



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 15th, 2022

Selectboard Meeting Room

126 Main Street, Ware MA 01082

Planning Board Members in Attendance:

Rick Starodoj	Chair
Nancy Talbot	Vice Chair
Ken Crosby	Absent
Ed Murphy	Remote
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:

David Oles
Kaily Hepburn
Dan Deliger

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

Motion made by N. Talbot to approve the minutes as submitted from Thursday, December 1, 2022. Seconded by E. Murphy.

E. Hancock recused herself and stated she felt the minutes were incomplete, inaccurate and that she had been censored and requested that the Planning Board reconsider the approval of them.

Motion to approve the minutes as submitted **Withdrawn** by N. Talbot.

Motion made by N. Talbot to table the minutes of December 1, 2022 and expand upon the information S. Seconded by E. Murphy.

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

Approval of the 2023 Planning Board Meeting Schedule

R. Starodoj suggested removing the December 21, 2023 Planning Board Meeting

R. Watchilla explained that he will be out of the office and not present at the February 16, 2023 meeting.

C. DiMarzio presented the affidavit expressing that he reviewed the Bond Construction Permit Hearing.

The Planning Board consented to the meeting schedule.

SP-2022-11/ SPR-2022-04 (Pineapple Express, LLC.)

R. Starodoj read the legal notice

K. Hepburn spoke describing the nature of her business as a Marijuana Delivery establishment. The license allows for wholesale cannabis products from manufacturers/ cultivators, warehouse them at their location, take online or phone orders and deliver them. K. Hepburn reviewed the materials which were submitted which included a security plan that was presented to the Ware Police Department. K. Hepburn also introduced the D. Oles from American Alarm and her engineer (Zoom) who could answer any questions about the site plan and parking.

Approx 18 daily trips (used the traffic model from the 2016 Taco Bell Study) the total number of trips from that plaza was 15,700 trips per day and their business would account for .02% of that.

N. Talbot inquired about the number of vehicles. K. Hepburn stated there will be two delivery vans to start and maybe adding two more in a year. Each truck would have two drivers, and two individuals working in the office.

K. Hepburn and the planning board discussed parking arrangements. It was discussed that it may be better to have employees park in the front parking area (farthest away from the businesses) which would help with traffic in the rear of the building. K. Hepburn stated the back is really for deliveries.

N. Talbot inquired about deliveries. K. Hepburn stated that once established (inventory) would come in once or twice a week and that would occur during business hours.

R. Starodoj asked if there was a loading dock in the rear of the building. K. Hepburn stated it was a back door. D. Oles added that there aren't specific regulations through the CCC and the regulations for loading/unloading areas would be town specific.

C. DiMarzio asked what the purpose of the vans was. K. Hepburn clarified that they were for delivery to the consumer.

N. Talbot asked where the closest similar establishment was. K. Hepburn said at the moment it was in Easthampton, MA.

N. Talbot inquired about the number of employees in the building. K. Hepburn answered that by regulations there must always be at least two people in the vans during deliveries and one person in the office monitoring the GPS.

R. Watchilla recommended sharing the security overlays with the Police Department.

R. Watchilla and K. Hepburn discussed the body cams the delivery drivers would wear and that they are required by regulations.

R. Watchilla read a question from the Town Manager noting there was not additional exterior lighting and asked if the CCC required additional lighting. K. Hepburn and the board discussed lighting requirements.

R. Watchilla read a statement from the Building Commissioner which expressed concern for the traffic in the rear of the building due to the traffic of both Pineapple Express and O'Rieley Auto Parts. The board discussed the statement and felt it could be added as a condition to revisit if the traffic behind the building became problematic or a safety concern.

R. Watchilla reviewed the materials submitted by the applicant.

- Host Community Agreement*
- List of abutters
- Detailed security summary
- Traffic Memorandum

*Applicant has certification that it was signed by Board of Selectmen, however, does not have the actual signed document (from June 7, 2022).

The board discussed proposing conditions. C. DiMarzio proposed adding a condition for the safety concern for the loading/unloading area in the rear of the building.

R. Watchilla discussed the conditions on the Curaleaf decision "The board reserves the right to modify the site plan for motor vehicle and pedestrian traffic, including a traffic study six months following the opening of the establishment". C. DiMarzio said to remove his condition and use the same from Curaleaf to keep them consistent. R. Starodoj inquired if these conditions stay with the land or business. R. Watchilla clarified that they stay with the business not location.

K. Hepburn asked if it was possible to extend the operating hours. The board discussed operating hours and clarified that it was including the times when deliveries could be made. It was decided 6:00am – 10:00pm for exterior operations.

E. Hancock stated she would object to having deliveries later in the evening. R. Starodoj stated it was a commercial area and the other business have things come in basically 24/7. K. Hepburn stated that Domino's delivers past 8:00pm. R. Starodoj added that it was no unusual for a retail operation.

E. Hancock inquired about the buffer zone for children and discussed the adopted language of the CCC and the Ware bylaws.

E. Hancock inquired as to the type of signage that will be used. K. Hepburn answered that there will not be exterior signs on the front of the business, there would only be one 12"x12" sign on the back door for purposes of deliveries.

E. Hancock inquired as to how the product does not get into the hands of minors and asked K. Hepburn to explain the process. K. Hepburn explained that Drivers Licenses are needed on both ends of the ordering process and the drivers must verify the licenses provided at the time of delivery against the one used to create the account and verify the signature. There is also a manifest that has to be signed.

N. Talbot asked what the monitoring/audit process was like. K. Hepburn explained that security systems must be tested every 30 days and audited yearly. D. Oles added that the CCC can also do spot checks.

E. Hancock inquired about the types of products being offered.

R. Starodoj inquired about the waste disposal process. K. Hepburn stated they can combine it with another substance to render it unusable then store it in a vault until is picked up by a licensed company.

R. Starodoj reviewed the findings

Motion made by N. Talbot to approve **SP-2022-11 (Pineapple Express, LLC.) as proposed.** Seconded by E. Hancock
There was no additional discussion.

R. Starodoj	Aye
N. Talbot	Aye
E. Murphy	Aye**
K. Crosby	Absent
C. DiMarzio	Aye
E. Hancock	Aye
Four in favor. One Absent Approved 5/0/1.	

Motion made by N. Talbot to approve **SPR-2022-04 (Pineapple Express, LLC.) as proposed noting the conditions.** Seconded by C. DiMarzio. here was no additional discussion.

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

*E. Hancock voted during the meeting. As per R. Starodoj the vote did not count for the Site Plan Review.

** Corrected as per Planning Board Meeting 1/5/2023

Public Hearing for Pineapple Express SP-2022-11 & SPR-2022-04 closed at 7:51pm

Old Business

The board decided to pass on reviewing the subdivision regulations

Town Planner Update

R. Watchilla announced that the Planning Department will provide assistance to the Conservation Department.

The deadline for the RFQ for Mary Lane was December 15, 2022. There was one applicant, there will be public outreach.

PVPC had submitted their 1st draft for the document on battery storage. R. Watchilla clarified that they had consulted with various experts and will be separated into three tiers.

R. Watchilla read through the tiers of batteries.

R. Starodoj discussed megawatt hours and the need for design standards. R. Watchilla stated he would clarify with the building inspector.

Motion made by N. Talbot to ADJOURN at 8:25. Seconded by C. DiMarzio. There was no additional discussion.

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

NEXT PLANNING BOARD MEETING DATE:

Thursday, January 5th, at 7:00pm.

Minutes from Thursday, December 15th, 2022.

Respectfully submitted by,

Kristen Jacobsen
Administrative Assistant
Planning & Community Development

Minutes Approved on: <u>1/5/2023</u>	
Starodoj	<u>RAJ</u>
Murphy	<u>[Signature]</u>
Talbot	<u>Nimmy DiMarzio</u>
Crosby	<u>DiMarzio</u> <u>CSD</u>