



TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 120

Planning Board

Meeting Minutes from

Thursday, March 3, 2022

Select Board Room, Town Hall

Planning Board Members in Attendance:

Josh Kusnierz (Chairman)
Rick Starodoj (Vice-Chairman)
Joseph Knight - Remote
Ed Murphy, III
Ken Crosby - Remote
Elizabeth Hancock (Alternate)

Staff Members in Attendance:

Anna Marques (Building Commissioner / Zoning
Enforcement Officer)
Stuart Beckley (Town Manager) - Remote
Rob Watchilla (PCD Dept. Director)
Laura White (Admin. Assistant to PCD Dept.)

Members of the Public in Attendance:

Shawn Cantwell
John Soper
Richard Roznoy
Steven Pikul
Jodi Chartier
Claudia Kadra

PLEDGE OF ALLEGIANCE

Chairman J. Kusnierz called the meeting to order at 6:59 pm and led the Board in the Pledge of Allegiance.

ADMINISTRATIVE

Approval of meeting minutes from February 17, 2022.

Motion made by R. Starodoj to approve meeting minutes from February 17th. Seconded by J. Knight.

R. Starodoj	Aye
J. Knight	Aye
E. Murphy	Aye
K. Crosby	Aye
J. Kusnierz	Abstained

Four in favor, one abstention. Approved 4/0/1.

TOWN PLANNER UPDATE

West Street Corridor Study

R. Watchilla informed the Board the West Street Corridor Study has been awarded to the PARE Corporation, an engineering firm out of Holyoke, Massachusetts. They will be subcontracting out to planning firm McCabe Enterprises. They will be conducting a land use build-out analysis with a traffic operations component. The study is set to begin sometime next week and has a June 1st deadline.

Grants Manager

R. Watchilla informed the Board the Town has hired a grants manager, whose primary job will be looking for funds for the Town. He is expected to start Monday, March 7, 2022.

Open Space and Recreation

R. Watchilla informed the Board the Town plans to update current Open Space and Recreation Plan over the next several months, starting after the spring Town meeting.

Ancillary Discussion

The Board discussed the East Quabbin Land Trust Tree Planting Project. J. Kusnierz informed the Board and members of the public the East Quabbin Land Trust is still looking for residents to reach out to them for free trees.

R. Starodoj informed the Board and members of the public of the inventory list of affordable housing.

R. Watchilla informed the Board and members of the public this list is available in the Planning Department office for any interested parties.

PUBLIC HEARING

SP-2022-02

The Board reviewed the application of Shawn Cantwell, for a Special Permit to operate a home based painting company (Shawn's Painting Co.) under Section 4.4, of the Zoning Bylaw, and pursuant to MGL Chapter 40A. Site location is 61 Hardwick Pond Road, Ware, MA Assessor Parcel 43-0-16. Zoned: Rural Residential (RR).

J. Kusnierz invited S. Cantwell to provide background information about himself and his business.

S. Cantwell informed the Board and members of the public his business is a commercial and residential painting company, which does primarily residential repaints, and is licensed, fully insured, and Lead Paint and OSHA certified. He is a Ware native, formerly operating out of Ludlow, and recently purchased a house in Ware. He is looking to continue to conduct business out of his residence.

J. Kusnierz inquired about where he would keep chemicals related to his business. S. Cantwell stated he has a separate shed on his property where these are kept.

R. Watchilla read the comment from the fire department regarding amount and type of chemicals being stored on site. S. Cantwell stated he will not be storing large volumes of chemicals on site and that the chemicals he will be storing will include paints, paint thinners, etc.

R. Starodoj informed him the fire department may have further requirements for him to be able to store certain chemicals on site.

K. Crosby inquired about how many employees Mr. Cantwell has as well as how many vehicles would be parked on site. S. Cantwell stated he currently has six (6) full time employees, and they generally meet on project sites, not at his residence. He has two Class D vehicles parked at his residence related to the business.

The Board discussed the possibility of the business expanding and more vehicles being parked on site.

A. Marques stated, as a Home Based Contractor, Mr. Cantwell is allowed to have up to eight (8) vehicles parked on site at one time, with a maximum of the four (4) construction vehicles.

Motion made by R. Starodoj to approve the Special Permit (SP-2022-02) for Shawn Cantwell based on the findings and conditions §7.2.4 and §7.2.5 of the Zoning Bylaw. Seconded by E. Murphy.

The Board imposed the additional condition, if Mr. Cantwell chooses to make modifications or expand his home for his business, he must meet with the Planning Board to inform the Board of these proposed changes.

J. Kusnierz informed Mr. Cantwell, if any employees park at his residence, they must park in his driveway and not in the road.

R. Starodoj	Aye
J. Knight	Aye
E. Murphy	Aye
K. Crosby	Aye
J. Kusnierz	Abstained

Four in favor, one abstention. Approved 4/0/1.

OLD BUSINESS

R. Watchilla stated the department is waiting to hear the opinion of Town Counsel regarding Permit Fees, the Process for Notifying Abutters, and Planning Board Rules and Regulations.

J. Kusnierz requested to table this discussion for the next meeting.

NEW BUSINESS

Preliminary Subdivision Review

Bertin Engineering Senior Project Manager, S. Pikul, informed the Board and members of the public of the details of the proposed preliminary subdivision plans and requested comments from the departments.

R. Watchilla read the comments from John Prenosil, the Town Conservation Agent, which stated concerns about wetland resource boundaries being illustrated on the plans and suggested the applicant thoroughly review 310 CMR §10.58, subsection 4.

R. Watchilla read the comments from Nicole Croteau, the Administrative Assistant to the Building Department and Conservation Commission, who pointed out a number of errors on the documents submitted for this application, a number of questions not answered by the supporting documents, concerns about a non-conforming structure, and one of the parcels classified as "Chapter Land."

R. Watchilla read the comments from Anna Marques, the Building Commissioner / Zoning Enforcement Officer, which stated concerns about the intentions for the proposed Lot 1, which is mostly made up of a small pond, and the non-conforming structure being created.

S. Pikul addressed the comments made by the Conservation Department, stating these plans are preliminary, and the corrections and additional details would be provided in a definitive subdivision plan. He also stated the purpose of the review was to introduce the idea to the Board and that Mr. Soper is trying to sell the parcel by subdividing the property and, if someone wanted to build on any of the lots in the future, it would be their responsibility to demonstrate to the Board that it is buildable. Mr. Pikul stated the intent of the preliminary plans is to demonstrate the layout of the proposed lots would work and they are looking for direction for waivers due to the lack of utilities in the road and there is no way to put in sidewalks or lighting.

R. Starodoj stated, in the future, the Board may need to reopen the special permit to modify the proposed lot lines within the parcel.

Upon request from S. Pikul, A. Marques explained her concerns regarding the non-conforming structure and the intentions for Lot 1. On the preliminary subdivision plans, there is an existing structure that would be made non-conforming if a road was built, as it would be located in the setback. Lot 1 would not be a buildable lot, as the majority of the lot is made up of a pond.

S. Pikul stated they would meet with the Zoning Board of Appeals to request a waiver for the setback. He also stated there is a septic system that would be under the road that would need an easement created through the road and the adjacent property in case it would need to be repaired in the future.

K. Crosby stated concerns about what is being asked for in this subdivision plan between the septic system, the setbacks, and road development. He asked if there was a better way to access this property.

S. Pikul stated on Osborne Road, there is a one-lot subdivision with a solar use, which received an approval from the Planning Board for a maintenance drive very similar to the one they are proposing.

K. Crosby stated the last time this property came before the Board, there were no plans to make significant changes to the property. There are now concerns about future development on these proposed lots.

S. Pikul stated these plots would not likely be buildable or able to be developed in the future, under current zoning regulations.

R. Starodoj inquired about combining lots 1 and 2 on the property. S. Pikul stated concerns about the Solar use versus the Residential use on the same property.

The Board discussed how the two lots could be combined.

R. Roznoy stated, although they would like to combine lots 1 and 2, there is the solar use on lot 2 preventing that from happening and lots 1 and 3 can also not be combined, as there is a right of way cutting in between the two proposed lots.

S. Beckley asked which lots would be sold. J. Soper stated only lots 1 and 3. Lot 2 would not be for sale. S. Beckley asked when this property would be offered to the Town, as required under Chapter 61A (Right of First Refusal), as it is being taken out of Agricultural use. The Board discussed this with Mr. Soper.

C. Kadra, owner of an abutting property, inquired about language in the original application approval regarding major changes being done, and if a subdivision and changes to the original ANR lines is considered a major change. The Board discussed what constitutes a major change.

R. Starodoj suggested a condition of having lots 1 and 3 under common ownership. J. Soper agreed to this condition.

K. Crosby stated concerns about deed restrictions expiring after 21 years and suggested S. Beckley seek Town Counsel on this issue.

J. Chartier, another owner of an abutting property, stated concerns about wetlands in lot 3 near an abutting property, and that Bertin Engineering stated solar would never go onto that property.

Motion made by K. Crosby to table preliminary subdivision review until Thursday, March 17th after the scheduled public hearing. Seconded by R. Starodoj.

R. Starodoj	Aye
J. Knight	Aye
E. Murphy	Aye
K. Crosby	Aye
J. Kusnierz	Abstained

Four in favor, one abstention. Approved 4/0/1.

ADJOURN

Motion made by E. Murphy to adjourn the meeting at 8:36pm. Seconded by R. Starodoj.

R. Starodoj	Aye
J. Knight	Aye
E. Murphy	Aye
K. Crosby	Aye
J. Kusnierz	Abstained

Four in favor, one abstention. Approved 4/0/1.

NEXT PLANNING BOARD MEETING DATE:
Thursday, March 17th at 7:00pm.

Minutes from March 3, 2022

Respectfully submitted by,

Laura White
Administrative Assistant
Planning & Community Development

Minutes Approved on:	<u>3/17/22</u>
Kusnierz	_____
Starodoj	<u>PWS</u>
Knight	<u>[Signature]</u>
Murphy	<u>[Signature]</u>
Crosby	<u>[Signature]</u>