



TOWN OF WARE

Planning & Community Development

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Planning Board

Meeting Minutes from
Wednesday, August 16, 2017
Board of Selectmen's Conference Room

Planning Board members present: Rick Starodoj (Chairman), Josh Kusnierz, Chris DiMarzio, Fred Urban, David Kopacz, Sr.

Planning Board members absent: none

Staff present: Rubén Flores-Marzán, Director of Planning & Community Development
Judi Mosso, Assistant to the Director

Public: (as taken from the sign in sheet and observation): Edward Switzer, Forefront Power; Gary Moulton, Edward Murphy; Glen Wojcik; Juliet Caplinger, TRC Engineering; Rachel McLaughlin, Forefront Power; Alyssa Noyes, TRC Engineering; Melina Bourdeau, *Ware River News*

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

1. **Administrative**

- a. Approve minutes from June 7 and July 19, 2017 – **Motion** by F. Urban to accept the June 7 minutes as presented. Seconded by J. Kusnierz. So voted 5/0/0. July 19 minutes were tabled.
- b. Review notices from abutting towns - Board members reviewed notices; Palmer has an application to allow a marijuana cultivation facility; New Braintree is working on a Transportation Improvement Project (TIP) similar to Ware.

2. **SP-2017-02, Forefront Power, LLC, ground-mounted solar facility at 417 Belchertown Road, Canadian Tree Expert**

The Chairman continued the public hearing. The applicant provided additional information. There was discussion about a decommissioning agreement, adjustment for cost of living and that the construction bond can be rolled over to serve as a decommissioning bond similar to the Nautilus project on Gilbertville Road.

Additional conditions:

- Hours of construction will be 7:00 am to 7:00 pm Monday through Saturday, and 9:00 am to 7:00 pm on Sundays
- If the contractor does not use Hydroseeding, then straw or hay bales will be used as erosion control

The Chairman closed the public hearing at 7:14 pm.

Motion by F. Urban to grant the Special Permit to Forefront Power, LLC with the following conditions:

1. Developer will be held to state and local requirements
2. The \$203,000 construction bond may be used for the decommissioning bond
3. The Ware Planning Board reserves the right to conduct a site visit upon completion of project in order to determine necessary screenings and the developer agrees to abide by the Board's findings
4. Hours of operation shall be 7:00 am to 7:00 pm Monday through Saturday, and 9:00 am to 7:00 pm on Sundays
5. Top soil will not be left without sedimentation controls for a period of longer than 6 months
6. Seeding will take place by October 1, 2017 or by a later date as approved by the Planning Board
7. Hydroseeding will include a tackifier in order to ensure that the seed media adheres to the soil particles; or if hydroseed is not used, hay or straw bales will be used and maintained as sedimentation controls

Seconded by C. DiMarzio.

Roll call vote:

Starodoj YES

Kusnierz YES

DiMarzio YES

Urban YES

Kopacz YES

So voted 5/0/0.

3. **ANR-2017-01, Gary Moulton, 33 Sorel Road; create new lots** – The Board reviewed the plan; area and frontage requirements have been met. **Motion** by C. DiMarzio to approve the ANR as presented. Seconded by D. Kopacz. So voted 5/0/0.

4. **Glenn Wojcik, Country Corners Storage, Walker Road, Zoning for existing storage facility** – Mr. Wojcik commented that the 2012 zoning amendments limited the use of his property which has a pre-existing business. He would like to build another storage building on the premises. **Motion** by C. DiMarzio to submit a letter to the Building Inspector stating that the property is a pre-existing nonconformity and enjoys the protection afforded it under. Mr. Wojcik is operating a commercial use and should be able to grow his business within the property boundaries.

5. **Peter Gundacker re 54 East Street (Zoned I, motor vehicle sales not allowed)** - Mr. Gundacker was expected tonight but was not in attendance. Board agreed that he would need to request a zoning change if he wanted to conduct motor vehicle sales in the Industrial Zone, in addition to other state and local regulations. Although the Board is considering amendments to the Bylaw, at this time, they are not considering any changes that would affect this matter.

6. **Discussion & Updates**
 - a. **Site Plan Review application for All Parts Racing (APR)** – Jack Cascio has been in touch with staff regarding submitting an application. To date, nothing has been received.

 - b. **Nautilus Solar, screening update** – The Chairman received a complaint about insufficient screening measures for the project on Gilbertville Road. He showed pictures to the Board; Nautilus representative is agreeable to site visit to discuss increasing screening. J. Mosso will arrange site visit with Nautilus, J. Kusnierz and R. Flores-Marzán. There was brief discussion about Agawam’s landscaping requirements including mandatory bike racks for new builds.

 - c. **Subdivisions (Coldbrook Drive & Wildflower Drive)** – No additional information on either Coldbrook Drive or Wildflower Drive. The Board will add Hillside Terrace to the winter plowing list; Board will schedule site visits

to inspect unfinished subdivision roads and make a recommendation to the Board of Selectmen.

- d. Renewable Energy updates/Potential – Battery Energy Storage Systems (BESS) – In July, J. Mosso met with representatives from Sovereign Energy Storage. Sovereign is interested in building a BESS on Gilbertville Road near the transfer station and the Nautilus solar array. That project is contingent upon Sovereign’s internal studies and state permitting so we would not see it for at least 2 years. After the project is built, it would be operated by Enel Green Power out of Italy.
- e. Proposed Zoning updates (Use Table, Use Variance option, Marijuana facilities, Primary and accessory uses) – R. Flores-Marzán distributed the latest draft of the bylaw amendments. The Board made some additional changes and plans to set a public hearing for zoning amendments at their September 6 meeting.
- f. Hillside Terrace – The Board discussed a 2008 ANR on Hillside Drive. C. DiMarzio and R. Starodaj, who were on the Board at the time the ANR was approved, reiterated that indeed the lot is buildable because it has adequate frontage and is on an approved road (1953 subdivision; ownership of road is irrelevant).
- g. Other – C. DiMarzio had inquired about procedures for liquor licenses. R. Flores-Marzán and J. Mosso met with Mary Midura, Selectmen’s Secretary. Essentially, the license is approved on a local level first and is then sent to the Massachusetts Alcoholic Beverages Control Commission (ABCC). In total it is about a six-month process; number of licenses are based upon population.

Edward Murphy submitted a letter of interest to serve a Planning Board Alternate. There was lengthy discussion with Mr. Murphy. Motion by C. DiMarzio to recommend to the Board of Selectmen Edward Murphy as Planning Board Alternate. Seconded by F. Urban. So voted 5/0/0.

7. **Adjourn – Motion** by J. Kusnierz to adjourn at 9:13 p.m., seconded by C. DiMarzio.

Documents reviewed:

- Town notices
- SP-2017-02, Forefront Power, LLC application
- Map around 54 East Street and related zoning districts
- Draft Use Table revision

Documents received:

none

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

*Respectfully submitted by
Judith P. B. Mosso, MPA
Assistant to the Director*