



TOWN OF WARE

Planning & Community Development

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Planning Board Minutes

May 4, 2016

Planning Board members present:	Rick Starodoj (Chairman), Joe Knight, David P. Kopacz, Sr., Fred Urban, Chris DiMarzio (7:05)
Planning Board members absent:	John Chabot (Alternate)
Staff present:	Karen Cullen, Director of Planning & Community Development Judi Mosso, Assistant to the Director
Public:	As taken from sign-in sheet: Gary Buelow, Paul Harper, Catherine Buelow-Cascio, Stu Longman, Mary Dudula, Peter Dudula, Michael Harris, Jennifer Harris, Daniel Kularski

Chairman R. Starodoj called the meeting to order at 7:03 p.m.

1. Administrative
 - a. Approve minutes from April 20, 2016 - Motion by F. Urban to approve the minutes as submitted; D. Kopacz seconded; so voted 4/0/0.
2. SP-2016-02 Gary Buelow, 55 East Street, establish All Parts Racing (APR) tow service
Chairman R. Starodoj opened the public hearing at 7:05 and described the process for the hearing. J. Knight read the notice into record.

Project proponents Gary Buelow and Paul Harper stated that the business already exists and that they are just extending it to a new location. The Board noted that Special Permits do not transfer from one property to another; they are attached to properties and not owners.

- P. Harper stated that approximately six vehicles are stored on the lot outside while 1-2 are stored inside. There was discussion about towing for police

departments and G. Buelow stated that there would be a maximum of 20 cars outside. He plans to purchase an abutting property to store more vehicles. The Board stated that in the event that he acquires more land for storage of towed vehicles, they would need additional review; any Special Permit issued in relation to this hearing only covers the property as it is at the time of application.

- Police pick-ups and other calls for towing service to APR are 24/7 whereas trucks from other carriers coming into the site to pick up towed vehicles operate during normal business hours: 6:00 AM to 8:00 PM.

Comments, Questions, and Discussion:

- K. Cullen raised concerns about the possibility that any floor drains in the building could be an issue in the event any vehicles leak fluids. Mr. Buelow was advised to talk to the Building Inspector to be sure the associated laws are being followed. Mr. Buelow stated that he uses a cleanup service to drain fluids before from vehicles that have been involved in accidents before they are taken onto his site.
- Fire Department commented that a fire suppression system was required and the applicant was advised to seek advice from a fire engineer.
- Conservation Commission has stated that some of this area is within a resource area. D. Kopacz spoke to David Haines, environmental consultant, regarding conservation permitting.
- Chairman R. Starodoj read the findings and conditions in the draft decision. Condition #3 regarding lighting was deleted. The Board noted there is to be no power washing on the site. The Board wants the site plan to indicate where potential new parking will be. No paving to take place before site plan approval. The Board noted that other components such as dumpsters and screenings will be a part of the later site plan review.

Motion by C. DiMarzio to grant the Special Permit for SP-2016-02 as amended with the following conditions:

1. That towing vehicles not be left idling for undue amounts of time, in compliance with MGL Chapter 90 Section 16A;
2. That outdoor lighting be shielded so as not to shine onto any abutting property;

3. That any fluid leaks from vehicles used for the towing operation or that have been towed to the site be stopped and the spilled fluid cleaned up immediately in accordance with appropriate regulations;
4. That compliance with all applicable local, state, and federal regulations be maintained at all times, including but not limited to the Ware Zoning Bylaw, the Building Code, the Fire Code, and the Wetlands/Riverfront Protection Act; and
5. That a site plan be submitted for review and approval for the expansion of the parking lot within three (3) months of the date of approval of this decision.

Seconded by J. Knight. Roll call vote:

Rick Starodoj - Aye

Joe Knight - Aye

David P. Kopacz, Sr. - Aye

Fred Urban - Aye

Chris DiMarzio – Aye

So voted 5/0/0.

The public hearing closed at 7:31 PM. The applicant was reminded of decision and appeal timeline and recording requirement.

3. Pre-Application Discussion, Gary Buelow, 55 East Street, site plan review for expansion of parking lot – Since the parking lot will be greater than 4,000 s.f. (it is roughly 10,000 s.f.), a Major Site Plan Review is required per the zoning bylaw.

Comments, Questions, and Discussion:

- There was lengthy discussion about landscaping at the edge of the road, the slope down to the business, and line of sight as trucks come up the slope. Mr. Buelow was concerned that planting a line of shrubs at the top of the slope would block the line of sight for vehicles exiting onto East Street, thus causing a hazardous situation. Mr. Buelow would like to have a grass strip so he can display product (tires, etc.).
- The Board reviewed which items they require as part of the site plan application as well as which items they are willing to consider waiving (see Report of Pre-Application dated May 4, 2016):
 - Define the use for the parking lot
 - Locus plan – a simple vicinity sketch is acceptable

- Site layout – must be submitted and include location of dumpsters, storage containers, driveways, parking areas, buildings, loading zones, etc.
 - Grading and drainage plan – existing topography must be submitted. The Board noted that drainage is not into the public system and the new parking area is not changing the ratio of pervious to impervious surface, based on what the applicant has told the Board, thus a drainage plan is not necessary.
 - Utility and open space – the Board is willing to waive this requirement.
 - Landscaping plan – the Board thought the existing stones at the top of the slope are reasonable and will consider a waiver to the requirement to submit a landscaping plan.
 - Lighting plan – the Board is willing to waive this requirement.
 - Floor plan – the Board is willing to waive the requirement for a floor plan, but requires that the narrative include the square footage for any retail space, storage space, work space, etc.
 - Details – a construction drawing is required for the expanded parking area, showing a cross section including the materials and thickness of each layer.
 - Narrative – a description of what has been done on the site (expanded parking area) and what the site is being used for (all the various uses) must be submitted. Many of the details required by the zoning bylaw can be waived (see §7.4.5.l).
 - Development Impact Assessment – this can be waived.
 - Site plan application is due in 3 months, per the Special Permit decision.
4. Seaboard Solar, Continued discussion about progress and surety
Stu Longman stated that there is an “unrecorded plat issue” with the title on the West Brookfield side of this project. He is in the process of clearing it up. He submitted the \$60,000 surety check which was due today, but asked if the Board would hold it for one week, to which they agreed.
5. Urban Renewal Plan Michael Harris, Dioguardi Jewelers, 95 Main Street
K. Cullen reviewed the history of the Urban Renewal Plan from 1986 (see memo dated 5/3/2016 “Re Urban Renewal Plan & Dioguardi Jewelers”). There was discussion about the narrow island between the driveway into the public parking lot and Mr. Harris’s parking lot, lights, traffic flow, signage, and landscaping. K. Cullen noted that before the CDA meets, the PB needs to decide whether they agree or not that the requested waivers to the Urban Renewal Plan are warranted and that the project remains in substantial compliance with all other sections of Section 5 of the Plan.

Motion by R. Starodoj to support Mr. Harris’s requests and not hold to the Urban Renewal Plan as it is outdated and has been forgotten and apparently ignored. Mr. Harris should be subject to more current zoning and the waivers are warranted. Seconded by J. Knight. So voted 5/0/0.

6. Other

- a. There was brief discussion about the Transportation Improvement Project re the foundation and conduit for the street lights.
- b. The mill building which extends over the river is deteriorating further.

7. Adjourn – **Motion** by D. Kopacz to adjourn at 8:42 pm; seconded by F. Urban.

Documents reviewed at meeting:

- Minutes for April 20, 2016
- Draft decision on Special Permit 2016-02
- Report on Pre-Application for 55 East St, Site Plan Review
- Memo re Urban Renewal Plan & Dioguardi Jewelers

Documents received at meeting:

- \$60,000 surety check from Seaboard Solar

*Respectfully submitted by Judi Mosso
Assistant to the Director*

Minutes Approved on: _____	
Starodoj	_____
DiMarzio	_____
Urban	_____
Kopacz	_____
Knight	_____