



# TOWN OF WARE

Planning & Community Development

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## Planning Board Minutes

September 7, 2016

**Planning Board members present:** John Chabot (Alternate), Joe Knight, David P. Kopacz, Sr., Rick Starodoj (Chairman), Fred Urban

**Planning Board members absent:** Chris DiMarzio

**Public:** Jack Cascio, Pablo D. Santiago, Stuart Beckley, Gary Buelow

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

1. Administrative

a. Approve minutes from August 17, 2016 – Motion by F. Urban to approve the minutes as presented. Seconded by J. Knight. So voted 4/0/0.

b. Review notices from abutting towns – reviewed; nothing noteworthy.

2. APR Towing, 55 East Street, request deadline extension to submit Site Plan – Chairman Starodoj reported that Paul Harper of APR spoke to him asking for an extension. The Chairman has offered informal guidance on what is to be submitted. The deadline to submit the Site Plan has been extended to October 19, 2016. Later in the meeting, Mr. Buelow arrived and submitted plans for review. The Board advised him that he needed to include display area marked with limits. He was also advised to review his Special Permit decisions as well as what it required for Site Plan submittal. He will meet with R. Starodoj to review and the Board will review again at the October 5 meeting.

There was brief discussion about the rear parcel and old cart road. D. Kopacz noted that much of the area is undisturbed and would therefore need a Notice of Intent

application to the Conservation Commission in order to address new development in the riverfront.

There was brief discussion about 56 Pulaski Street (White Eagle Club) and that the elevator is operational but has not been inspected because Mr. Buelow is not using the building (SP-2014-03).

3. Pablo Santiago, discussion about potential use at 35 West Street – Mr. Santiago intends to renovate a home downtown and move his family to Ware. He currently owns 35 West Street (former VA post, then VIP lounge). He would like to open a western style bar, add a restaurant later, and provide “responsible entertainment” (no night club). Special permit process was briefly described to Mr. Santiago; J. Mosso will provide Mr. Santiago with SP packet, the 2014 Decision for White Eagle club (to review possible conditions, and meeting minutes. Mr. Santiago was advised to review parking requirements and requirements for other departments including a potential liquor license from the Board of Selectmen. The previous owner’s liquor license was surrendered on October 20, 2015.
4. Seaboard Solar, Surety bond, project status, draft Decommissioning Assurance Agreement, PILOT – S. Beckley reported that the Ware side of the project is being reduced from 2 Mwh to 1.4 Mwh so any payments from the PILOT (Payment In Lieu Of Taxes) would also be reduced. Nautilus Solar, the potential new owner is requesting that the \$60,000 surety bond be rolled over to serve as the decommissioning bond. Per the bylaw, §4.8.3.H.5, prior to commencing operation, a financial surety in the amount of one percent of the project construction costs (as submitted on the building permit application) shall be provided. Town Counsel is reviewing the PILOT and Decommissioning Assurance Agreement. S. Beckley will forward the revised agreement when it is available.
5. Bylaw discussions
  - a. Abandoned uses and timeframes – See Item 3 above. The PB confirmed that Mr. Santiago would have to apply for a Special Permit for a new use.
  - b. Potential cannabis facilities (medical and recreational marijuana) – There was lengthy discussion about the potential for an application for a medical marijuana treatment facility in Ware and the November election

results when Commonwealth voters will decide whether or not to legalize recreational marijuana. Although some states have legalized one or both, it still remains illegal according to the federal government. The state Department of Public Health and Cannabis Control Commission have set forth regulations for medical marijuana. If the ballot question #4 passes, they have until September 15, 2017 to create ordinances regulating recreational marijuana sales facilities.

The Board discussed a moratorium to undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations, related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of either medical or recreational marijuana facilities and related uses. Burlington and Hadley have moratoriums that have been approved by the Attorney General's office. There was discussion about:

- states that currently allow them and impacts made on those states
- medical marijuana facilities are regulated and licensed by the state
- related growing fields for the herb as each growing field is allowed three store fronts
- allowing it under agricultural use
- regulating it similarly to alcohol
- prohibiting one and not the other (medical v. recreational)
- providing data and written requests that illustrate support for a moratorium
- consulting with other municipal departments
- are these facilities consistent with our vision and brand as we address larger economic development concerns
- writing two separate bylaw amendments (one medical and one recreational)

**Motion** by J. Knight to prepare two separate bylaw amendments, as modeled by Burlington and Hadley), one for a moratorium on medical marijuana treatment facilities and one for a moratorium on recreational marijuana

treatment facilities, to present them to the Board of Selectmen and for possible vote at fall town meeting. Seconded by F. Urban. So voted 3/1/0 (Kopacz).

J. Mosso will work with R. Starodoj to prepare the proposed language. The Board will meet on September 13 to review drafts.

6. Subdivisions

- a. Coordination of fall review – J. Mosso, R. Starodoj, DPW Director and Deputy Director will make the rounds on unfinished subdivisions in order to make a recommendation to the Board of Selectmen about winter plowing.
- b. Winter plowing and potential street acceptance – Todd Marion of MRT Development (Pennybrook Estates/Coldbrook Drive) is still working toward having Coldbrook Drive accepted at fall town meeting. The Board stated that cobra head lights (LED preferred) are sufficient and that the guardrail reduction needs to be finalized.

Wildflower Drive – This road is still owned by the bank. It is up to the owner to pursue town acceptance.

Williston Drive – it is up to the owner to pursue town acceptance, or for residents to petition to improve the road.

Other roads – Possibly Mountainview Drive and James Road are not town-owned. The Town Clerk should have a database of all public roads and when they were accepted.

7. Earth Removal, extension request for F. T. Smith – Mr. Smith intends to submit an application for an extension. As long as he submits it by October 27, the current permit will still be valid.
8. Adjourn – **Motion** by J. Knight to adjourn at 8:51 pm; seconded by D. Kopacz.

**Documents reviewed at meeting:**

August 17, 2016 minutes  
Notices from abutting towns

Draft site plan for 55 East Street  
Hadley moratorium bylaw  
Burlington moratorium bylaw

**Documents received at meeting:**

None

*Respectfully submitted by  
Judi Mosso, Assistant to the Director*

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