich board style sign out during events

K. Crosby inquired about the stone wall on the property. The board responded that the Scenic Road Bylaw was not in play. K. Chatel responded that the wall would not be affected, and it sits on the property line between his property and Grenville Park. K. Crosby asked how K. Chatel would obtain food for the events. The board responded that was beyond their purview.

R. Starodoj stated they would wait on the findings but would draft conditions.

Conditions:

- a- 20' Buffer with existing conditions
- b- Limited to 50 guests
- c- 2pm -8pm for live music
- d- Hours 7am -8pm for events Monday through Sunday (does not affect the hours of the B&B guests/hours)
- e- (Work in progress)
- f- No on-street parking and a sign
- g- Does not apply

R. Starodoj requested that in case of change of ownership of the property the new owner should meet with the board.

C. DiMarzio suggested adding the placement of a light/lights to the parking plan in case it is ever needed. R. Starodoj added that a condition might be that the lights only be operated during events and shielded. N. Talbot asked if there was a requirement for the type of lighting used and asked if he could use string lights or something else as long as it does not interfere with the neighbors.

The board and K. Chatel discussed the schematic he was provided by his engineer. The board suggested hiring someone local who may be more aware of the bylaws and ordinances.

The board discussed dates to continue the hearing. K. Chatel stated he would like to schedule it further out than November.

Motion made by N. Talbot to continue the Public Hearing for Modification to SP-2015-04 to January 5, 2023. C. DiMarzio seconded the motion. There was no additional discussion.

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

All in favor. Approved 5/0/0.

NEW BUSINESS

Discussion on the recommendation of plowing and sanding of private roads during the 2022-2023 Winter Season

An inspection of the following roads was carried out September 21, 2022. R. Watchilla, A. Marques, G. McAlmond, E. Murphy, and J. Prenosil were in attendance.

BELAIR DRIVE (Belair Estates):

The condition of the road has deteriorated. The manhole issue was addressed; however, concrete was put down around the manhole but not smoothed out. After consulting with the crew, it was determined that Belaire Drive should not be recommended for plowing or sanding this winter.

COLDBROOK DRIVE (Pennybrook Estates):

- The road is in good condition
- It's recommended that Coldbrook Drive be plowed and sanded by the Town this winter.

HIGH MEADOW LANE

- The road serves as someone's driveway and has not been plowed in the past
- We recommend that High Meadow Lane NOT plowed and sanded by the Town this winter.

HILLSIDE TERRACE:

- Hillside Terrace is a Town Owned Road that was accepted on May 11, 2005.
- It was in error that this road was included initially on this list
- DPW will plow and sand this road since it is Town Owned

KING GEORGE DRIVE

- The DPW has plowed this private road in the past
- Road is still in good condition but is starting to show signs of deterioration
- Mrs. Robidoux has recently shown interest that she intends to move forward with road acceptance.
- We recommend that King George Drive be plowed and sanded this winter.

LEE ROAD

- The DPW has plowed this private road in the past
- There are two easements placed on Lee Road for the purposes of plowing, drainage and general road maintenance
- We recommend that Lee Road be plowed and sanded this winter.

WALTER DRIVE (Edgewood Estates):

- The basecoat continues to deteriorate but still in good condition
- Mr. Pelski has shown interest in pursuing road acceptance
- There appear to be no problems for either the Town or the owner if the Town plowed and sanded this winter
- We recommend that Walter Drive be plowed and sanded by the Town this winter

WILDFLOWER DRIVE & BRIAR CIRCLE (Isabella Ridge):

- Attempted to reach out to Berkshire Bank but have not received any feedback from them
- Sidewalks contain a good amount of overgrowth
- Road condition is still good overall
- We recommend that Walter Drive be plowed and sanded by the Town this winter

WILLISTON DRIVE

- Only the eastern section of Williston Drive has been accepted by the Town (see photo)
- The DPW has historically plowed and sanded the entire length of this road so that the trucks could turn around easily
- Roads are showing early signs of deterioration
- We recommend that the entirety of Williston Drive be plowed and sanded this winter.

Motion made by C. DiMarzio to approve the recommendations made for private way and road plowing and sanding. E. Murphy seconded the motion. There was no additional discussion.

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

All in favor. Approved 5/0/0.

The board discussed with G. McAlmond the placement of responsibility of water systems on the private roads and that in the new subdivision regulations it should be clearly laid out who's responsible for the maintenance and operation of those systems.

TOWN PLANNER UPDATE

The next Planning Board meeting will be held on November 3rd, 2022.

- The Planning & Community Development Department has hired a part-time intern
 - o She is set to start on Tuesday, October 25
 - o The intern's main task is to assist the department with updating our Open Space and Recreation Plan
- The Façade Improvement Program Application window has officially closed
 - o Applications will be reviewed over the coming weeks
 - o The Design Review Committee had a meeting on October 19 to discuss the review process moving forward
- The Town has received its Notice to Proceed from MassDOT
 - o The Town was awarded \$43,000 in equipment funding from the Shared Streets and Spaces Program
 - o We have until December of 2023 to spend all of the funds awarded
 - o First phase would be to purchase 16 pedestrian blinker signs to put at 8 unmarked crosswalks along West Street (most immediate need)
 - o Working with the DPW director to find the best type of signage
- The Town has received three prices quotes for the LED Sign on main street
 - o The sign would be funded by a \$30,000 grant from the REDO program
 - o Discussions on final design choice are in progress
 - o Downtown Improvement Committee with work on picking an appropriate location for the sign
- The PVPC Land Use department held its first "Battery Storage Zoning" Discussion on October 4th
 - o Initial discussions took place with PVPC Planning Staff
 - o They should be developing draft language in the coming weeks
 - o We are expected to meet 4-5 more times with the Towns of Belchertown and Monson included in the mix.

R. Starodoj asked the status of Scenic Road Bylaw being moved to the spring. R. Watchilla answered that the Historic Commission asked that this be delayed until spring.

C. DiMarzio inquired about the battery storage. R. Watchilla clarified that it is for the large free standing battery storage projects. C. DiMarzio asked if these facilities were too large to have in the same area as the high-tension wires. R. Watchilla stated there is also a concern of the batteries combusting at a

temperature that is too hot for normal fire suppression techniques. The board discussed their concerns of the placement of the structures and how they would be classified.

E. Hancock brought up the Horse Track that may be built in Hardwick and the concerns the town may have.

Motion made by N. Talbot to adjourn the meeting at 8:43pm. Seconded by C. DiMarzio. No additional discussion.

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

All in favor. Approved 5/0/0.



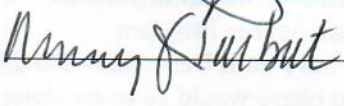
NEXT PLANNING BOARD MEETING DATE:

Thursday, November 3rd, at 7:00pm.

Minutes from Thursday, October 20th, 2022.

Respectfully submitted by,

Kristen Jacobsen
Administrative Assistant
Planning & Community Development

Minutes Approved on:	11/3/22
Starodoj	
Murphy	
Talbot	
Crosby	
DiMarzio	