



# TOWN OF WARE

Planning & Community Development

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## Planning Board Minutes

June 17, 2015

- Planning Board members present:** Rick Starodoj (Chairman), David Kopacz, Joe Knight, Fred Urban, and Chris DiMarzio (7:03)
- Planning Board members absent:** John Chabot (Alternate)
- Staff present:** Karen Cullen, Director of Planning & Community Development
- Public:** Dave Tworek (Deputy Director of DPW), Todd Marion (MRT Development)

Chairman R. Starodoj called the meeting to order at 7:01 p.m.

### Administrative:

- Approve May 20, 2015 minutes –Motion by F. Urban to approve minutes as presented, seconded by J. Knight, passed 4/0/0.

ANR for Zepke – ANR that affects land on Kelly Road in Ware and Foster Road in Palmer. The Board reviewed the plan with K. Cullen; there is no change to the boundaries of the portion within Ware. Motion by J. Knight to approve the ANR plan as submitted and have Karen Cullen endorse it, given that the plan shows no changes to the portion in Ware. Second by F. Urban, passed 5/0/0.

### Lot Release Request – MRT Development, for Pennybrook Estates (Coldbrook Drive).

- Todd Marion, representing MRT, said he is looking for a lot release for lot 10 now and another lot in the near future.
- Discussion on condition of the road, with T. Marion, D. Tworek, and the PB:
  - Binder has now been down for 8 years, not designed to serve as the only pavement for that long. Everyone agreed it is not in good condition, although portions are probably okay while other areas need to be dug up and redone before a top course is put down.
  - Town is concerned that binder no longer has the weight bearing capacity it should have, and that will lead to a shorter life-span for the roadway than it should be. There may be alternatives to increasing the strength of the binder course without having to mill the whole road and repave it with a new binder course. Examples: SAMI (stress absorbing membrane interlayer), or another layer of binder applied thicker in the center and feathered out to the edges (so as to not impede the drainage system or driveway elevations).
  - Water is getting under the road in some areas; those areas will be dug up and redone.

- Existing cracks and seams will eventually be reflected through the top course and show up as new cracks in the road.
- Discussion on how to move forward:
  - T. Marion submitted a revised cost estimate to complete the work on the roadway; total is \$256,503. This includes raising the drainage system structures, installing the remaining sidewalks, saw cutting and replacing base coat in areas where needed, applying a tack coat, applying a top coat at 1.5" thick, installing the remaining asphalt berm, installing a fence with gate around the detention pond, and installing guard rail.
  - D. Tworek summarized his 2014 report and then Director Thom Martens' concerns and additions. He stated that he is not a PE but has a lot of road construction experience; in his opinion the figures presented tonight by MRT seem reasonable if the road construction is completed this year; if left with binder course exposed another year then he believes the \$500,000+ figure from the 2014 report is more realistic. He pointed out that we can't know what the road condition will be in a year, much less five years from now.
  - Discussion on process to finish the road and get it accepted by the Town.
    - MRT request in writing a waiver to the "75% rule" [Section III, N.4.b(4)] and the Board grant it;
    - MRT and DPW work out an agreement on work to be done (e.g. which areas require saw cut and reconstruction of binder course);
    - MRT complete the construction of all the infrastructure, in compliance with the approved subdivision plan;
    - After passing inspection by the Town, the Board would release the remaining lots from the covenant, and should either reduce or release the monetary surety;
    - MRT request in writing that the Town accept the road as a public way;
    - After inspection by the Town, the Town Meeting would take the request under consideration (and would, presumably, act on it);
    - Any remaining surety would be released.
  - R. Starodoj took a poll of the Board regarding desire to grant waiver to the "75% rule" and have the developer complete the road construction; all members were in favor of doing so.
  - Discussion about the functionality of the drainage system; the detention basin needs to be cleaned out; unclear if the system is functioning as designed at this point (if not, it's a matter of maintenance and completion of the road construction).
- Discussion on requested lot release, for lot 10:
  - K. Cullen reminded Board that lot 10 is at the top of the loop and in the unlikely event that MRT walks away after that lot is released, the Town will be obligated to complete the road, and as discussed, the existing \$250,000 surety is unlikely to cover all the costs associated with completing all the work.
  - C. DiMarzio said he is comfortable with the release since MRT is saying they will complete the road this year. The Board agreed, they believe MRT is a reputable firm and will complete the work as they have said tonight.

**Motion** by C. DiMarzio to release lot 10 of the Pennybrook Estates subdivision from the covenant on file at the HDRD, Book 8523, Page 289, based on the framework discussed

tonight with moving ahead this year to complete construction of the road, including repairing the binder course and applying the wear course. Seconded by J. Knight; passed 5/0/0.

**Motion** by F. Urban to authorize Karen Cullen, Director of Planning & Community Development, to sign the lot release document for the Planning Board. Seconded by J. Knight; passed 5/0/0.

T. Marion said he will have Tom Hogan, PE, review the roadway and prepare recommendations, and will submit to DPW for the new Director (not yet hired) to review and approve prior to work commencing. The Board requested K. Cullen to provide meeting minutes and other background material to D. Tworek so he can bring the new DPW Director up to speed on the project once he/she is hired.

Tri County Recycling Comment Letter to DEP for the Notice of Project Change

- The Board reviewed the draft letter prepared by K. Cullen
- Discussion on the new paragraph suggested by R. Starodoj regarding the narrative (of the submission) stating that the tonnage of C&D material will become a small percentage of the total tonnage of material received at the site. This will make the current use become subordinate to a new primary use (solid waste disposal facility, i.e. transfer station) and that use is not allowed in the HC district.
- The Board agreed to add a new paragraph on that.
- Question was raised that if the use is changed as they indicate in the submittal to DEP, then it sounds like there will not be any processing of ABC&D materials, and if that’s the case, then isn’t that actually giving up the rights granted by the special permit, thus making the special permit null and void? Karen will investigate this with Town Counsel.
- Discussion regarding whether the Town should try to get a reduction in the currently allowed 750 tons per day; Board decided to not pursue that at this time.
- Discussion regarding the interstate commerce provisions for railroad use and whether the desired activity can be done through those provisions; C. DiMarzio noted that previous proponents at this site have said they’d use that but nobody has exercised it. Seems unclear how realistic it really is.
- K. Cullen left the meeting to revise the letter (to add the new paragraph).

**Motion** by F. Urban to have the Planning Board sign the letter as written. Seconded by J. Knight; passed 5/0/0.

The letter was signed by each member of the Board and by Karen Cullen. It will be submitted to DEP tomorrow.

Adjourn – **Motion** by F. Urban to adjourn at 8:22 pm; seconded by J. Knight; passed 5/0/0.

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

*Prepared by Karen Cullen  
Director of Planning & Community Development*