



TOWN OF WARE

Planning & Community Development
126 Main Street, Ware, Massachusetts 01082
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Planning Board

Meeting Minutes from

Thursday, August 5, 2021

Select Board Room, Town Hall

Planning Board Members Present:

Josh Kusnierz (Chair), Rick Starodoj, Ed Murphy, Ken Crosby, Joe Knight (Remote), Elizabeth Hancock (Alternate)

Staff Present:

Rob Watchilla, Department Assistant
Stuart Beckley, Town Manager

Public in Attendance:

Michael Harris, S K Robinson, Mark Jarris

PLEDGE OF ALLEGIANCE

Chairman J. Kusnierz called the meeting to order at 7:00 pm and led the Board in the Pledge of Allegiance.

ADMINISTRATIVE

- Approval of Minutes from July 15th.

Motion by R. Starodoj to approve the minutes from July 15th. Seconded by E. Murphy. All in favor. Approved 5-0

OLD BUSINESS

- Scenic Road Bylaw

The planning board continued its discussion of the proposed Scenic Road Bylaw from the previous meeting. Edits were made by R. Watchilla and the board went over them briefly.

In term of payments for applications of scenic road shade tree/stone wall repair, alteration, or removal, the board felt that no upfront fee should be charged. On the other hand, the board stressed that all costs for legal ads and abutter's notices should be covered by the applicant.

In regard to solar development setback from scenic roads, a setback of 200 feet (as stated in the Zoning Bylaws) is the minimum requirement. The planning board also has the authority to require additional buffering along scenic roads that are consistent with the rural New England

character of said roads. R. Starodoj recommended adding a section in the Scenic Road Bylaw that requires sufficient tree shade at the top and bottom of trees in any buffer zone. This way the solar developments are not visible to motorists driving on the scenic roads. A section should also be added in the Scenic Road Bylaw that covers pollarding and extensive screening along scenic roads.

The planning board stressed the importance of reaching out to residents of proposed scenic roads in order to get their input on scenic road designation. Residents of these streets can sign a petition to bring before the board if they wish to have their road designated as a scenic road. The planning board would like to discuss this proposed scenic road bylaw with members from other Town boards including the Conservation Commission, Zoning Board of Appeals, and Historic Commission. A discussion of pros and cons of designating scenic roads would most likely be discussed at this meeting as well.

The board felt that incorporating utility management into the Scenic Road Bylaws is crucial. Determining who fixes pipes underground, electrical lines, or who is responsible for fixing utilities is important in order to sort out any liability confusion or issues.

The question of whether or not to designate the entire road as a scenic road as opposed to sections of road was touched upon as well. In terms of road widening, the board stated that it should be incorporated into the Scenic Road Bylaw on a case-by-case basis.

- Right to Farm Designation

The Planning Board had a brief discussion on Right to Farm designation for the Town. The board admitted that it doesn't reach out to farmers in Town too often. Having their input in this process will ensure that their opinions and concerns are heard.

R. Starodoj stressed the importance of not making it easier to create farms where farms do not really belong, such as within the Downtown Commercial or Downtown Residential zoning areas in Town.

The template created by the Pioneer Valley Planning Commission that has the appropriate language from Massachusetts General Law will be the basis for this Right to Farm Designation Bylaw. The language specifically protects farm operations (tractors on roads, smells of manure, animal noises, etc.), incorporate no zoning changes, and no new acquisition of land. Although it is not required, many Towns with Right to Farm designation created their own Agricultural Commissions. According to information collected by E. Hancock, there are 140 Right to Farm Communities in Massachusetts and 172 Towns in Massachusetts that have Agricultural Commissions. The Town of Ware does not currently have an Agricultural Commission.

NEW BUSINESS

- Public Comments

M. Harris of Dioguardi Jewelers and 82nd Wellness, made a public comment before the Planning Board. He is having a dispute with the Town over whether or not he can turn his property at 95 Main St (currently Dioguardi Jewelers) into a Recreational Cannabis Retail Establishment. The building is located within 300 feet of Veteran's Park which is owned and maintained by the Town. In the zoning bylaw, it states that all Cannabis establishments have to be at least 300 feet away from any school, park, or areas where children congregate. The definition of park was not defined in the zoning bylaw and it is unclear whether or not Veteran's Park fits into this definition.

Although children do sometimes congregate at Veteran's Park, it is only an area where they pass through. It is a memorial where children do not congregate daily, despite the fact that events are often hosted there where children are included. The Cannabis store, in the Board's opinion, is not seen much differently from a liquor store in which two currently exist on Main Street. One of these liquor stores exists right across the street from Veteran's Park.

Motion by R. Starodoj to clarify and emphasize, as stated in section 4.8.8 E of the zoning bylaw, the definition of park as not pertaining to an area where children transiently pass through. E. Murphy seconds.

Roll Call Vote:

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

All in favor. Approved 5-0.

TOWN PLANNER UPDATE

- Announcement of New Planning Board Alternate

The Planning Board has recently found a new Alternate Member. Mrs. Elizabeth Hancock has been a current Ware resident for several years and has served on Town Boards in the past. As an alternate, she cannot vote unless given permission to do so by the Planning Board Chair. An alternate will fill in for any members who are not present at a meeting and are allowed to contribute to general discussions.

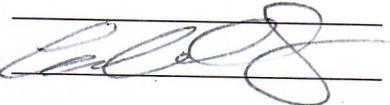
Motion by E. Murphy to adjourn the meeting at 8:33 pm. Seconded by R. Starodoj. All in favor. Approved 5-0.

The next meeting is scheduled for Thursday August 19th, 2021 at 7 pm.

Minutes from August 5th, 2021

Respectfully submitted by,

Robert Watchilla,
Department Assistant

Minutes Approved on:	<u>9/2/21</u>
Kusnierz	<u></u>
Starodoj	<u></u>
Knight	<u>_____</u>
Murphy	<u></u>
Crosby	<u>_____</u>