



# TOWN OF WARE

## Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 120

## Planning Board

Meeting Minutes from

**Thursday, December 1<sup>st</sup>, 2022**

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	Absent
Elizabeth Hancock	Alternate

### Staff Members in Attendance:

Rob Watchilla	PCD Department Director
Anna Marques	Building Commissioner/Zoning Officer
Kristen Jacobsen	PCD Dept. Admin. Assistant
Nancy Talbot	Town Clerk
Stuart Beckley	Town Manager

### Members of the Public in Attendance:

Jennifer Knight	Sadie Milner
Ira Cameron	Barbara Swiercz
Donald Frydryk	Tony Swiercz
Karen Hubaz	Kathleen Knight
	Josh Kusnierk

*These minutes were amended*

### 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 November 17<sup>th</sup>, 2022

**Motion** made by N. Talbot to approve the minutes as submitted from Thursday, November 17, 2022. Seconded by E. Murphy.

There was no additional discussion.

R. Starodoj	Aye
N. Talbot	Aye
E. Murphy	Aye
K. Crosby	Aye
C. DiMarzio	Absent
<b>Four in favor. One Absent</b>	
<b>Approved 4/0/1.</b>	

**ANR-2022-12 (252 Belchertown Road)**

- Board will vote to decided that their approval is not required under the Subdivision Control Law

R. Watchilla reviewed the site plan with the board and explained that the redrawing of this property line will help the parcel conform although the structure will remain non-conforming.

**Motion** made by E. Murphy to approve **ANR-2022-12 (252 Belchertown Road)**. Seconded by N. Talbot. There was no additional discussion.

R. Starodoj	Aye
N. Talbot	Aye
E. Murphy	Aye
K. Crosby	Aye
C. DiMarzio	Absent
<b>Four in favor. One Absent Approved 4/0/1.</b>	

**Public Hearing SP-2022-10- Bond Construction – 219 Babcock Tavern Road**

E. Hancock recused herself

R. Starodoj read the legal notice.

K. Hubaz spoke to the board and introduced the engineer D. Frydryk. D. Frydryk gave a presentation detailing the scope of the project. R. Watchilla read the permit summary and the comments submitted from Conservation Agent John Prenosil. The Building Department advised that the project encroaches on the 50’ set back which the proponent said was for grading aesthetics and topography. The board asked for clarification on the amount of earth being removed (194,500 cubic yards) and the hours of operation which K. Hubacz stated that it is listed as Monday through Saturday from 7am-5pm. No earth removal or hauling would be done on Saturday as that day would only be for equipment maintenance. The Planning Board then opened the Public Hearing for public comments. Abutter E. Hancock spoke of her concerns with the project and stated she had consulted with an engineer who marked issues on the site plan. D. Frydryk inquired as to the name of the engineer, E. Hancock refused to provide the name and stated she was representing herself.

**\*The section below was amended as per Planning Board Meeting 12/15/2023**

- 50’ Buffer on her property line was left unmarked
- Questions chain-link fence surrounding property. R. Starodoj replied that it was not a chain-link fence, E. Hancock stated as per the legend on the plan it is noted as a chain-link fence.
- The plan does not show limits of work
- No waiver provided in Zoning Bylaw for the 50’ buffer and will not agree to one.
- Stated her tree roots would be harmed if setback is encroached
- Stated an area is not buildable
- Erosion control would need to be moved to stay away from the 50’ buffer
- Silt Fence is not identified
- Limit of work needs to have a permanent visual marker to indicate the buffer zone
- Monitoring wells are marked with an incorrect symbol
- Well #1 should match the depth of well #4
- Groundwater should be monitored
- Water shoving toward her property
- Questioned former loam pile on plan

- What is volume and quality of loam? (R. Starodoj stated a certain amount needs to be put down at closure)
- Site is active as trees have been removed and access road cut.
- Lack of forestry permit
- Lack of S.W.P.P.P (Storm Water Pollution Prevention Plan)
- C.A.D. could show that less material could be removed to complete the project
- Questioned activity of site as Bond had not been present there in over a year (E. Hancock indicated an area on the site plan) K. Hubaz responded that they are waiting on permitting and are holding.
- Stabilization measures should have been initiated 14-days after activity has temporarily ceased (E. Hancock indicated an area on the site plan).

K. Hubaz reiterated that Conservation had visited the site and the agent had no issues with the site as it was as it is sloped accordingly and there is no runoff due to the permeability of the material.

- E. Hancock stated that a SWPPP would be needed and a waiver would need to be filed with the EPA to avoid doing so
- The authorization form is not signed for 240 Babcock Tavern Road
- Issue with Bond being the applicant not the owner.
- Cited that during the site walk on October 19, 2019, R. Starodoj had commented that the owner should get the permit as well as during a Planning Board meeting on August 6, 2020, where the board stated the owner should get the permit. R. Starodoj stated that the property owner can designate representative. E. Hancock responded that was not in the bylaw. R. Watchilla said that he believed that under State Law the applicant could be designated, R. Starodoj asked for that to be checked.
- E. Hancock stated all trees along buffer were cut (property owners stated no). July 16, 2020, Selectmen T. Barnes had asked if there would be a tree buffer. J. Knight answered by saying that existing trees would be kept in place to act as a buffer. E. Hancock stated the only buffer was her trees and whatever brush/vegetation that is currently growing after the cutting.
- Would like a silt fence, shrubs or trees to block noise.
- Stated best practice would have been to process 3-acres at a time.
- R. Starodoj stated whether there was a gravel operation or not they were allowed to cut their own trees
- E. Hancock stated she has lost her privacy
- K. Knight stated they were her trees
- S. Beckley mentioned that maybe the board might consider adding a condition that a buffer be made. R. Starodoj said that was typically what they do.
- K. Hubaz mentioned there was a berm between their excavation work and the abutter property. E. Hancock said she can hear the work and it's very noisy.
- E. Hancock stated she has lost her privacy and the enjoyment of her property.
- R. Watchilla provided research into an earlier point regarding which name is allowed to be on the permit. M.G.L. Ch. 40A section 11 says the permit is awarded to the owner and the applicant if its other than the owner.
- E. Hancock spoke of the timeline of the removal operation and the potential downsides of the property owner not being named on the permit application
- The property owners spoke stating there was a buffer of Pine trees.
- D. Frydryk addressed points made by E. Hancock stating there was no proposed chain-link fence and what is labeled on the plan is a limit of work, the waddles and silt fence are on the plan, limit of work, the depth of the wells, and monitoring groundwater.
- R. Starodoj spoke about the plan and items he would like to see added to it
- D. Frydryk addressed the depth and separation of the wells, the loam, the SWPPP
- E. Hancock spoke of the water conditions and well water testing, additions to the plans that would be helpful
- R. Starodoj said a cross section of an area from the 'k' in Babcock to the northeastern corner near the detention basin and one from the house to the well 3 area would be helpful
- E. Hancock questioned the maximum number of trucks per day. K. Hubaz answered that it would be approximately 5 trucks with approximately 4-5 loads each
- E. Hancock questioned how fuel spills would be addressed on the property

- E. Hancock inquired what the community benefit would be. K. Hubaz spoke stating earth removal operations benefit the community in many ways, providing aggregates for many projects.
- E. Hancock spoke of her experience and familiarity within the gravel industry.

Recess

- E. Hancock inquired about liability insurance

**Motion** by N. Talbot to continue the Public Hearing to January 5, 2023, at 7:30pm in the Selectmen’s Meeting Room at Town Hall. Seconded by E. Murphy. The board clarified no additional abutters notices are required for the continuance of a Public Hearing.

R. Starodoj	Aye
N. Talbot	Aye
E. Murphy	Aye
K. Crosby	Aye
C. DiMarzio	Absent
<b>Four in favor. One Absent Approved 4/0/1.</b>	

**Motion** made by E. Murphy to table the review of the subdivision regulations until December 15, 2022. Seconded by N. Talbot. No additional discussion.

R. Starodoj	Aye
N. Talbot	Aye
E. Murphy	Aye
K. Crosby	Aye
C. DiMarzio	Absent
<b>Four in favor. One Absent Approved 4/0/1.</b>	

**Motion** made by E. Murphy to adjourn the meeting at 8:40pm. Seconded by N. Talbot. No additional discussion.

R. Starodoj	Aye
N. Talbot	Aye
E. Murphy	Aye
K. Crosby	Aye
C. DiMarzio	Absent
<b>Four in favor. One Absent Approved 4/0/1.</b>	

**NEXT PLANNING BOARD MEETING DATE:**

- E. Hancock inquired about liability insurance

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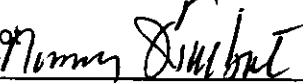
**NEXT PLANNING BOARD MEETING DATE:**

Thursday, December 15<sup>th</sup>, at 7:00pm.

Minutes from Thursday, December 1<sup>st</sup>, 2022.

Respectfully submitted by,

Planning Board Meeting Minutes fr

<b>Minutes Approved on:</b> 1/5/2023	
Starodj	
Murphy	
Talbot	
Crosby	