



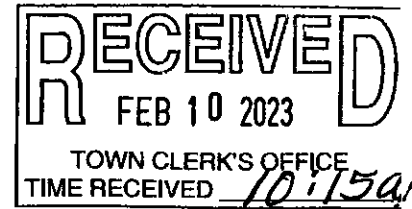
# TOWN OF WARE

Planning & Community Development  
126 Main Street, Ware, Massachusetts 01082  
(413) 967-9648 ext. 120

## PLANNING BOARD

### MEETING AGENDA

Location: Board of Selectmen's Meeting Room  
Town Hall, 126 Main Street, Ware, MA 01082  
Date & Time: Thursday, February 16<sup>th</sup>, 2023 @ 7:00 PM  
Digital Participation: Phone number: 929-205-6099  
Meeting ID: 784 604 1861  
Passcode: 01082



Instructions for call-in option: at or before 7pm call the phone number above and when prompted enter the Meeting ID number. The platform is Zoom Meetings. Join online:  
<https://zoom.us/join>

- 
- Pledge of Allegiance
  - Administrative
    - Approval of minutes from February 16<sup>th</sup>, 2023
  - Public Hearings
    - 7:05pm: SP-2023-01 (Frederick T. Smith III)
      - Applicant is requesting a one year extension on an existing earth removal special permit at Greenwich Road. Deeded in the Hampshire County Registry of Deeds, Book 10396, Page 108. Assessor's Parcel 35-0-12. Zoned: Rural Residential (RR).
    - 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).
      - Public hearing portion of this Special Permit is closed. The Board will address conditions and make their decision.
  - 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 40-45]
  - New Business
    - Any matters not originally anticipated by the Chair prior to the meeting.
  - Town Planner Update

The next Planning Board meeting will be held March 2<sup>nd</sup>, 2023.



# TOWN OF WARE

## Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 120

## Planning Board

Meeting Minutes from

**Thursday, February 2, 2023**

Selectboard Meeting Room

126 Main Street, Ware MA 01082

### Planning Board Members in Attendance:

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

### Staff Members in Attendance:

Rob Watchilla	PCD Department Director
Kristen Jacobsen	PCD Dept. Admin. Assistant
Anna Marques	Building Commissioner, Zoning Enforcement Officer
Stuart Beckley	Town Manager

### Members of the Public in Attendance:

Karen Hubacz, Bond Construction	Sadie Milner
Mary Feeney	Darryl Goudreau
Lucas Wright	Rick Lotuff
Attorney Richard Maynard	

### 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 January 19, 2022

**Motion** by N. Talbot to approve the January 19, 2022, meeting minutes as submitted. **Seconded** by E. Murphy.

**Discussion:** None

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>		

#### **ANR-2023-01 (Sczygiel Road)**

Applicant is proposing 4- new lots on the easterly side of Sczygiel Road. R. Watchilla presented the plans to the board and explained that each parcel conforms to zoning in Rural Residential.

**Motion** made by E. Murphy to approve ANR-2023-01. **Seconded** N. Talbot. **Discussion:** None

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**

#### **7:05pm: 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).

**Public hearing portion of this Special Permit is closed. The Board will address conditions and make their decision.**

R. Starodoj explained to the applicant that one board member C. DiMarzio was absent, and they would need a unanimous vote to approve the Special Permit. K. Hubacz of Bond Construction said she preferred to wait until the full board was present. K. Hubacz and the board decided to wait and see if Mr. DiMarzio would be able to attend.

#### **New Business**

- Discussion on the clarification of conditions for SP-2021-05 (Minuteman Farm, LLC)

While the board waited for a response from C. DiMarzio. The board heard from some of the property owners from the Mill Yard regarding issues that had arisen at the Minuteman Farms site. Attorney Maynard requested to discuss the situation when both he and his client were better able to participate. R. Starodoj asked the property owners to recount the situation.

R. Lotuff spoke of his concerns:

Running heavy equipment over the penstocks which are open tunnels and connect to various locations in the Mill Yard.

R. Lotuff stated the Penstocks are not located on the plans nor is there an indication of how much weight the penstocks can support.

He spoke of further concerns and wished to see them noted on the plans and how the sewer lines would be run.

R. Starodoj responded that those were very reasonable questions, yet he felt they were beyond the purview of the Planning Board and it was a discussion that needed to be had between the property owners and the people who have the right of way and their attorneys.

R. Starodoj explained that the discussion of the sewer hookup needed to be had by the property owners, the owners of the right-away since the town does not own the right of way or the property the right of way sits on

L. Wright spoke regarding issues the dam operated by Ware River Power could potentially face.

He also stated he was not notified of the Public Hearings from either Conservation Commission or Planning Board.

L. Wright expressed concern at the placement of the Minuteman Farm Building, saying there is a possibility of changing the classification of the dam from low to high hazard and he could endure hardships because of that. L. Wright urged the board to reopen the Special Permit to have an engineer look over the plans.

R. Starodoj explained that it was not possible to reopen the Special Permit and noted it had not been appealed.

The board and L. Wright discussed issues that could arise should the area become flooded due to a dam breach and the location of the building. A. Marques discussed how plans had been redesigned with a 100-year flood elevation of 441- cubic feet.

L. Wright discussed the development of the mill yard and his desire for the town's involvement. R. Starodoj clarified that the town does not own the utilities in the mill yard. L. Wright stated he thought the town owned the wall that the excavator has traveled over.

thanked the group for coming out and more research would need to be done.

D. Goudreau and the board discussed who would be responsible for clean up if their machines caused a problem. R. Starodoj responded that was his understanding but advised they review the video of the meeting., look through the files, ad get whatever they need and revisit this at another point.

An audience member and K. Crosby spoke of the weight of the equipment being driven through the site and even though the excavator may weigh 50,000 lbs the track pressure might be 5 lbs per sq in.

A.Marques spoke of the potential installation of steel plates to support the large equipment while it traverses the right of way.

#### **Resume Discussion: 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).



Public hearing portion of this Special Permit is closed. The Board will address conditions and make their decision.

K. Hubacz requested to continue the Hearing when the full board was present. The board and K. Hubacz discussed potential dates.

**Motion:** N. Talbot to postpone the discussion and rendering of a decision for **SP-2022-10 (Bond Construction Corporation)** until **February 16, 2023**. **Seconded** E. Murphy. **Discussion:** None

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

**Motion** made by N.Talbot to table discussion of Subdivision Regulations until February 16, 2023. **Seconded** E. Murphy. **Discussion:** None

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

R. Watchilla discussed questions town council had for the Planning Board regarding cannabis and breweries.

### **Town Planner Update**

R. Watchilla spoke of grants the town has received.

- MassDOT Complete Streets grant for sidewalks on Church Street.
- Safe Streets for All: will help create a safety action plan for West St. and all roads in town.
- FEMA Hazard Mitigation Grant

E. Hancock asked if the Historic Commission was moving forward with another meeting for the Scenic Road Bylaw. R. Watchilla said they had not shown interest in continuing with the Planning Board. N. Talbot said she had strongly suggested that they have a zoom meeting to get public input.

R. Starodoj inquired if there were grants available for the senior center to enable it to be used for meetings.

**Motion** made by N.Talbot to **ADJOURN at 8:13pm. Seconded** by E. Murphy. **Discussion:** none

R. Starodoj	Aye
N. Talbot	Aye
E. Murphy	Aye
K. Crosby	Aye
C. DiMarzio	Aye
<b>Four in favor. One Absent. Approved 5/0/0.</b>	

**NEXT PLANNING BOARD MEETING DATE:**

**Thursday, February 16, at 7:00pm.**

Minutes from Thursday, February 2, 2023.

Respectfully submitted by,

Kristen Jacobsen  
Administrative Assistant  
Planning & Community Development

**Minutes Approved on:** \_\_\_\_\_

Starodoj \_\_\_\_\_

Murphy \_\_\_\_\_

Talbot \_\_\_\_\_

Crosby \_\_\_\_\_

DiMarzio \_\_\_\_\_

Town of Ware  
Planning &  
Community Development



126 Main Street  
Ware, MA 01082  
413.967.9648 ext. 120  
www.townofware.com

Planning Board &  
Zoning Board of Appeals

Robert A. Watchilla  
Director of Planning &  
Community Development

**Request for Extension of  
Site Plan / Special Permit / Variance /  
Definitive Subdivision**

SP ~~100~~ -2023 - 01

Applicant

Name of Applicant (primary contact): Frederick T Smith III  
Company: F.T. Smith Trucking & Excavating Inc.  
Address: 53 Brooks Pond Rd., North Brookfield, MA 01535  
Phone: 508-867-0400 Cell: 978-502-4671  
Email Address: ftsmith1@verizon.net

Owner

Name of Owner: Frederick T Smith III  
Address: 214 Charles Lane Rd., New Braintree, MA 01531  
Phone: \_\_\_\_\_ Cell: 978-502-4671  
Email: \_\_\_\_\_

Proposal

The undersigned herewith resubmits the accompanying additional plan, materials, information, etc., relative to the previously filed Site Plan Application No. \_\_\_\_\_ and/or Special Permit Application No. SP-2022-01 and/or Variance Application No. \_\_\_\_\_ for property located on/at 0 Greenwich Rd. and decision recorded at the Hampshire Registry of Deeds, Deed Book 8579, Page 277, dated \_\_\_\_\_ and/or Plan Book \_\_\_\_\_, Page \_\_\_\_\_.

With this submission of this form, and any other materials requested by the Planning and Community Development Department, I am hereby requesting a 12 month extension, to commence work on said project as described in the original Decision.

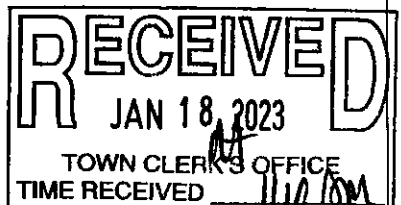
Signature

Original Owner's Signature (Blue Ink Only): Frederick T. Smith III Date: 1/15/23  
Mailing Address: P.O. Box 333 Town/State/Zip: North Brookfield MA 01535  
Phone Number: 978-502-4671 cell Email: \_\_\_\_\_

Office Use only

Official Use Only: Date Received: 01/18/2023 Date of Public Hearing: 02/16/23  
Fee: \$ 250.00 Check Dated: 1/15/2023 Check #: 19262  
Check Name: FT Smith Trucking + Excavating  
Decision of Board: ☒ Approved ☐ Approved with Conditions ☐ Denied  
Date of Decision: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Town Clerk's stamp:



## **PHASE I**

**4.3+ Acres** at the northerly side of site

50,500 cubic yards

- 9,600 cubic yards to be used for fill on site

= 40,900 cubic yards to be removed from site

construction to proceed in an easterly and southerly direction

All area disturbed during operations will be covered with 4" of loam and seeded

time: 2 years ±

## **PHASE 2**

**5.2+ Acres** at the southerly side of site

55,200 cubic yards

- 18,100 cubic yards to be used for fill on site

= 55,200 cubic yards to be removed from site

construction to proceed in an easterly and southerly direction

All area disturbed during operations will be covered with 4" of loam and seeded

Will include excavation of the esker ("hump") running along westerly side of property

time: 2 years ±



**requesting:**

**HOURS OF OPERATION**

Monday - Friday 7:00 am - 5:00 pm NO HOLIDAYS

PB indicated: 8:00 am - 5:00 pm NO HOLIDAYS

**LOCATION**

easterly side of Greenwich Road (between Sorel and Lee Road)

37.053 Acres

F.T. Smith Trucking & Excavating, Inc.

MAP 33

LOT 12

RR2

**3 PROPOSED PHASES**

ONLY SEEKING APPROVAL OF PHASE 1 AND 2 AT THIS TIME

- EACH PHASE ESTIMATED TO TAKE 2 YEARS EACH
- PROPOSING 10 RESIDENTIAL LOTS
- VEHICLE ACCESS AND FUELING AREA AT THE NORTHERLY END OF SITE
- WILL HAVE HARD PACKED MATERIAL TO HELP PREVENT CONTAMINATION OF SOIL AND GROUNDWATER
- PROPOSED TOTAL AREA OF DISTURBANCE: **9.5 ACRES**

**SOIL TESTING**

8 test pits excavated on 10-02-07 and 10-03-07

7 monitoring wells

wells checked by Sherman & Frydryk on 03-18-2008 - all found to be dry

**WETLANDS AND HIGH WATER MARKS**

Located by Keith Morris and Michael Gragnolati, Environmental Consultants: 07-12-2006

**ESTIMATED TRAFFIC FLOW**

Vehicle Size: 20 cubic yards

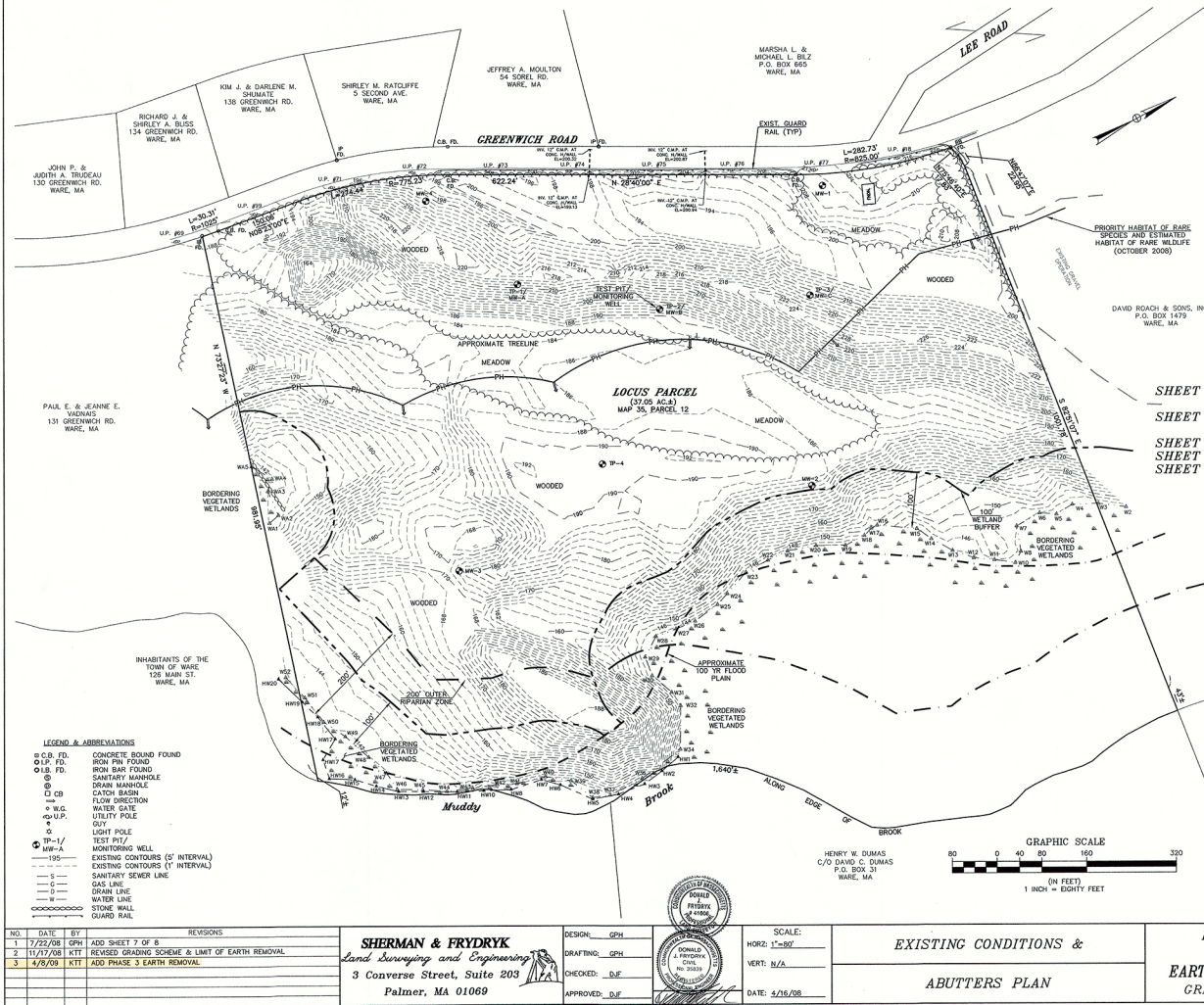
Work Days per Year 250

# TRIPS PER DAY 10 to site (empty truck) to pick up material  
10 from site with full truck

Average Amount of  
material removed/DAY 200 cubic yards

**PROPOSED TRUCK ROUTE**

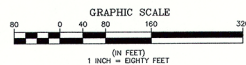




## NOTES:

- SUBJECT PROPERTY IS ZONED: RR2 - RURAL RESIDENTIAL 2.
- LOCUS AS SHOWN CONTAINS PARCEL 12 ON THE TOWN OF WARE ASSESSOR'S MAP 35.
- OWNER'S REFERENCE: HCRD BOOK 8579, PAGE 277.
- PROPERTY LINES SHOWN ARE BASED ON A PLAN ENTITLED "PLAN OF LAND IN WARE OWNED BY MICHAEL B. JR., RICHARD & MICHAEL B. GUZIK, BK 1818 - PG 265", PREPARED BY R.H. LEAMIRE, DATED JANUARY 24, 1983.
- EXISTING TOPOGRAPHY WAS DEVELOPED WITH FIELD SURVEY BY THIS OFFICE CONDUCTED BETWEEN AUGUST AND DECEMBER 2006.
- WETLANDS AS DELINEATED BY KEITH MORRIS & MICHAEL GRADIGLATO, ENVIRONMENTAL CONSULTANTS ON JULY 15, 2008 AND FIELD LOCATED BY THIS OFFICE.
- THE HIGH WATER MARK OF THE MUDDY BROOK WAS DELINEATED BY KEITH MORRIS & MICHAEL GRADIGLATO, ENVIRONMENTAL CONSULTANTS ON JULY 12, 2008 AND FIELD LOCATED BY THIS OFFICE.
- FLOOD PLAIN AS SCALED FROM THE FIRM MAP - TOWN OF WARE MASSACHUSETTS, HAMPSHIRE COUNTY, PANEL 13 OF 30, PANEL NUMBER 250712 0015, DATED AUGUST 17 1981.

DAVID ROACH & SONS, INC.  
P.O. BOX 1479  
WARE, MA



NO.	DATE	BY	REVISIONS
1	7/22/08	GPH	ADD SHEET 7 OF 8
2	7/17/08	KTT	REVISED GRADING SCHEME & LIMIT OF EARTH REMOVAL
3	4/8/09	KTT	ADD PHASE 3, EARTH REMOVAL

**SHERMAN & FRYDRYK**  
*Land Surveying and Engineering*  
3 Converse Street, Suite 203  
Palmer, MA 01069

DESIGN: GPH  
DRAFTING: GPH  
CHECKED: DJF  
APPROVED: DJF

SCALE:  
HORIZ: 1"=80'  
VERT: N/A

DATE: 4/16/08

**EXISTING CONDITIONS & ABUTTERS PLAN**

**F.T. SMITH TRUCKING & EXCAVATING, INC.**  
**EARTH REMOVAL PERMIT PLAN**  
**GREENWICH ROAD, WARE, MA**

**PROJECT NUMBER**  
06131

**SHEET NUMBER**  
1 OF 5



RECEIVED  
APR 13 2009

F.T. SMITH TRUCKING & EXCAVATING, INC.  <b>EARTH REMOVAL PERMIT PLAN</b> GREENWICH ROAD, WARE, MA	PROJECT NUMBER 05131
	SHEET NUMBER 2 OF 5



RECEIVED  
APR 13 2005

NO.	DATE	BY	REVISIONS
1	7/22/08	GPH	SWITCH PHASES, REGRADE
2	11/07/08	KTT	REVISED GRADING SCHEME & LIMIT OF EARTH REMOVAL
3	4/8/09	KTT	ADD PHASE 3 EARTH REMOVAL

**SHERMAN & FRYDRYK**  
*Land Surveying and Engineering*  
3 Converse Street, Suite 203  
Palmer, MA 01069

DESIGN: GPH  
DRAFTING: GPH  
CHECKED: D.F.  
APPROVED: D.F.



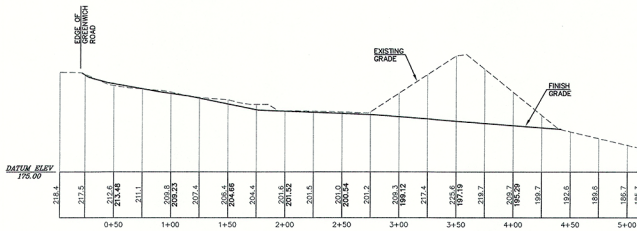
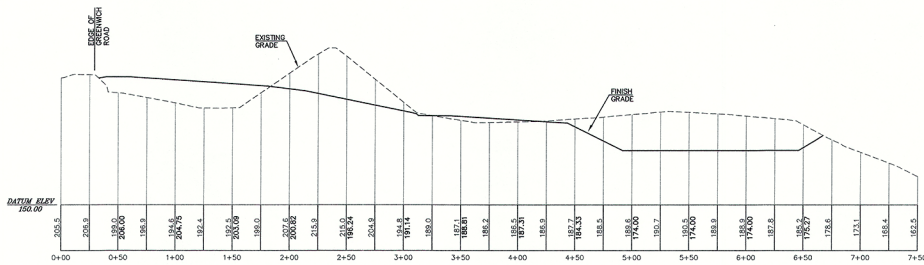
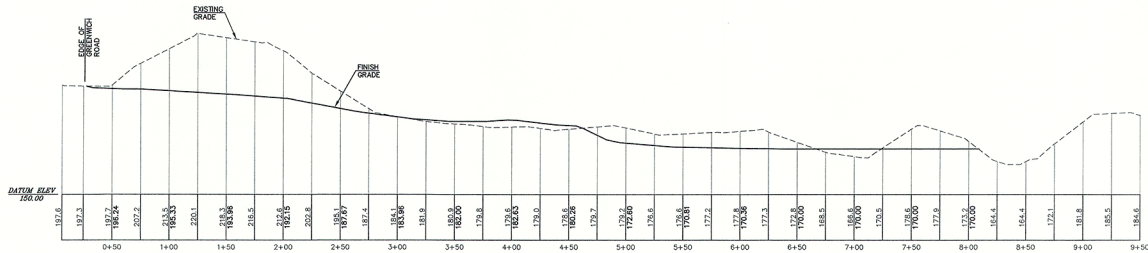
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DATE: 4/16/08

PHASE 1, 2 & 3
GRADING PLAN

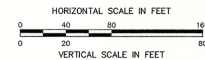
F.T. SMITH TRUCKING &  
EXCAVATING, INC.  
EARTH REMOVAL PERMIT PLAN  
GREENWICH ROAD, WARE, MA

PROJECT NUMBER	06131
SHEET NUMBER	3 OF 5





Page 13



NO.	DATE	BY	REVISIONS
1	8/28/08	GPH	BASED ON NEW GRADING
2	11/17/08	KTT	REVISED GRADING SCHEME & LIMIT OF EARTH REMOVAL
3	4/8/09	KTT	ADD PHASE 3 EARTH REMOVAL

**SHERMAN & FRYDRYK**  
Land Surveying and Engineering  
3 Converse Street, Suite 203  
Palmer, MA 01069

DESIGN: GPH  
DRAFTING: GPH  
CHECKED: DJF  
APPROVED: DJF



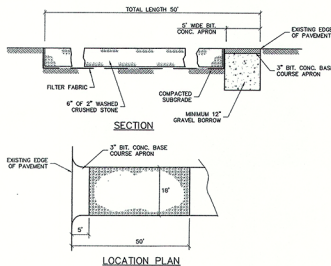
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VERT. 1"=20'  
DATE: 7/22/08

CROSS SECTIONS

F.T. SMITH TRUCKING &  
EXCAVATING, INC.  
EARTH REMOVAL PERMIT PLAN  
GREENWICH ROAD, WARE, MA

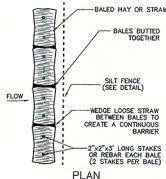
PROJECT NUMBER  
06131  
SHEET NUMBER  
4 OF 5

RECEIVED  
APR 18 2009  
F.T. SMITH TRUCKING & EXCAVATING, INC.



NOTES:  
1. ALL TRACKING PAD ARE TO BE CONSTRUCTED THROUGHOUT THE PROJECT.

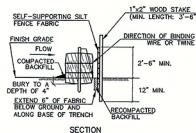
**ANTI-TRACKING PAD**  
N.T.S.



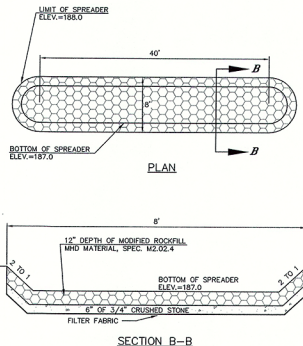
**EROSION CONTROL NOTES**

1. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION. STABILIZATION OF ALL REGRADED AND SOIL STOCKPILE AREAS WILL BE INITIATED AND MAINTAINED DURING ALL PHASES OF CONSTRUCTION.
2. ALL EROSION CONTROL MEASURES AREA TO BE MAINTAINED AND UPGRADED AS REQUIRED TO ACHIEVE PROPER SEDIMENT CONTROL DURING CONSTRUCTION.
3. STOCKPILES OF SOIL SHALL BE SURROUNDED BY HAYBALES AND/OR SILT FENCE.
4. ALL DISTURBED AREAS SHALL BE GRADED AND COVERED WITH 4" OF LOW AND SEEDS. SLOPES GREATER THAN 4:1 SHALL BE MULCHED.

**SILT FENCE DETAIL**  
N.T.S.



**RIPRAP SPREADER DETAIL**  
N.T.S.



**EROSION CONTROL NOTES**

1. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION. STABILIZATION OF ALL REGRADED AND SOIL STOCKPILE AREAS WILL BE INITIATED AND MAINTAINED DURING ALL PHASES OF CONSTRUCTION. STANDING POOLS OF WATER BEYOND THE 24-HOUR PERIOD AFTER A STORM AT EROSION CONTROLS SHALL REQUIRE RESTRACTION FUNCTION.
2. ALL EROSION CONTROL MEASURES ARE TO BE MAINTAINED AND UPGRADED AS REQUIRED TO ACHIEVE PROPER SEDIMENT CONTROL DURING CONSTRUCTION. ALL EROSION CONTROL MEASURES SHALL BE INSPECTED DAILY, REGARDLESS IF WORK IS PROCEEDING ON THE SITE.
3. THE CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH ALL EROSION CONTROL MEASURES SHOWN ON THE PLANS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED AS DEEMED NECESSARY BY ON SITE INSPECTIONS OF THE OWNER OR THEIR REPRESENTATIVES, OR BY FEDERAL/STATE/LOCAL GOVERNMENT INSPECTORS.
4. TEMPORARY SEDIMENT BASINS SHOWN ON THIS PLAN ARE SCHEMATIC ONLY AND ARE SUBJECT TO CHANGE AS SITE CONDITIONS WARRANT AND AS CONSTRUCTION PROGRESSES.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONTROL OF DUST AND DIRT RISING AND SCATTERING IN THE AIR DURING CONSTRUCTION AND SHALL PROVIDE WATER SPRINKLING OR OTHER SUITABLE METHODS OF CONTROL. THE CONTRACTOR SHALL COMPLY WITH ALL GOVERNING REGULATIONS PERTAINING TO ENVIRONMENTAL PROTECTION.
6. GRADE DURING FILL OPERATIONS SHALL NOT ALLOW RUNOFF DOWN SLOPE SLOPES. AS FILL IS ELEVATED, GRADE TO DRAIN TO TEMPORARY SEDIMENT BASINS.
7. SILT FENCES SHALL BE INSPECTED PRIOR TO AND AFTER EVERY STORM.
8. STOCKPILES OF SOIL, SHALL BE SURROUNDED BY HAYBALES AND/OR SILT FENCE.
9. ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION THAT WILL NOT BE PAVED SHALL BE GRADED SMOOTH AND 4" OF TOPSOIL AND SEED APPLIED AND SEEDED AND MULCHED. THESE AREAS SHALL BE MAINTAINED UNTIL HARDY GRASS GROWTH IS ESTABLISHED. CONTRACTOR SHALL APPLY STABILIZATION FABRIC TO ALL SLOPES 3:1 OR STEEPER.
10. UPON COMPLETION OF CONSTRUCTION, CONTRACTOR SHALL CLEAN ALL STORM DRAINAGE STRUCTURES, PIPES, CULVERTS, ETC.
11. EROSION CONTROL MEASURES SHALL REMAIN IN PLACE UNTIL ALL AREAS HAVE BEEN STABILIZED AND SHALL NOT BE REMOVED UNTIL THE REMOVAL IS APPROVED BY THE WARE CONSERVATION COMMISSION.
12. IN ORDER TO AVOID TRACKING OF SOIL OFF SITE, THE CONTRACTOR SHALL MAINTAIN PAVEMENT OVER ALL AREAS TO THE EXTENT POSSIBLE. IF CONSTRUCTION IS TO PASS OVER UNPAVED AREAS PRIOR TO LEAVING THE SITE, THE CONTRACTOR SHALL INSTALL AN ANTI-TRACKING PAD ALONG THE ACCESS ROAD, PRIOR TO REMAINING PAVED AREA. ALL VEHICLES LEAVING THE SITE SHALL PASS OVER THE ANTI-TRACKING PAD PRIOR TO LEAVING THE SITE. THE CONTRACTOR SHALL MECHANICALLY SWEEP THE SITE AS NEEDED TO PREVENT TRACKING OF EARTH MATERIAL.

**NOTES:**

1. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE 1986 MASS. HIGHWAY REPAIRMENTS STANDARD SPECIFICATIONS FOR HIGHWAYS & BRIDGES AND THE 1994 SUPPLEMENTAL SPECIFICATIONS, AND THE 1977 CONSTRUCTION STANDARDS.
2. ALL DISTURBED AREAS SHALL BE COVERED WITH A MINIMUM OF 4" OF PLANTABLE SOIL BORROW AND SEEDED.
3. LOCATIONS OF UTILITIES SHOWN HEREON ARE THE RESULT OF SURFACE EVIDENCE AS LOCATED BY FIELD SURVEY, PLANS OF RECORD, AND OTHER AVAILABLE SOURCES. THIS PLAN DOES NOT NECESSARILY DEPICT THE EXACT LOCATIONS OF ALL UTILITIES WHICH MAY EXIST AT THIS TIME WITHIN THE PREMISES SURVEYED.
4. THE CONTRACTOR SHOULD VERIFY THE EXISTING CONDITIONS TO HIS SATISFACTION PRIOR TO BEGINNING ANY LOCATION. TWO SAFT SHALL BE NOTED AT EACH 72 HOURS PRIOR TO BEGINNING ANY WORK.
5. ALL SLOPES INDICATED FOR PROPOSED PIPES ARE FT/FT.

**STRUCTURE NOTES**

- FOR CATCH BASINS, MANHOLES, CULVERT ENDS, END WALLS, SEDIMENTATION CHAMBERS, AND PIPES.
1. STRUCTURES SHALL BE PLACED ON EXISTING SUITABLE COMPACTED MATERIAL OR 12 IN. GRAVEL BASE TO 6 IN. MINIMUM OUTSIDE BASE.
  2. 3 IN. MAXIMUM CORREL PER CONCRETE BLOCK UNIT.
  3. JOINTS TO BE POINTED FLUSH AND PAUL.
  4. PIPES TO CUT FLUSH WITH INSIDE WALL OF STRUCTURE.
  5. ALL STRUCTURES AND PIPES SHALL BE CAPABLE OF SUPPORTING AN H-20 LOADING.
  6. FRAMES AND COVERS SHALL BE LABRAN FOUNDRY COMPANY CATALOG NO. LB-268-3 OR EQUIVALENT AND MARKED WITH "3" LETTERS AS "DRAIN".
  7. FRAMES AND GRATES SHALL BE LABRAN FOUNDRY COMPANY CATALOG NO. LRF-248-2 OR EQUIVALENT.
  8. DRAINAGE PIPE SHALL BE AS MANUFACTURED BY ADVANCED DRAINAGE SYSTEMS, N-12 PIPE OR EQUIVALENT.
  9. ALL MATERIALS AND METHODS OF CONSTRUCTION ASSOCIATED WITH INSTALLATION OF PROPOSED DRAIN CONNECTION SHALL CONFORM TO THE SPECIFICATIONS OF THE WARE DEPARTMENT OF PUBLIC WORKS.

NO.	DATE	BY	REVISIONS
1.	1/22/08	GPH	ADD TURTLE BARRIER DETAIL.
2.	11/17/08	KTT	REVISED GRADING SCHEME & LIMIT OF EARTH REMOVAL.
3.	4/8/09	KTT	ADD PHASE 3 EARTH REMOVAL.

**SHERMAN & FRYDRYK**  
Land Surveying and Engineering  
3 Converse Street, Suite 203  
Palmer, MA 01069

DESIGN: GPH  
DRAFTING: GPH  
CHECKED: DJF  
APPROVED: DJF

SCALE:  
HORIZ: N/A  
VERT: N/A

DATE: 3/16/09



DETAILS

F.T. SMITH TRUCKING &  
EXCAVATING, INC.  
EARTH REMOVAL PERMIT PLAN  
GREENWICH ROAD, WARE, MA

PROJECT NUMBER  
06131

SHEET NUMBER  
5 OF 5

RECEIVED  
MAY 13 2009  
MASS. DEPT. OF PUBLIC WORKS



**SHERMAN & FRYDRYK**  
Land Surveying and Engineering

A division of Hancock Survey Associates, Inc.

January 23, 2023

Town of Ware  
Planning & Community Development  
Ware Town Hall  
126 Main Street  
Ware, MA 01082

Re: Earth Removal Operations Special Permit Application  
Babcock Tavern Road, Ware, MA

Dear Board Members

Enclosed please find two full size copies and five reduced size copies of the updated Sheet 1 of the plans for this project.

These plans have been updated as requested at the public hearing to show the contours along the roadway and to add Mass Coordinates on the plan. We have added the coordinates for each of the four monitoring wells.

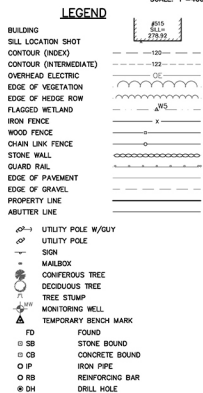
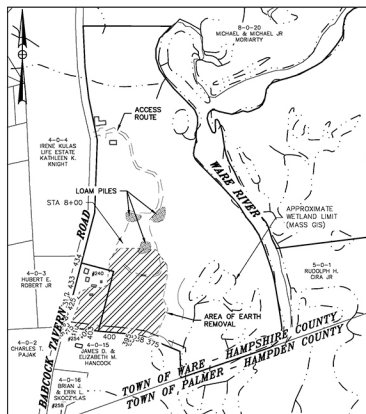
Thank you for your assistance with this project.

Very truly yours,

Donald J. Frydryk, P.E., P.L.S.

Enc

C Bond Construction Corp.  
Kathleen Knight



- NOTES**
1. LOCATIONS OF UTILITIES SHOWN HEREON ARE THE RESULT OF SURFACE EVIDENCE AS LOCATED BY FIELD SURVEY, PLANS OF RECORD, AND OTHER AVAILABLE SOURCES. THIS PLAN DOES NOT NECESSARILY DEPICT THE EXACT LOCATIONS OF ALL UTILITIES WHICH MAY EXIST AT THIS TIME WHEN THE PREMISES SURVEYED.
  2. THE CONTRACTOR SHOULD VERIFY THE EXISTING CONDITIONS TO HIS SATISFACTION PRIOR TO BEGINNING ANY EXCAVATION. "NO SHOT" SHALL BE NOTICED AT LEAST 72 HOURS PRIOR TO BEGINNING ANY WORK.
  3. ALL DISTURBED SURFACES SHALL BE STABILIZED WITH LOAM 4" & A SEED AT THE COMPLETION OF WORK IN ACCORDANCE WITH MASSDOT STANDARDS.
  4. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING INTERIM EROSION CONTROLS DURING REMOVAL PROCESS.

NO.	DATE	BY	REVISIONS
1	1/17/23	DJF	PLANNING BOARD COMMENTS
1	1/26/23	DJF	ADD MASS COORDINATES & CONTOURS

**SHERMAN & FRYDRYK**  
Land Surveying, Engineering & Scientists, Inc.  
A DIVISION OF HANCOCK SURVEY ASSOCIATES, INC.  
3 Commerce Street, Suite 203  
Palmer, MA 01069



DESIGN: ASB/2MD  
DRAWING: KTT/2MD  
CHECKED: JP  
APPROVED: DJF

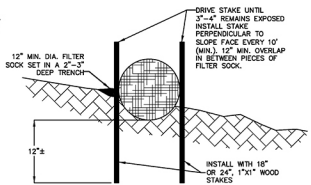
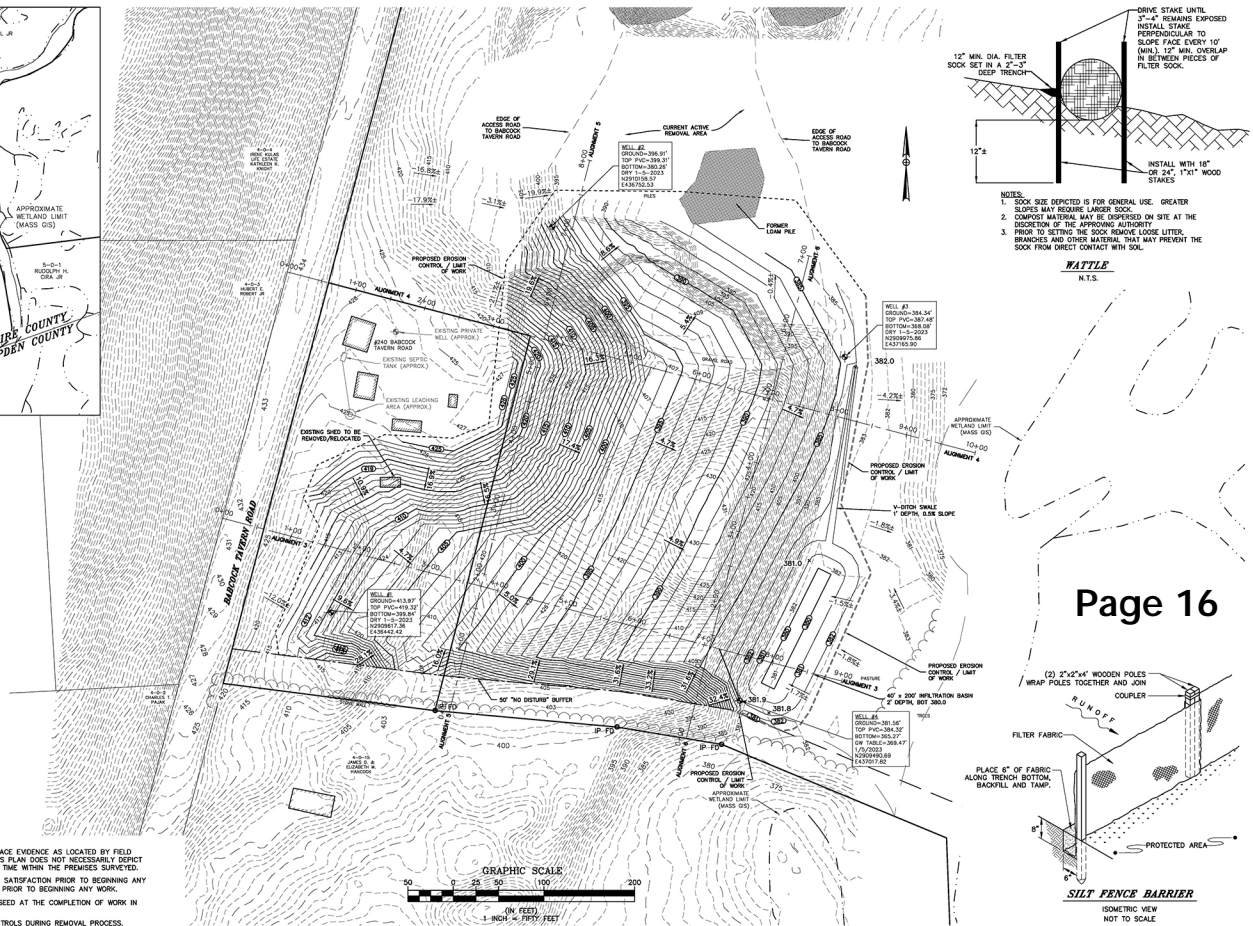


SCALE:  
HORIZ: 1"=50'  
VERT: N/A  
DATE: 10/7/2022

**CLOSE OUT GRADING**  
**MONITORING WELL SKETCH & EARTH REMOVAL PLAN**

**PLAN OF LAND IN WARE, MA**  
**PREPARED FOR BOND CONSTRUCTION CORP.**

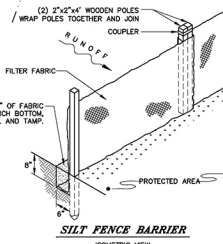
**PROJECT NUMBER**  
22009  
**SHEET NUMBER**  
1 OF 3



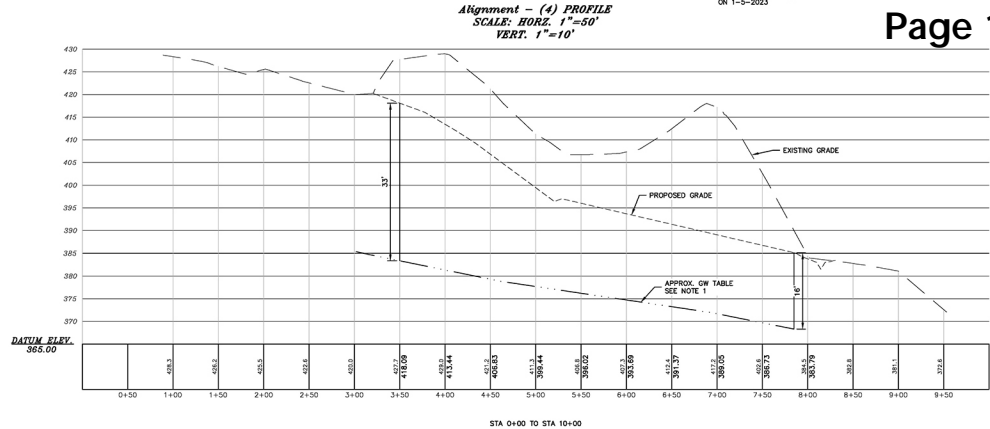
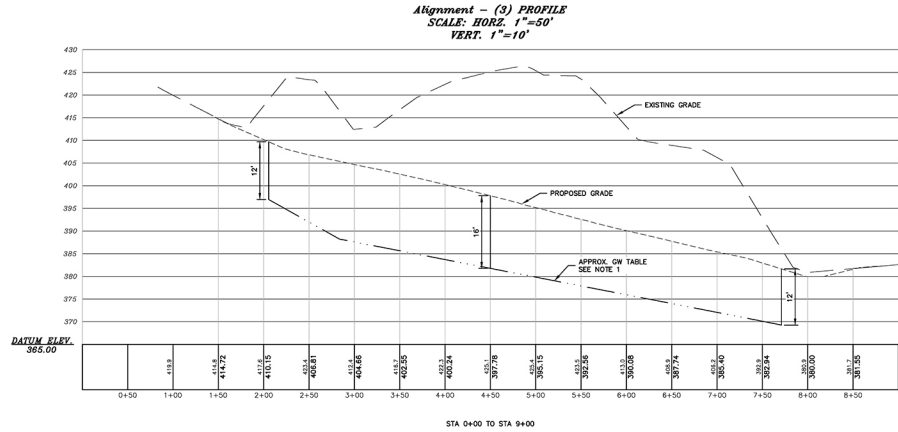
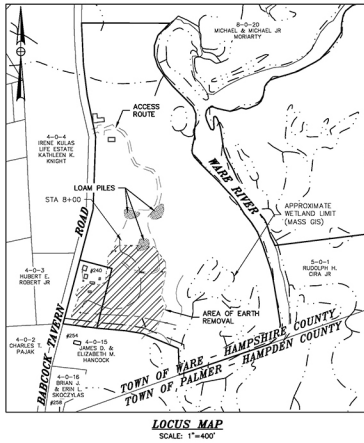
- NOTES:**
1. SOOK SIZE DEPICTED IS FOR GENERAL USE. GREATER SIZES MAY REQUIRE LARGER SOOK.
  2. COMPOST MATERIAL MAY BE DEPOSITED ON SITE AT THE DISCRETION OF THE APPROVING AUTHORITY.
  3. PRIOR TO SETTING THE SOOK REMOVE LOOSE LITTER, BRANCHES AND OTHER MATERIAL THAT MAY PREVENT THE SOOK FROM DIRECT CONTACT WITH SOIL.

**WATTLE**  
N.T.S.

**Page 16**







NOTES:  
 1. APPROXIMATE GROUND WATER TABLE AS INTERPOLATED FROM BOTTOM OF DRY WELLS AND GROUNDWATER MEASURED IN WELL #4 BASED ON MEASUREMENTS TAKEN ON 1-5-2023

NO.	DATE	BY	REVISIONS
1	1/17/23	DJF	PLANNING BOARD COMMENTS

**SHERMAN & FRYDRYK**  
 Land Surveying, Engineering & Scientists  
 A DIVISION OF HANCOCK SURVEY ASSOCIATES, INC.  
 3 Converse Street, Suite 203  
 Palmer, MA 01089

DESIGN: ASB/RMD  
 DRAFTING: KTT/RMD  
 CHECKED: JP  
 APPROVED: DJF

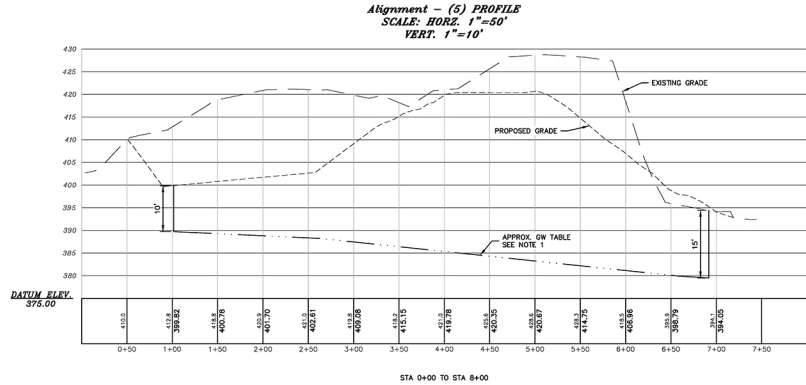
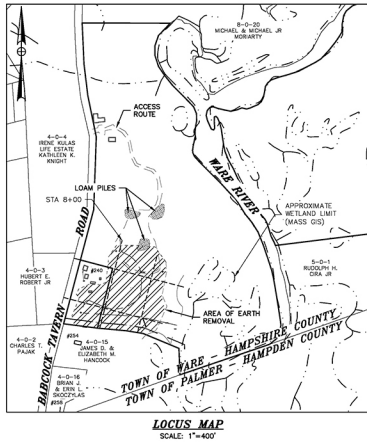


SCALE:  
 HORIZ. 1"=50'  
 VERT. 1"=10'  
 DATE: 10/17/2022

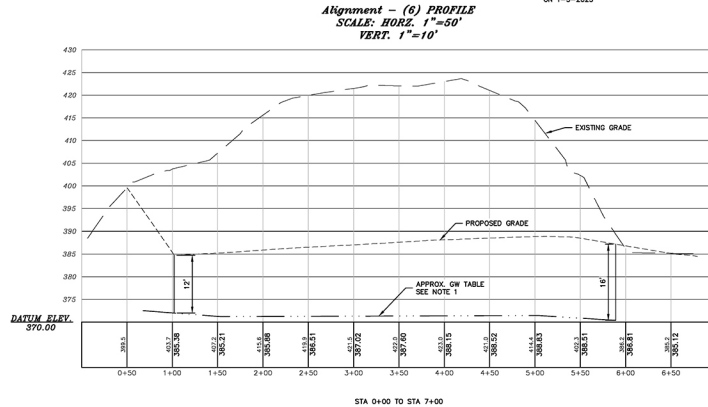
**CLOSE OUT GRADING**  
**MONITORING WELL & EARTH REMOVAL PROFILE**

**PLAN OF LAND IN WARE, MA**  
**PREPARED FOR BOND CONSTRUCTION CORP.**

**PROJECT NUMBER**  
 22009  
**SHEET NUMBER**  
 2 OF 3



NOTES:  
APPROXIMATE GROUND WATER TABLE AS INTERPOLATED FROM BOTTOM OF DPT WELLS AND GROUNDWATER MEASURED IN WELL #4 BASED ON MEASUREMENTS TAKEN ON 1-5-2023



NO.	DATE	BY	REVISIONS
1	1/17/23	DJF	PLANNING BOARD COMMENTS

**SHERMAN & FRYDRYK**  
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3 Converse Street, Suite 203  
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DESIGN: ASB/RMD  
DRAFTING: KTT/RMD  
CHECKED: JP  
APPROVED: DJF



SCALE:  
HORIZ: 1"=50'  
VERT: N.A.  
DATE: 10/17/2022

**CLOSE OUT GRADING**  
**MONITORING WELL & EARTH REMOVAL PROFILE**

**PLAN OF LAND IN WARE, MA**  
**PREPARED FOR**  
**BOND CONSTRUCTION CORP.**

**PROJECT NUMBER**  
22009  
**SHEET NUMBER**  
3 OF 3

- Such a covenant shall be inscribed on the Definitive Plan or in a separate document referred to on the Plan, and delivered to the Planning Board. The Planning Board shall turn over the covenant to the Town Counsel who shall review its contents **prior to approval.**

3. All requests for a partial release of the performance guarantee must be accompanied by:

- A revised Construction Cost Estimate (see Section 2.4.8.1.i) for all of the work remaining to be completed in accordance with the approved plans.
- A certification from the project's engineer that all work and systems have been completed in accordance with the approved plans and are functioning as designed and intended.
- Proof that all fees to cover inspections for the release of the performance guarantee have been paid in full by the applicant.
- ~~"As-Built" plans for that portion of the roadway for which a partial release is being requested.~~

b) **Procedures for full/final release.**

The developer may, upon completion and installation of required improvements in a subdivision, the completion of record plans and street acceptance plans, as specified in these rules and regulations, and the completion of a one-year labor and materials warranty period make formal application, in writing either by hand delivery or certified mail, to the Planning Board for full release of any outstanding performance guarantee.

- Before the Planning Board releases the full interest of the Town in said performance guarantee, the Planning Board shall:
  - Receive a certification from the project's engineer that all work and systems have been completed in accordance with the approved plans and are functioning as designed and intended.

The sanitary sewer and public water systems must be pressure tested and videotaped and comply with the municipality's standards. Documentation of such testing and videotaping must be submitted.

In no instance shall bonding or covenants be released for the final road course and sidewalks until said work has withstood one full winter season. Partial or final release for this work may be requested of the Planning Board no sooner than April 1st of the calendar year subsequent to completion of way and walks.

- ii. That the streets and drainage system have functioned as designed and intended and been in use for through one full winter.
- iii. Obtain in writing from the Director of Public Works, or from a registered professional engineer chosen by the Planning Board (and paid for by the applicant), a certificate of statement that all work and systems required by these rules and regulations has been constructed in conformance with the approved construction plans. In the case where roadways will remain under private ownership, the above-mentioned certificate or statement shall be supplied by the project's registered professional engineer.
- iv. Receive from the applicant written evidence from the electric, telephone, gas and cable TV companies and all other public and private utilities stating that their respective underground systems have been installed and are functioning to their satisfaction.
- v. Receive from the applicant written evidence from a Registered Land Surveyor that all permanent bounds and monuments on all street lines and on the lot or lots within the subdivision are in place and are accurately located in accordance with the approved Definitive Plan.
- vi. Find that all fees to cover inspections for the release of the performance guarantee have been paid in full by the applicant.
- vii. Obtain from the applicant a set of record "as-built" construction plans. Approval of said plans by the Planning



Board shall take place after review of the former by the Director of Public Works.

- viii. Receive from the applicant street acceptance plan or plans and necessary documents. Said plans and documents, after approval by the Planning Board and the Director of Public Works, shall be presented by the Planning Board to the Town Meeting for a formal street acceptance in accordance with the Town Street Acceptance Policy.
  - ix. Copies of all of the recorded lot deeds showing that the applicant has retained their rights to the subdivision road(s) right-of-way, or Certification from developer's lawyer that all deeds to lots contained phrasing which retained his rights to the right-of-way(s).
  - x. All "as-built" Definitive Subdivision Plan information pertaining to the creation of the lots (including annotation of frontage, dimensions, acreage, etc.) shall also be submitted in a digital format acceptable to the Town using drawing interchange files (AutoCAD compatible files). Horizontal and vertical control shall have at least two (2) points tied (in feet) into the most recent Massachusetts State Plane Coordinate System using municipal GIS monuments stationed throughout the Town. Horizontal control shall have a closure of 1:12,000 or better. Vertical control must be of second order D Class 2 accuracy or better and be tied to USGS datum. All records of control shall be delivered to and reviewed by the Town.
  - xi. All "as-built" Definitive Subdivision Plan, Record and Street Acceptance Plan information shall also be submitted in pdf and AutoCAD compatible format or in another digital format acceptable to the Town.
- 2. If the Planning Board determines that all improvements as shown on the endorsed definitive plan and all required plans and legal documents have been completed satisfactorily, it shall release all the interest of the Town in such performance guarantee and return the bond to the person who furnished the same, or release the covenant, by appropriate instrument, duly acknowledged, which may be recorded.
  - 3. If the Planning Board determines after inspection that said construction or installation has not been completed, or wherein said

construction or installation fails to comply with these rules and regulations, the Planning Board shall send by registered mail to the applicant and to the Town Clerk the details wherein said construction or installation fails to comply with its rules.

4. The applicant shall have 30 days after receipt of such notice to correct all problems mentioned in the above. Failure of the applicant to finish all the necessary work within said 30 days shall cause the Planning Board to draw upon the bond or deposit of money as mentioned below.
5. Any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town of Ware, as provided in MGL c. 41, § 81, upon failure of the performance for which any bond or deposit was given to the extent of the reasonable cost to the Town of completing such construction and installation.

#### 2.4.11 Recording of plan

The developer shall, within 10 days after the definitive plan has been endorsed, record said plan, required forms and, whenever applicable, the Planning Board's order of conditions, public easements (plans and documents), restrictive covenants, master deeds, etc., at the Hampshire County Registry of Deeds, and in the case of registered land with the Recorder of the Land Court. Within seven (7) days of said recording the applicant shall provide the Board with a copy of the Registry's receipt of said recording including the book, page number, and date of recording. The cost of said recording shall be borne by the developer.

#### 2.4.12 Rescinding Approval of the Plan

Failure of the applicant to record the Definitive Plan at the Hampshire County Registry of Deeds within six (6) months of its endorsement or to comply with the construction schedule of the performance agreement shall constitute sufficient cause for the Board to rescind such approval, in accordance with the requirements of section 81-W of Chapter 41 of the General Laws as amended.

**Commented [WR8]:** Going back to the earlier question, is there better language to use here than "rescinding approval of the plan"?

#### 2.4.13 Preconstruction Conference

Prior to commencement of construction, the developer and the contractor must meet with the Director of Public Works and other relevant Town officials

(preferably at a single meeting) to review the subdivision permit and conditions. The applicant must provide evidence that all required documents have been recorded and all required fees paid. Subsequent to said recording and prior to any building permit being issued, the project applicant shall file within seven calendar days one print of the definitive plan with the Building Inspector. Further, in accordance with the statute, where approval with covenant is noted thereon, the Inspector shall issue no permit for the construction of a building on any lot within the subdivision, except upon receipt from the Planning Board of a copy of the certificate of performance releasing the lot in question.

#### 2.4.14 Road Acceptance

**Commented [WR9]:** See earlier question regarding generic transfer of title deed for private roadways.

When a road or way in a subdivision has been completed in a manner fulfilling the requirements of the Planning Board, the Applicant may request the Planning Board or their designee to inspect the road or way in order to give a recommendation to Town Meeting, on whether the road or way should be accepted.

Process for road acceptance can be found in the Town of Ware Road Acceptance Policy.

The Planning Board shall require the following information before making a recommendation to the Town Meeting:

- a) Two (2) copies of a plan of the road or way "as built," at a scale of one inch equals forty (1" = 40') feet to the inch at size 24" x 36". Said plan to show a center line profile (4 feet per inch on the vertical scale and 40 feet per inch on a horizontal scale) taken at fifty (50) foot intervals along the road or way as it has been completed. All utilities, public and private, above and below grade shall be shown on the plan as they exist. Said plan shall also be submitted in an electronic format acceptable to the Planning Board.
- b) Two (2) copies of the description by metes and bounds of each road and easement considered for acceptance by the Town. After acceptance by the Town Meeting of a road or way in an approved subdivision, the "as built" plan referred to above, the vote of the Town Meeting and the description of the road or way shall be recorded with the Hampshire County Registry of Deeds by the Town Clerk.

- c) A release of liens under oath from all contractors and subcontractors approved for work on the road or way, attesting to the fact that all payments due them for labor and materials have been received, and that payments for all materials have been rendered.
- d) A plan for maintenance of the subdivision right-of-ways, easements, roads, and sidewalks for the time after acceptance by the Town and continuing for 20 years. The maintenance plan should include provision for the maintenance of road pavement, sidewalks, soil settling problems, street sweeping, snowplowing, maintaining vegetative stabilization of all rights-of-way and easements, erosion controls, Fall leaf cleanup, catch basin and drainage system cleaning and maintenance, all stormwater management systems, and other provisions as determined to be necessary by the Board.
- e) A Roadway Conveyance Plan showing the overall boundary of the proposed roadway to be conveyed to the Town. This plan must include the bearing and distance descriptions of the roadway right-of-way.
- f) A Roadway Conveyance Instrument prepared by an attorney and in a form suitable for execution by the Board of Selectmen after acceptance of the roadway at Town Meeting. This instrument must include a legal description of the right-of-way and include reference to any easement documents.
- g) An Easement Conveyance Plan showing overall boundary of any proposed easements to be conveyed to the Town. This plan must include the bearing and distance description of the easement tied to the roadway right-of-way.
- h) An Easement Conveyance Instrument prepared by an attorney and in a form suitable for execution by the Board of Selectmen after acceptance of the easement at Town Meeting. This instrument must include a legal description of the easement as well as a description of the Town's rights within the easement

## Town Planner Update: February 16<sup>th</sup>, 2023

- The Town has submitted an application for the 2023 District Local Technical Assistance (DLTA) Program
  - Ran by the Pioneer Valley Planning Commission (PVPC)
  - The goal is to fund a Senior Housing Study to develop strategies including:
    - Alleviating the current senior housing maintenance and affordability issues.
    - Develop long term strategies to develop more senior housing.