



TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext. 186 pcd@townofware.com

Planning Board

Meeting Minutes from
Wednesday, January 16, 2019
Board of Selectmen's Conference Room

Planning Board members present: R. Starodoj, Chairman; J. Kusnierz, Vice Chairman; Joe Knight, Clerk; F. Urban; E. Murphy, Alternate; C. DiMarzio (6:32p)

Planning Board members absent: none

Staff present: Judi Barnard-Mosso, Assistant to the Director of Planning & Community Development

Public: (as taken from observation and sign in sheet):
John Carroll; Keith Kruckas; Edward Van Zandt;
Mary Van Zadt; Terrance Smith; Fred T. Smith;
Gregory Eaton; Charles Lask; Andrew Klein;
Mark Jarvis; Lori Sinclair; Rick Lotuf; Andrew Stoddard; Ezra Parzybok; Frank Bicchieri, Bertin Engineering; Mr. and Mrs. Fountain (site managers for Mr. Andrews' project); Richard Evans, Esq.

Chairman R. Starodoj called the meeting to order at 6:30 p.m. Attendees said the Pledge of Allegiance.

1. **Executive Session – Motion** by J. Kusnierz to enter executive session under section 21A citing reason #3 (litigation). Seconded by F. Urban. Roll call vote:
R. Starodoj AYE
J. Kusnierz AYE
Joe Knight AYE
F. Urban AYE

So voted unanimously.

[See separate executive session minutes; confidential until no longer needed].

Regular session of the Ware Planning Board resumed at 7:14 p.m.

Board member Christopher DiMarzio stated that he was officially resigning from the Planning Board [written letter of resignation received on January 17, 2019]. He advised the remaining members to view topics as objectively as possible, consider what is reasonably able to be regulated and how it affects all townspeople, not just a special interest group. He also encouraged members to not let Ware take the burdens for other communities. At 7:18 pm, Mr. DiMarzio then excused himself from the seated Planning Board members and sat in the audience.

Chairman R. Starodoj thanked Mr. DiMarzio for his years of service. **Motion** by J. Kusnierz to send a formal letter to Mr. DiMarzio for his years of service to the town as a Board member. Seconded by F. Urban. So voted 4/0/0.

2. **7:05 pm public hearing Mark Andrews, self-storage facility, 167 West Street, Site Plan Review (SPR-2018-08)** - The Chairman opened the public hearing for this case at 7:22 pm. Board Alternate E. Murphy was appointed to the case. The legal notice was read into record.

Frank Bicchieri of Bertin Engineering presented the project. There was discussion about the site, signalization at the entryway off West Street, revised plan to reduce size of buildings and therefore the need to install sprinkler systems. Access to site will be pass cards and a "Knoxbox" for First Responders. Anticipated traffic will be fewer than 100 trips/day. Mr. Andrew's site in Warren sees about 4 trips/day; applicant believes that a traffic study is not warranted.

Grading change after site work will be about 50'; majority of project is 3:1 slope. Approximately 20,000 yards of material will be removed for the project per the site plan. Eastern part of parcel which abuts residential area will have a 2' berm installed as well as fencing and landscaping as well as the existing 25' of vegetative screening. Stormwater basins will also be installed; project is beyond the 100' buffer zone.

There was discussion about the project including an end construction date so that it does not turn into a gravel removal operation.

Motion by to approve the Major Site Plan application for Mark Andrews to construct and operate a self-storage facility as previously described, subject to the following conditions:

1. The Board recognizes that approximately 20,000 yards of gravel will be removed from the site. To prevent this site from becoming an earth removal operation, the applicant shall fully complete construction by March 31, 2020
2. In addition to the proposed lighting on the revised plan dated January 16, 2019, motion-sensing lights will be installed on the northern and eastern sides of the buildings
3. The Board reserved the right to recondition the hours of operation if they see fit to do so
4. Construction hours will be:
7 am to 5 pm Monday through Friday; 8 am to 1 pm Saturday
NO construction on the following major holidays:
New Year's Day
Easter
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day
Trucks shall not idle prior to these hours.
5. The Board acknowledges that there will be tracking or cleaning pads for trucks during construction
6. The Board recognizes that there will not be a dumpster on site and that all trash will be hauled out by the owner or his designee
7. The Board recognizes that there will be no office on site and therefore no sanitary provisions will be made except during the construction period
8. All landscaping shall be maintained

Motion seconded by E. Murphy. No further discussion. So voted 5/0/0.

3. 7:20 pm public hearing for FT Smith Trucking, Earth Removal, Special Permit (SP-2018-08) – The Chairman opened the public hearing for this case at 7:20 pm. Board Alternate E. Murphy was appointed to the case. The legal notice was read into record. The Chairman then suggested suspending the hearing in order to continue with earlier business. **Motion** by J. Kusnierz to suspend the hearing until Mr. Andrews' application was heard. Seconded by E. Murphy. So voted 5/0/0.

Mr. Smith reported that he expects his roadway to reopen in about one month. Chairman read opposition letter from the Trudeaus (abutter). One abutter in attendance stated that he can hear some noise from the operation but that it is part of business. Board reviewed department comments. There was discussion about his request to allow crushing and screening during from May to September, and discussion about trucking routes. Mr. Smith presented information about well monitoring and Driver's Vehicle Inspection Reports ("slip sheets").

Motion by J. Kusnierz to approve the one year extension of the Special Permit for F. T. Smith Trucking & Excavating, Inc. to conduct earth removal operations at the above site, subject to the original conditions set forth in the original Special Permit issued in July 28, 2009 and recorded at the Hampshire District Registry of Deeds in Book 9972, Page 123, as well as the following conditions:

1. Screening and crushing of materials are allowed on site from May 15 to September 15, Monday through Friday, from 8 am to 5 pm.;
2. Use trucking routes to avoid side and residential streets such as Highland Street;
3. The Board will accept data from the Driver's Vehicle Inspection Reports ("slip sheets") as part of the annual report to the Board;
4. Groundwater monitoring wells will continue to be monitored on a quarterly basis.

Seconded by F. Urban. Roll call vote:

R. Starodoj AYE

J. Kusnierz AYE

Joe Knight AYE

F. Urban AYE

E. Murphy AYE

So voted 5/0/0.

4. **7:30 Public hearing on proposed bylaw amendments (continued from December 5, 2018)** – Public hearing was reopened at 7:49 pm. The Chairman then suggested suspending the hearing in order to continue with earlier business. **Motion** by F. Urban to suspend the hearing until Mr. Smith's application was heard. Seconded by E. Murphy. So voted 5/0/0.

The Board reviewed the lasted version of the bylaw changes (proposed amendments dated 1/10/2019). The Board received additional public comments on solar and marijuana amendments and discussed the following: procedure; that the bylaw

amendment process is completed at Town Meeting, that you cannot “fast track” an amendment for any one special interest group while at the same time creating an ad hoc committee to explore every single possibility – it must be one or the other; amendment is for cannabis cultivation in the Rural Residential (RR) zone only; need additional information on wording for “greenhouse” structures; need a meeting to view final iteration of bylaw draft in order to vote – suggest January 24.

The Chairman closed the public hearing at 8:56 pm.

5. **7:45 pm public hearing for B’Leaf Wellness Centre, LLC, Special Permit and Site Plan Review (SP-2018-09 and SPR-2018-09)** – The Chairman opened the public hearing for this case at 7:50 pm. The legal notice was read into record and Board Alternate E. Murphy was appointed to the case. The Chairman then suggested suspending the hearing in order to continue with earlier business. **Motion** by E. Murphy to suspend the hearing until earlier application were heard. **Seconded** by J. Kusnierz. So voted 5/0/0.

The Chairman reopened the public hearing at 8:58 pm. Atty. Dick Evans gave a presentation on the project and distributed a sheet on major points of project including siting, development, operations, and community impact. No questions from the public. Host Community Agreement has been approved and signed; applicant has already held a community outreach meeting. The PB would like to see this business treated like any other.

Motion by J. Kusnierz to approve the site plan as presented. **Seconded** by E. Murphy.

Roll call vote:

R. Starodoj AYE
J. Kusnierz AYE
Joe Knight AYE
F. Urban AYE
E. Murphy AYE

So voted 5/0/0.

Motion by J. Kusnierz to approve the special permit as presented, and acknowledging that hours of operation are set by the Board of Selectmen. **Seconded** by J. Knight. Roll call vote:

R. Starodoj AYE
J. Kusnierz AYE
Joe Knight AYE

F. Urban AYE
E. Murphy AYE
So voted 5/0/0.

The Chairman called for a brief recess at 9:45 pm.

The Chairman called to order at 9:56 pm.

6. **Discussion with Building Inspector re fencing** – this was tabled to a future meeting when the Building Inspector could attend.

7. **Updates**
 - a. **Scenic Roads designations** – J. Kusnierz has collected a lot of information on the topic and feels that perhaps a sub-committee would be appropriate to review and suggest a bylaw. He will send information to J. Mosso so she can draft a summary fact sheet. Board should also seek input from the DPW director.
 - b. **Wildflower Drive punch list** – R. Starodoj and J. Kusnierz met to review the punch list. Residents of Wildflower Drive wish to be included and informed on progress and decisions.
 - c. **Zoning changes** – R. Starodoj noted that a recent article in the Ware River News reported that the PB had made a zoning change (4 parcels owned by P. Opalinski). He clarified that the PB had only sent the recommendation to the Board of Selectmen (BOS), as is procedure. This will likely not be on the March STM warrant as the BOS must request a public hearing first.

8. **Administrative**
 - a. **Approve minutes from January 2, 2019** – **Motion** by J. Kusnierz to approve the minutes as presented. Seconded by J. Knight. So voted 3/0/1 (Urban).
 - b. **Letter of support for Historical Commission grant** – Since the P&CD department is without a Director, J. Mosso drafted a support letter for the Town and offered to have the Board approve it and the Chairman sign it on their behalf. R. Starodoj read the letter into record. **Motion** by J. Kusnierz to approve the letter as written and to authorize the Chairman to sign on the Board’s behalf. Seconded by F. Urban. So voted 4/0/0.

9. **Adjourn** – Motion by J. Kusnierz to adjourn at 10:15 p.m. Seconded by F. Urban.

Documents reviewed:

- Site plan and application from Mark Andrews (SPR-2018-08)
- Special permit application for FT Smith Trucking, Earth Removal, (SP-2018-08)
- Proposed Amendments Information Packet [1/10/2019]
- Special Permit & Site Plan application (SP-2018-09 & SPR-2018-09) for B'Leaf Wellness Centre, LLC
- January 2, 2019 minutes
- Letter of support for Historical Commission grant

Documents received:

- FTSmith documents on well monitoring and Vehicle Inspection Reports
- B'Leaf Wellness Centre, LLC handout of talking points

Minutes Approved on: _____	
Starodoj	_____
Kusnierz	_____
Knight	_____
Urban	_____

Respectfully submitted by
Judith P. B. Mosso, MPA
Assistant to the Director