



TOWN OF WARE

Planning & Community Development
126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext. 120

Planning Board

Meeting Minutes from

Thursday, August 4, 2022

Board of Selectmen's Meeting Room, Town Hall

Planning Board Members in Attendance:

Rick Starodoj, Chairman
Ed Murphy, Vice-Chairman (remote)
Nancy Talbot, Clerk
Kenneth Crosby
Elizabeth Hancock, Alternate
Michael Harris
Alex Bergeron
Bernard Bergeron

Green Venture, LLC in Attendance: Canadian Tree Experts in Attendance:

Staff Members in Attendance:

Rob Watchilla, PCD Dept. Director
Stuart Beckley, Town Manager
Anna Marques, Building Commissioner/Zoning Officer

Members of the Public in Attendance:

PLEDGE OF ALLEGIANCE

Chairman R. Starodoj called the meeting to order at 7:00pm and led the Pledge of Allegiance.

ADMINISTRATIVE

Approval of Minutes

Motion made by N. Talbot to approve of the minutes from Thursday, July 7th, 2022. Seconded by E. Murphy. There was no additional discussion.

R. Starodoj	Aye
E. Murphy	Aye
N. Talbot	Aye
K. Crosby	Aye

All in favor. Approved 4/0/0.

SCHEDULED APPEARANCES

SPR-2022-02: Green Venture, LLC

-Continued Discussion on the minor site plan review for the proposed Adult Use Marijuana Dispensary (Green Venture, LLC) at 14 West Street

M. Harris presented plans for the site at 14 West Street with the addition of exterior lighting and added a generator as a precaution.

R. Starodoj inquired about the possibility of installing ADA access to the building. M Harris stated he met with the ADA committee along with S. Beckley and A. Marques and it was decided the construction of a multimodal entrance would not be feasible due to space and expense constraints. M. Harris stated there would be a possibility of constructing such an entrance in the future if he removed the building next door. The ADA committee approved to move forward without handicap access.

K. Crosby inquired if M. Harris had explored the option of internal ADA access. M. Harris responded that yes it had been explored but proved to be too expensive based on the value of the building.

A. Marques presented meeting minutes from the ADA committee. One of the committee members stated if she were to go shopping she would not choose the location due to the challenges of the parking. The committee member said they would more likely contact the business owner and seek to be referred to a comparable business.

N. Talbot clarified if a person were unable to access the property due to mobility issues that M. Harris would provide alternative locations. M. Harris agreed he would do so.

R. Starodoj asked that the minutes from the ADA committee meeting be presented to the Planning Board. After review he stated he found the ADA Committees conclusion to be reasonable. E. Hancock agreed.

K. Crosby asked if the ADA committee meeting was public or private to which A. Marques responded it was a public meeting. K. Crosby asked if she was comfortable with their determination to which she responded that she was.

K. Crosby stated he had concerns regarding the generator and the disruption it could cause the neighbors. M. Harris clarified that it was to be a propane generator

Motion made by K. Crosby to approve the minor site plan. Seconded by N. Talbot. There was additional discussion regarding concerns raised by K. Crosby about the disruption the generator could cause the neighbors, M. Harris responded that the generator started monthly and was propane.

R. Starodoj	Aye
E. Murphy	Aye
N. Talbot	Aye
K. Crosby	Aye

All in favor. Approved 4/0/0.

Proposed Zoning District Change: 415-417 Belchertown Road (Beregeron)

Proponents are seeking to redistrict from Rural Residential (RR) to Industrial (I) on two parcels (21-0-21 & 21-0-22) located on Belchertown Rd. Current site of Canadian Tree Experts and the planned site of an 8 acre solar array

R. Watchilla read a letter written by B. Bergeron to the planning board. He also read a letter from B. Bergeron's attorney citing reasons that the rezoning of their parcel would not constitute spot zoning.

K. Crosby inquired if rezoning the area would have any impact on the solar array installed on the site. R. Watchilla clarified it would not.

K. Crosby asked where the closest Industrial zoning location was and if there was one adjacent to the property. R. Watchilla responded stating the nearest Industrial zone was separated by a few miles. R. Watchilla also said that this was not unusual and that the Town's other industrial zones were separated by approximately 1.5 miles from each other. The uses that the Bergeron's were looking to incorporate would fit within the Industrial category.

B. Bergeron said the property was purchased in 1984 and the saw mill opened before any zoning laws came into effect. K. Crosby inquired what the property's use was once zoning was adopted to which B. Bergeron replied that it was a sawmill at that time as well as running a tree service. R. Starodoj replied that both of those fall under the agricultural category which B. Bergeron confirmed.

B. Bergeron stated Fuel Services of Hadley approached them about installing bulk propane storage on their site. A. Bergeron said that they had been given a letter of commitment from the fuel service company stating that if they would construct the tank farm.

N. Talbot asked if the tanks would be constructed near the road and A. Bergeron responded that they would be installed toward the back of the property and would not be seen from the road.

E. Murphy asked how much of the 28 acre parcel was currently in use. B. Bergeron responded saying 8 acres for the sawmill and 8 acres for the solar array.

K. Crosby and the Planning board members inquired where the nearest body of water in relation to the business was located. Which the planning board discussed was quite a distance away.

R. Starodoj inquired as to where the neighboring residences are, stating he did not agree with the proposed use, but that the Industrial designation would open up the property for too many uses which would not be compatible with the neighborhood. R. Starodoj said that some of the uses could prove to be compatible.

R. Watchilla clarified that the current zoning laws only allow tank farms by special permit in the commercial industrial and industrial zones.

R. Starodoj clarified that he views propane storage differently than the storage of other fuels because of the little environmental impacts it can have compared to oil and gas which would be possible to store there if it were in an industrial zone. A. Bergeron stated that prior to zoning the land had been used for industrial purposes. B. Bergeron stated he felt the likelihood of further residential building in the area was low because of the difficulty accessing parcel 38.

N. Talbot inquired what the maximum capacity of the propane storage would be. A. Bergeron replied that it would be two 30,000 gallon tanks taking approximately 4 acres.

S. Beckley stated some of the questions being asked were questions for special permit and not rezoning. N. Talbot stated she was looking for information about what infrastructure was on the property.

K. Crosby inquired what fire prevention measures are on the property. B. Bergeron responded that the property contained a detention pond

E. Hancock spoke clarifying what qualifications would need to be met to not be considered spot zoning.

R. Starodoj cited a circled paragraph in the letter the Planning Board was presented and said it described what the Bergeron's were attempting to do. He further stated that he does believe that having a local propane storage facility could benefit the town and help lower fuel prices. R. Starodoj stated if the property was surrounded entirely by rural land (no neighbors) he wouldn't have a problem because the incoming neighbors would be aware of the designation of the property when they chose to occupy it. However, the current neighbors built the existing houses with an awareness of what the properties' current use is. He believes it is up to the proponents to accommodate the residents around it.

K. Crosby asked what other industries are allowed in the industrial zone. A. Bergeron stated the property already looks completely different than a residential house and that the proposed propane would not be visible from the road.

R. Watchilla mentioned the parcel could be subdivided into an industrial subdivision. R. Starodoj responded saying that was a concern and clarified that he wasn't necessarily concerned with what the Bergeron's were going to do with the property but, what possibilities it would open up for future owners of the property should the zoning be changed.

B. Bergeron said he felt blindsided when the parcel was initially rezoned from rural business to rural residential and that he did not have enough notice. A. Bergeron cited the types of businesses allowed by special permit, but felt the property didn't lend itself to those.

R. Starodoj stated they weren't trying to keep the Bergeron's from turning a profit on their land, but, he'd like to hem it in and keep future landowners of the property from opening up a potentially undesirable business on the property if it is zoned as industrial.

E. Hancock suggested looking at the use table and seeing if something could be altered. R. Starodoj was inquiring about the possibility of applying an overlay district to the area which could be more narrowly defined to serve multiple properties down that corridor. K. Crosby and R. Watchilla favored the idea of adding an overlay district.

The board proceeded to discuss the positives and negatives of different types of zoning overlays and what criteria they would use to determine that.

R. Starodoj stated this discussion will continue August 18, 2022

OLD BUSINESS

Review of Newly Proposed Subdivision Regulations Section 2.1 to 2.4.2 (pages 16-22)

Motion made R. Starodoj to postpone the review of Newly Proposed Subdivision Regulations until September 2022. Seconded by E. Murphy. There was no additional discussion

R. Starodoj	Aye
E. Murphy	Aye
N. Talbot	Aye
K. Crosby	Aye

All in favor. Approved 4/0/0.

Motion made N. Talbot table the discussion of zoning changes until August 18, 2022. Seconded by E. Murphy. There was no additional discussion

R. Starodoj	Aye
E. Murphy	Aye
N. Talbot	Aye
K. Crosby	Aye

All in favor. Approved 4/0/0.

TOWN PLANNER UPDATE

R. Watchilla said the consultants from the West Street Corridor study submitted their reports and they are available for perusal. Pare Corporation made several recommendations such as the addition of more turning lanes, more intersections with stop lights, and the practice of access management for parking lots. They also provided funding recommendations for sidewalk and roadway improvements. R. Watchilla said that he did find several non-conforming properties based on lot dimensions per current zoning regulations. IT was mentioned that high density mixed use would likely be the future of the West Street Corridor area based on development patterns.

R. Watchilla said that based on the census from 2020, the Town of Ware currently has a population of 10,066 people where the population in 2010 was 9,872. And said it showed a minor growth of 2.2%.

R. Starodoj asked if they do any research in what the increase in town costs would be. To which R. Watchilla responded that they do look at a number of factors. R. Starodoj followed up by asking if the increase in revenue from town growth would offset the increase in cost of services the town is required to provide and that high density buildings do not necessarily add to the town revenue and does not increase the tax base.

New Assistant hired and will start 8/8/2022

R. Watchilla asked if the board would still like him to research urban fill. To which they responded that yes they would like him to, as well as look into the non-conforming lots along the Highway Commercial corridor.

ADJOURN

Motion made by N. Talbot to adjourn the meeting at 8:35pm. Seconded by E. Murphy. No additional discussion.

R. Starodoj	Aye
E. Murphy	Aye
N. Talbot	Aye
K. Crosby	Aye

All in favor. Approved 4/0/0.





NEXT PLANNING BOARD MEETING DATE:

Thursday, August 18th, at 7:00pm.

Minutes from Thursday, August 4th, 2022.

Respectfully submitted by,

Kristen Jacobsen
Administrative Assistant
Planning & Community Development

Minutes Approved on: <u>8/18/22</u>	
Starodoj	<u></u>
Murphy	<u></u>
Talbot	<u></u>
Crosby	<u></u>