



# 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
<b>Four in favor. One Absent. Approved 5/0/0.</b>	

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

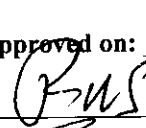


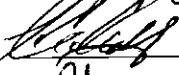
**NEXT PLANNING BOARD MEETING DATE:**

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

Minutes from Thursday, February 2, 2023.

Respectfully submitted by,

Kristen Jacobsen  
Administrative Assistant  
Planning & Community Development

<b>Minutes Approved on:</b>	2/16/23
Starodj	
Murphy	
Talbot	
Crosby	
DiMarzio	