



# TOWN OF WARE

Planning Department  
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## Planning Board Minutes

June 4, 2014

Planning Board Members present: Rick Starodoj, Chris DiMarzio, Fred Urban, Joe Knight, Dave Kopacz  
Planning Board Members absent: John Chabot (Alternate)  
Staff present: Karen Cullen, Director of Planning & Community Development  
Public: Judy Metcalf (Health Dept.), Robert Lemaitre, Tom Reidy (Bacon & Wilson for Cumberland Farms)

7:00 Meeting opened

### Minutes

Fred Urban moved to approve the minutes of May 21, 2014; Joe Knight seconded; motion passed.

### ANR – Sheehy Road, for the Ware Board of Health

Judy Metcalf explained that this plan is to split off the portion of the parcel that was used as the town dump from 1951 to 1959, for the purposes of closing it. Town Meeting has already voted to pursue the acquisition of the area through eminent domain, and now that DEP and the Town and the property owner have agreed on the area being acquired, the ANR can be completed. DEP requires a 100 foot buffer around the dump itself, and a 50 foot easement on the north-east side of the dump was given to the property owner to allow him to access his other landholdings which otherwise would have been cut off.

DIMARZIO Motion to approve and endorse as submitted;  
URBAN Second  
ACTION Approved 5/0/0; the Board directed Karen Cullen to sign the plans after the meeting.

### ANR – Doane Road, for Kent

Robert Lemaitre explained the plan is a three lot subdivision to create two additional building lots. All of it is good, buildable land, all three lots have passed perc tests. Chris DiMarzio noted that all three lots have the required frontage on an approved Town way, and area, and there are no structures on the property.

DIMARZIO Motion to approve and endorse as submitted;  
URBAN Second  
ACTION Approved 5/0/0; the Board signed the plans to give to Bob Lemaitre.

### Cumberland Farms

Rick Starodoj, Chairman, recused himself from this discussion. Chris DiMarzio, Vice-Chair, was appointed acting chairman for this item.

Tom Reidy, attorney with Bacon & Wilson in Amherst, explained that they ran into problems with the location of the handicap ramp directly in front of the doors to the store, the distance between the doors

and the top of the ramp was not in compliance with the state accessibility codes. Initially they wanted to extend the sidewalk by one foot to rectify the problem, which would have required a waiver from the Planning Board for the size of the parking spaces. Instead, they decided to move the handicap space over, swapping it with one of the regular spaces; this solved the problem. In addition, Cumberland Farms now wants to use a mansard roof design for the canopy instead of the flat roof design approved in the site plan. This design includes gutters along the perimeter of the canopy and the stormwater will all flow the same way as designed on the site plan.

Mr. Reidy submitted a photo of a store with a mansard roof canopy, and a revised floor plan and site plan showing the modified location of the handicap ramp, all 8.5x11. He stated that under the zoning bylaw, §7.4.3.I, the Board needs to approve these deviations from the approved plan (March 19,, 2014).

Chris DiMarzio stated that since they are not changing the size or number of parking spaces, nor the drainage, and the proposed changes will not impact the circulation on the site or the fuel truck delivery area, these are minor modifications and should be fine.

URBAN            Motion to approve the changes to the site plan as submitted;  
KNIGHT        Second  
ACTION        Approved 4/0/1 (recusal).

URBAN            Motion to adjourn at 7:30 PM  
KNIGHT        Second  
ACTION        All in favor (5/0/0)

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