



# TOWN OF WARE

Planning Department  
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## Planning Board Minutes

May 21, 2014

Planning Board Members present: Rick Starodoj, Chris DiMarzio, Fred Urban, John Chabot (Alternate)  
Planning Board Members absent: Joe Knight, Dave Kopacz  
Staff present: Karen Cullen, Director of Planning & Community Development  
Public: Steve Mansfield

**7:07** Meeting opened

### Minutes

Chris DiMarzio moved to approve the minutes of April 16, 2014; Fred Urban seconded; motion passed 4/0.

### Master Plan Update

Karen gave a brief update on the master plan progress, noting she was, with Community Development funding, in the process of hiring an intern from the Dept. of Landscape Architecture and Regional Planning at UMass to help with writing the appendix (the data-heavy part of the plan) and to help plan and prepare for master plan visioning sessions, forums, etc.

7:15 Chairman Rick Starodoj opened the public hearing on **SP-2014-002**, for Steve Mansfield to operate a used car dealership as an accessory use at his residence on Gilbertville Road, under the provisions of §4.4.1.F of the zoning bylaw. Rick read the public hearing notice into the record and reviewed the process for the hearing. He then appointed John Chabot to sit on this application given the absence of two regular board members.

Steve Mansfield, applicant, presented his proposal: currently details cars on his property and wants to sell used cars to supplement his income in the winter.

### Discussion points:

- Motor vehicle sales (item E-18 in §4.2, Use Table) is not a permitted use as a principal use on this site since it is in the RR district.
- The intent of the Home Based Contractor category of §4.4.1.F is to allow small contractors in the building trades to use their home as a base of operations, and the majority of their work is done at other locations. Used car sales doesn't fit that intent.
- The Board noted that their decision here will set precedent, and they are not interested in seeing small used car lots all over the rural areas of town.
- If the business was to buy and sell cars as a broker (such as over the internet) then that would be classified as a Home Business, but what is being requested here is clearly auto sales and doesn't fit the category.
- Discussion regarding location of the RR and RB zoning districts on Gilbertville Road, and the process to petition to change the district locations. The Board noted the area north of Church Street is mostly residential, whereas south of Church Street there is quite a bit of non-residential use.

- Motor vehicle sales is a permitted use (by right) in the RB district; if the applicant purchased or leased space in that district, then he could sell cars there (provided all necessary permits were obtained).
- Steve noted he might see if he can sell used cars on his property across the town line in New Braintree. He also said he might contact the owner of a vacant non-residential property further south on Gilbertville Road (in the RB district); his intention would be to run the business from his house and just keep the cars at this other property.
- Discussion about what approvals would be needed from the Planning Board to open a used car lot at an existing commercial site in the RB district; the Board determined that since the Ostermann facility would have been classified as retail sales, then there is no change in use category and since no changes to the site would be made, then there is no requirement for site plan review.
- Steve asked if he would be able to get a dealer license (from the Board of Selectmen); the Board said they would comment to the Board of Selectmen that you could not operate on that site given the zoning.
- Discussion about impact of a denial of the special permit versus withdrawal without prejudice by the applicant.

The applicant submitted a letter stating he was withdrawing the application without prejudice, which the Board accepted. Rick closed the public hearing at 7:48 pm.

Cumberland Farms

Karen Cullen informed the Board that Cumberland Farms has found two issues that need to be addressed: the parking spaces in front of the building need to be one foot shorter, which would require a waiver from the Board, and they have decided to use a sloped roof (mansard) roof design for the canopy instead of the flat roof shown in the site plan submittal. Chris DiMarzio suggested they leaves the spaces 20 feet if there is enough room between the spaces and the pumps. The Board felt the roof design is not a site plan issue except that all of the roof runoff still needs to be directed into the underground infiltration system. The Board also felt that if they do need the waiver for the parking space size, that does not warrant re-opening the public hearing and can be done on June 4<sup>th</sup> when it is duly noticed on the agenda. Karen will follow up with the applicant.

Pulaski Street special permit

The Board had a few questions on the application for a recently submitted application for a special permit for an Eating Establishment Specializing in Serving Alcohol (aka a bar; item E-12 in §4.2, Use Table). It was determined that the application is for a special permit to allow the bar, and the other use mentioned in the application (pool hall) falls under Indoor Entertainment or Recreation Facility (item E-15 in §4.2, Use Table), which is permitted by right. During the hearing, the Board should still consider the impacts of that use as it pertains to need for additional parking, but the pool hall use itself is not subject to the special permit.

URBAN            Motion to adjourn at 8:35 PM  
 CHABOT        Second  
 ACTION        All in favor (4/0/0)

John Chabot noted he will not be available in July.

<b>Minutes Approved on:</b> _____
Starodoj _____
DiMarzio _____
Urban _____
Kopacz _____
Knight _____