

**Selectboard**  
**Ware Town Hall, Meeting Room, 126 Main Street**  
**Meeting Notice Agenda – Tuesday, March 21, 2023, at 7:00 p.m.**

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**6:00 PM Executive Session:** Request to Enter Executive Session under Massachusetts General Law Open Meeting Chapter 30A Sec. 21(a)(1) to discuss complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, to discuss personnel complaints or charges brought against an employee and staff member of the Town of Ware.

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**Instructions for Remote Participation at or before 7:00 p.m.:** Call the phone number below and when prompted enter the Meeting ID number.

**Zoom platform Link:** <https://us02web.zoom.us/j/7846041861>

**Meeting ID:** 784 604 1861

**Passcode:** 01082

**Phone:** 929-205-6099

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**Opening Remarks, Announcements, and Agenda review by Chair**

**Consent Agenda**

**Scheduled Appearances**

- Public Hearing – Right to Farm Bylaw

**Old Business**

- Vote to Approve Contracts:
  - Town Manager's Contract
  - Police Chief's Contract
- Millyard Update

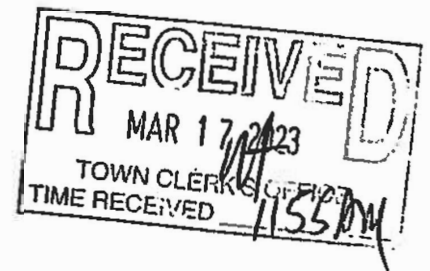
**New Business**

- Town Policies and Documentations
  - Discussion on personal documents
- Review letter from MA Dept of Fish and Game of purchasing land located on Hardwick Pond Rd
  - Parcel ID of Interest: 43-0-12
- Review of required licenses
  - Maple Street Power LLC, Maple Street, Parcel ID: 57-0-124

**Written Concerns of Citizens**

**Town Manager Report**

**Adjournment**







# TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082  
t. 413.967.9648 ext. 118    rwatchilla@townofware.com

## Notice of Public Hearing Selectboard

LEGAL NOTICE  
to be published in the *Ware River News*  
issues 3/9/2023

The Ware Selectboard will hold a public hearing on Tuesday, March 21, 2023 during their normally scheduled meeting in the Selectboard Meeting Room in the Ware Town Hall, 126 Main Street, Ware, MA. The purpose of this hearing is to review a proposed Right to Farm Bylaw and to consider whether or not to recommend it for vote at the 2023 Annual Town Meeting.

The public hearing may also be accessed remotely via zoom. Go to <https://zoom.us/join> or join by phone. Phone Number: 929-205-6099; Meeting ID: 784 604 1861; Password: 01082.

The current copy of the proposed Right to Farm Bylaw is available upon request at the Planning & Community Development Office. Anyone interested or wishing to be heard should appear at the time and place designated. All interested parties are invited to attend.

**WARE SELECTBOARD**



# Town of Ware

## RIGHT TO FARM BYLAW

Adopted: TBD

## **1.0 Legislative Purpose and Intent**

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Ware restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture- based economic opportunities, and protects farmlands within the Town of Ware by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

## **2.0 Definitions**

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- growing and harvesting of hemp;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

### **3.0 Right To Farm Declaration**

The Right to Farm is hereby recognized to exist within the Town of Ware. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or the Town of Ware Zoning Bylaws.

### **4.0 Disclosure Notification**

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Ware, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances."

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

A violation of Section 4 shall be subject to a fine of \$300 and shall be enforced by the Board of Selectmen or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provision of G.L. c. 40, § 21D.

## **5.0 Resolution of Disputes**

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the **Agricultural Commission**, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the **Agricultural Commission**, which shall review and facilitate the

resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

#### **6.0 Severability Clause**

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Ware hereby declares the provisions of this By-law to be severable.







Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

## ***Commonwealth of Massachusetts*** **Department of Fish and Game**

251 Causeway Street, Suite 400  
Boston, Massachusetts 02114

(617) 626-1500  
Fax (617) 626-1505



Rebecca L. Tepper  
Secretary

Ronald S. Amidon  
Commissioner

March 1, 2023

John J. Morrin  
Select Board Chair  
Town Hall Offices  
126 Main Street  
Ware, MA 01082

Dear Mr. Morrin:

The Massachusetts Department of Fish and Game (DFG) is considering the purchase of the fee interest in land located in the Town of Ware. This letter is intended to serve as written notice of the DFG's interest in acquiring this property.

The property under consideration contains 90 (+/-) acres of wildlife habitat, of which 39 (+/-) acres are located along Hardwick Pond Road in Ware and the other 51 (+/-) acres are located across the town line on Turkey Street in Hardwick. Enclosed is a locus Map Track No. 2023-2-04 that depicts the property in which the DFG is interested. The current use of the property is predominantly open space in its natural condition; there are several structures in disrepair located on the Hardwick portion of the property and those are scheduled to be removed from the site so that the land is suitable for conservation purposes. If acquired, DFG, working through its Divisions of Fisheries and Wildlife, will retain the property as open space, protect and manage the wildlife resources, and provide public access for passive outdoor recreational opportunities including wildlife observation, hunting and trapping.

### **Payment of Property Taxes on DFG Fee Interest Acquisitions:**

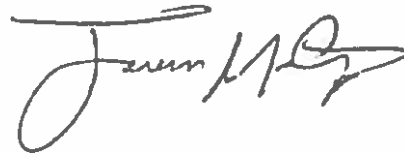
1. **For DFG fee acquisitions completed from January 1 to June 30:** Once acquired, DFG will pay the remaining real estate taxes on the property for that fiscal year, and the full real estate tax bill on that property the following fiscal year.
2. **For DFG fee acquisitions completed from July 1 to December 30:** Once acquired, DFG will pay the remaining real estate taxes on the property for that fiscal year.

I hope that the Select Board will consider providing a letter of support for DFG's purchase of the property, a copy of which can be emailed to me (James.G.McCarthy@mass.gov) with the original mailed to:

Christy Edwards  
Director of Capital Planning and Land Protection  
Department of Fish and Game  
251 Causeway St, Suite 400  
Boston, MA 02114

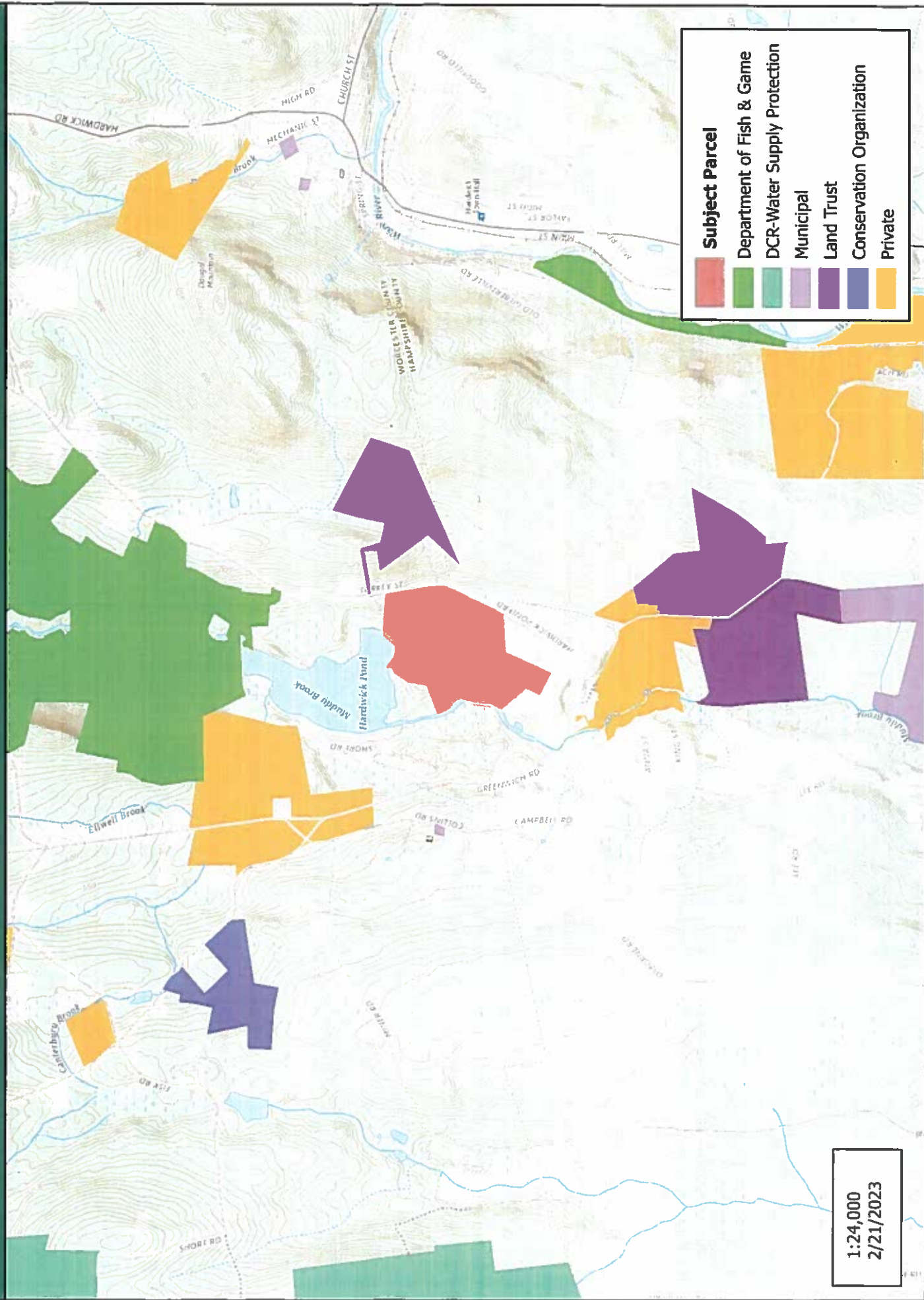
Please do not hesitate to contact me by email with any questions that you may have (address provided above). You may also reach me by cell phone at 978-549-1543. Thank you very much for your time and attention to this note.

Sincerely,

A handwritten signature in black ink, appearing to read "James McCarthy", with a stylized flourish at the end.

James McCarthy  
DFG Land Agent

Enclosures: Map Track No. 2023-2-04



# Assessment Field Card

Town of Ware, Massachusetts



| Parcel Information  |  |
|---|--|
| NO PHOTO<br>AVAILABLE   | <b>Address:</b> HARDWICK POND RD<br><b>Map-Lot:</b> 43-0-12<br><b>Patriot Account #:</b> 1608<br><b>Owner:</b> GREAT LAKES CAMP INC<br><b>Co-Owner:</b> C/O DOUGAN BILL<br><b>Mailing Address:</b> 1382 TURKEY ST<br><br>WARE, MA 01082                        |
| Building Exterior Details   | General Information  |
| <b>Building Type:</b><br><b>Year Built:</b><br><b>Grade:</b><br><b>Frame Type:</b><br><b>Living Units:</b> 0<br><b>Building Condition:</b><br><b>Roof Cover:</b><br><b>Roof Type:</b><br><b>Exterior Wall Type:</b><br><b>Pool:</b> False   | <b>Total Acres:</b> 38.9974<br><b>Land Use Code:</b> 130<br><b>Neighborhood Code:</b><br><b>Owner Occupied:</b> N<br><b>Condo Name:</b><br><b>Condo Unit:</b><br><b>Zone:</b> RR<br><b>Utility Code 1:</b><br><b>Utility Code 2:</b><br><b>Utility Code 3:</b> |
| Building Area   | Ownership History  |
| <b>Gross Area:</b> 0 sqft<br><b>Finished Area:</b> 0 sqft<br><b>Basement Area:</b> 0 sqft<br><b>Garage Area:</b> 0 sqft<br><b>Detached Garage:</b> sqft<br><b>Basement Garage:</b> sqft   | <b>Sale Date:</b> 3/28/2000<br><b>Sale Price:</b> \$ 550000<br><b>Nal Description:</b> PORTION/ASSE<br><b>Grantor (Seller):</b> NORTHEAST CAMP PROPERTY<br><b>Book/Page:</b> INC,<br>5907-50   |
| Building Interior   | Assessed Value   |
| <b>No. Total Rooms:</b> 0<br><b>No. Bedrooms:</b> 0<br><b>No. Full Baths:</b> 0<br><b>No. Half Baths:</b> 0<br><b>Bath Rating:</b><br><b>No. Kitchens:</b> 0<br><b>Kitchen Rating:</b><br><b>Building Framing:</b><br><b>Interior Wall Type:</b><br><b>Fireplaces:</b> 0<br><b>Solar Hot Water:</b> False<br><b>Central Vac:</b> False<br><b>Floor Type:</b><br><b>Heat Type:</b><br><b>Heat Fuel:</b><br><b>Percent A/C:</b> | <b>Assessed Yard Value:</b> \$ 0<br><b>Assessed Land Value:</b> \$ 88300<br><b>Assessed Bldg Value:</b> \$0<br><b>Total Assessed Value:</b> \$88300  |



www.cai-tech.com

3/16/2023

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Property Information - Ware, MA

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# Hardwick Pond Road

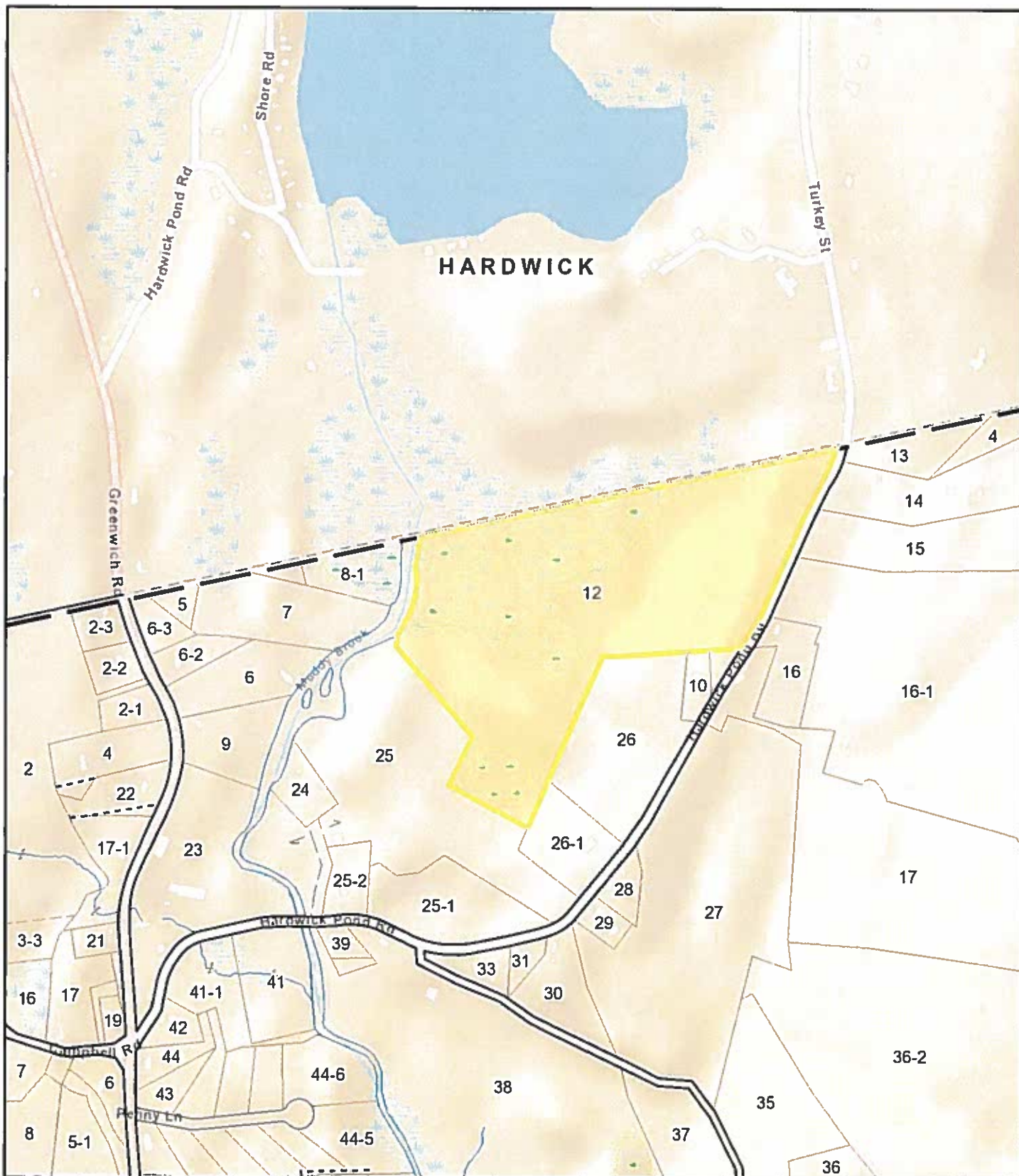
Ware, MA



March 16, 2023

1 inch = 600 Feet

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Maple Street Power LLC  
Assessor's Card and Maps



# Assessment Field Card

Town of Ware, Massachusetts



| Parcel Information   |   |
|--|---|
|  | <p> <b>Address:</b> MAPLE ST<br/> <b>Map-Lot:</b> 57-0-124<br/> <b>Patriot Account #:</b> 2649<br/> <b>Owner:</b> MAPLE STREET POWER LLC<br/> <b>Co-Owner:</b> C/O BUELOW GARY<br/> <b>Mailing Address:</b> 17 PLEASANT ST<br/> <br/> <b>WARE, MA 01082</b> </p>                        |
| Building Exterior Details  | General Information   |
| <p> <b>Building Type:</b><br/> <b>Year Built:</b><br/> <b>Grade:</b><br/> <b>Frame Type:</b><br/> <b>Living Units:</b> 0<br/> <b>Building Condition:</b> Average<br/> <b>Roof Cover:</b><br/> <b>Roof Type:</b><br/> <b>Exterior Wall Type:</b><br/> <b>Pool:</b> False                 </p>   | <p> <b>Total Acres:</b> 1.9804<br/> <b>Land Use Code:</b> 401<br/> <b>Neighborhood Code:</b><br/> <b>Owner Occupied:</b> N<br/> <b>Condo Name:</b><br/> <b>Condo Unit:</b><br/> <b>Zone:</b> I<br/> <b>Utility Code 1:</b><br/> <b>Utility Code 2:</b><br/> <b>Utility Code 3:</b> </p> |
| Building Area  | Ownership History   |
| <p> <b>Gross Area:</b> 0 sqft<br/> <b>Finished Area:</b> 0 sqft<br/> <b>Basement Area:</b> 0 sqft<br/> <b>Garage Area:</b> 0 sqft<br/> <b>Detached Garage:</b> sqft<br/> <b>Basement Garage:</b> sqft                 </p>   | <p> <b>Sale Date:</b> 10/12/2012<br/> <b>Sale Price:</b> \$ 1<br/> <b>Nal Description:</b> MULT PARCELS<br/> <b>Grantor (Seller):</b> WARE COGEN LTD<br/> <b>Book/Page:</b> PARTNERSHIP,<br/>                     11077-302                 </p>  |
| Building Interior  | Assessed Value  |
| <p> <b>No. Total Rooms:</b> 0<br/> <b>No. Bedrooms:</b> 0<br/> <b>No. Full Baths:</b> 0<br/> <b>No. Half Baths:</b> 0<br/> <b>Bath Rating:</b><br/> <b>No. Kitchens:</b> 0<br/> <b>Kitchen Rating:</b><br/> <b>Building Framing:</b><br/> <b>Interior Wall Type:</b><br/> <b>Fireplaces:</b> 0<br/> <b>Solar Hot Water:</b> False<br/> <b>Central Vac:</b> False<br/> <b>Floor Type:</b><br/> <b>Heat Type:</b><br/> <b>Heat Fuel:</b><br/> <b>Percent A/C:</b> </p> | <p> <b>Assessed Yard Value:</b> \$ 7300<br/> <b>Assessed Land Value:</b> \$ 75000<br/> <b>Assessed Bldg Value:</b> \$0<br/> <b>Total Assessed Value:</b> \$82300                 </p>   |



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3/16/2023

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Property Information - Ware, MA

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# Maple Street Power LLC

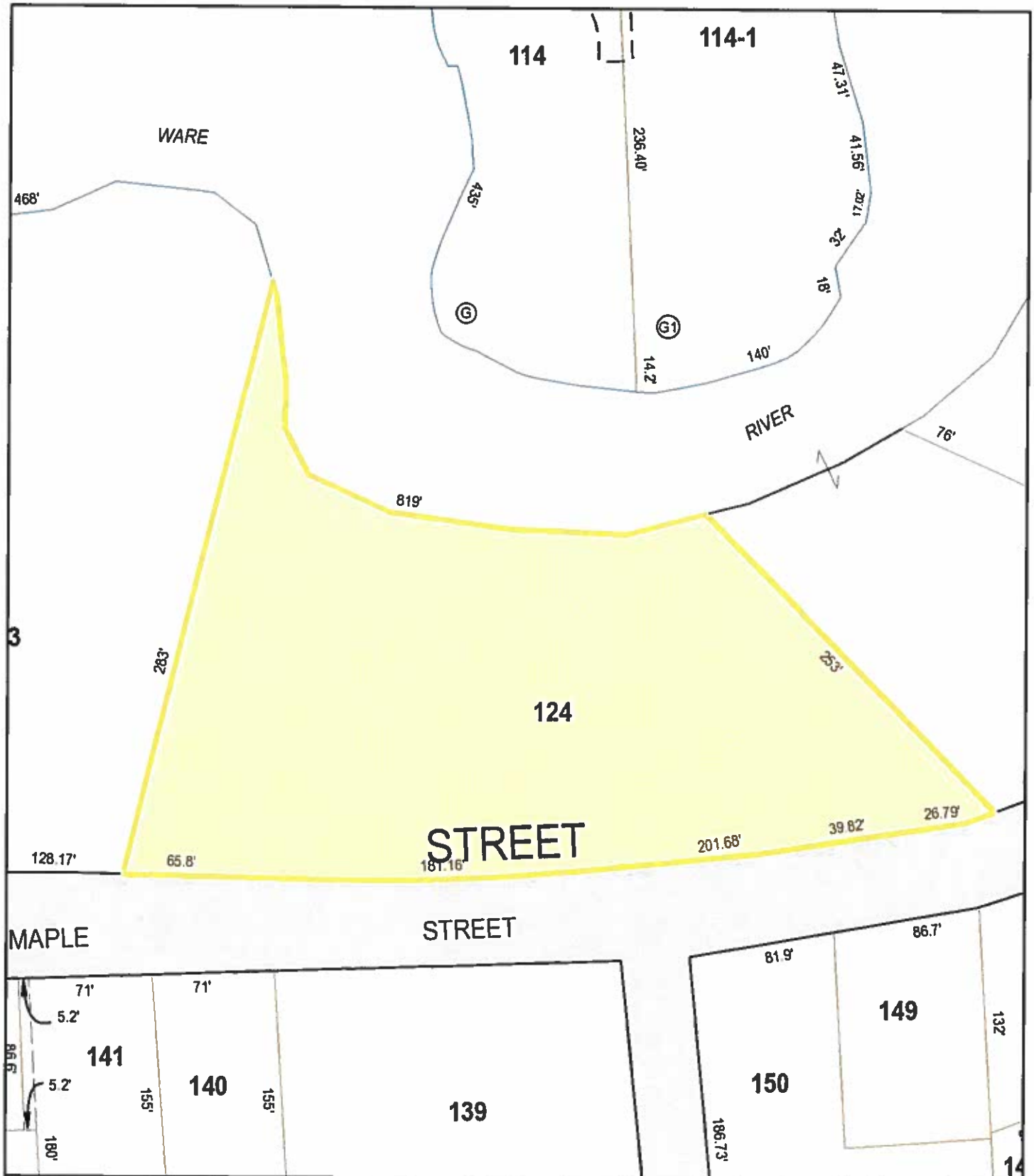
Ware, MA



March 16, 2023

1 inch = 80 Feet

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# Maple Street Power LLC

Ware, MA



March 16, 2023

1 inch = 80 Feet

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# Maple Street Power LLC

Ware, MA



March 17, 2023

1 inch = 120 Feet

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## **TOWN OF WARE**

### **Town Manager**

126 Main Street  
Ware, MA 01082  
413-967-9648 x100

### **Town Manager Report March 21, 2023**

#### **Upcoming dates**

March 30 – Senior Mental health zoom webinar

Reminder, The DPW has set the following leaf and brush drop-off days at Robbins Road:

Sat, April 15<sup>th</sup>

Sun, April 23<sup>rd</sup>

Sat, April 29<sup>th</sup>

Sat, May 6<sup>th</sup>

The hours are 9 a.m. to 2 p.m. each day.

The FY2024 Budget proposal review by the Finance Committee is continuing. They have met with administrative offices and Public Safety departments. On March 22, they will meet with DPW and on March 29, they will meet with the school department.

A very successful Senior Resource Fair was held at Cedarbrook. Thank you to all who participated and help prepare the program.

The DPW has hired a CDL truck driver to fill one of two vacancies. The Director of planning and Community Development position has been broadly posted. Rob Watchilla's last day is March 28. Rob did wonderful work in many areas to address town present and future growth.

The Town's CDBG request was not filed in a timely way by PVPC with the State Department of Housing and Community Development. This is without precedent for the Town's CDBG program. PVPC expressed deep apologies and approached DHCD with request to review the application. The State has agreed to allow and review the application components that were in the system. This will exclude the housing packet which was approximately \$300,000. The state will review the infrastructure and social service packets.

The ADA Committee had an extensive training on access monitoring presented by Chair Ruth McGrath. The ADA review and Transition Plan grant is moving steadily forward. Town buildings have been reviewed and times set for the review of the school properties. The project will be complete by June 30.

The Pathfinder Voc Tech High School gave an excellent budget presentation on March 15. The Ware share of the budget will be \$60,000 lower than in fiscal year 2023. Ware sends 114 students to Pathfinder.

The Town has issued a Request for proposals for the operation and ownership of the Town's water and wastewater systems. This will be in State and local publications on Wednesday and Thursday. The proposals will be received by May 18, 2023. The Board will then review the proposals to determine the benefit to the Town's residents. If acceptable a summer Town Meeting may then be considered. The RFP is available digitally through the Town's DPW web page.

Baystate Health's WOW Bus will be available as part of the monthly food distribution at Grenville Park. The bus will park at the United Church lot on Park Street. They will provide a broad range of health information and some screenings.

#### Updates:

Main Street lights. We have asked the project design engineer to update the traffic signal page and traffic numbers in order to meet MassDOT's request in order to change the signal pattern at Main and West Street.

The pool. The Parks Commission will review concept plans for the restoration of the Pool at their meeting on April 3, 6 p.m. at Town Hall.

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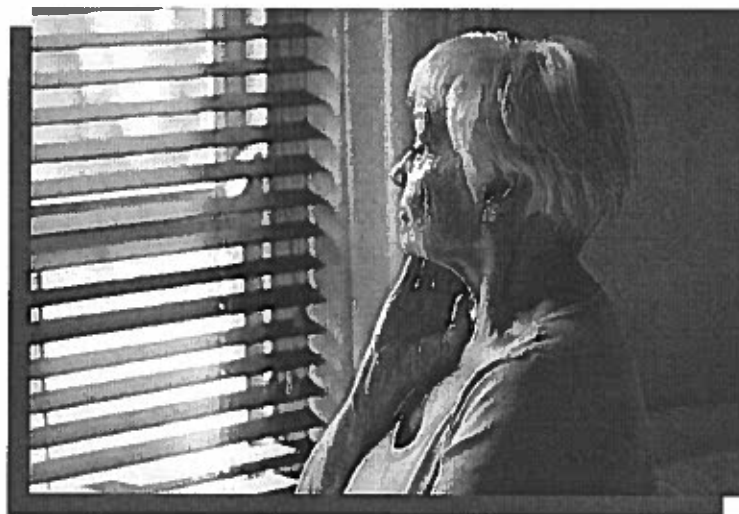
# ELDER MENTAL HEALTH OUTREACH TEAM (EMHOT)

WestMass ElderCare's EMHOT can assist older adults with unmet behavioral health needs with counseling and intensive case management support. The social worker and the older adult discuss a mutually agreed upon plan to help with the individual's behavioral health conditions. These may include: depression, anxiety, challenging behaviors associated with dementia, and substance use disorders.

Goals are to reduce social isolation, improve medical care coordination, and increase access to needed mental health and wellness supports.

**In addition to counseling, EMHOT services may include help with the following:**

- Resource management (connection and access to food, furniture, medications, and public benefits)
- Family support/collaboration
- Access to community-based therapy services
- Assistance with hoarding behavior
- Discharge planning, and referrals to other behavioral health professionals
- Referrals for medication management, psychiatric care, or other support services.



EMHOT's goal is to provide accessible and timely assessment and behavioral health supports for persons 60 years and older who do not have access to needed supports. An EMHOT referral can reduce or delay eviction, improve overall medical care coordination, limit ER or hospital use, increase access to needed supports, and improve collaboration between behavioral health partners.

There is **no cost** associated with EMHOT.

*WestMass ElderCare EMHOT program is funded through a grant awarded by the Massachusetts Council on Aging from the Executive Office of Elder Affairs.*

**For referrals or more information:**

**Phone:** 413-538-9020 **TTY:** 800-875-0287

**Submit an online referral to:** [www.wmelder-care.org](http://www.wmelder-care.org)

**Email inquiry to:** [info@wmelder-care.org](mailto:info@wmelder-care.org)





March 15, 2023

*Via UPS Overnight*

Board of Selectmen  
Town of Ware  
126 Main Street  
Ware, MA 01082

***Re: 2023 Annual Notice Filing  
2022 Annual License Fee Payment***

Dear Chairman and Members of the Board:

In accordance with M.G.L.c.166A §9, enclosed please find the 2022 license fee payment of \$1,249.00 for Ware, which is based on the number of Comcast cable television subscribers as of December 31, 2022.

Also, in accordance with Massachusetts cable regulations (207 CMR 10.01(2) and 10.02(6)), please find enclosed a copy of Comcast's policies and procedures, sample subscriber bill, sample work order, and rate and channel line-up information for your community.

Pursuant to 207 CMR 10.01(2) this information has also been filed with the Department of Telecommunications and Cable.

If you have any questions about this or any other cable matter, please feel free to contact me at 413-205-8403.

Sincerely,

Eileen Leahy  
Sr. Manager, Government and Community Relations

Enclosures

