



TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

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Planning Board

Meeting Minutes from

Thursday, January 21, 2021

Select Board Room, Town Hall

Planning Board Members Present:

Rick Starodoj, Josh Kusnierz (Remote), Ed Murphy III (Remote), Joe Knight (Remote), and Ken Crosby

Staff Present:

Rebekah Cornell-PCD Director; Jack Carolan-PCD Assistant

Public in Attendance:

Bill Moryl, Steve Pikul, Ryan Palladino (Remote), Eileen Kennedy (Remote), Elio Qorri (Remote)

PLEDGE OF ALLEGIANCE

Chairman R. Starodoj called the meeting to order at 7:00 pm and led the Board in the Pledge of Allegiance.

ADMINISTRATIVE

- Approval of Minutes from January 7, 2021

Motion by J. Kusnierz to approve the minutes from January 7, 2021. Seconded by E. Murphy. All in favor. Approved 5-0

- **319 Palmer Road**- Review of changes to approved Site Plan

B. Moryl appeared before the board to discuss the changes made to the approved Site Plan for the self-storage facility at 319 Palmer Road. The placement and layout of the building have changed from the approved site plan. The limit of disturbance is not changed. K. Crosby asked several questions regarding road widths and how much building placement was shifting. J. Kusnierz asked why it was necessary to have B. Moryl come before the Board. R. Cornell pointed out that it was in the best interest of the Board and the Town to have as detailed a record of any permit changes so as to avoid potential future complaints or legal challenges. J. Kusnierz was concerned about over asking applicants and residents to appear before the Board but welcomed R. Cornell's explanation. K. Crosby stated that when a building permit is pulled, the site plan submitted must match the site plan approved by the Board. In this case, the changes

were significant and the Director requested the Board to ok the changes before she signed off on the building permit.

Motion by K. Crosby to approve the Site Plan modifications. Seconded by J. Kusnierz. All in favor. Approved 5-0

MINOR SITE PLAN REVIEW

- **Ryder Professional Building-** Requesting approval for conversion of the commercial building at 33 Main Street into eight (8) studio apartments. Continued from January 7, 2021

R. Cornell introduced the applicant R. Palladino and refreshed everyone that the Board was seeking the applicant to procure a longer parking lease agreement with the Town. R. Palladino is willing to make a cash deposit for 10 years for 6 municipal parking passes. This would be a \$1,800 bond put into an account that would be released to the Town when the permit fees are due annually. This figure is based on a \$30 fee per parking space, per year.

R. Starodoj raised the question of what if the town raises their permit fees. R. Cornell proposed having the Planning and Community Development Department review the condition each year to see if changes need to be made to the fee structure. K. Crosby asked why he was not able to negotiate a 10-year lease with the Town. R. Palladino said that the Town's response was that it had never been done before. R. Cornell read a letter from M. Midura outlining the potential agreement for the parking permits. R. Starodoj wanted to make sure there was language stating that the 6 spaces are guaranteed to be available. There was also concern over what will happen after the 10 years expire and the potential for parking spaces no longer being available in the future.

K. Crosby requested that the Town of Ware be named on the insurance policy. This would allow the Town to ensure that if a catastrophic event would occur to the building, that they would have say over how the insurance money would be used. R. Palladino was ok with this request. R. Starodoj read over the other proposed conditions for the permit.

R. Cornell stated for the record the changes that were discussed and will be reflected in the conditions which were the agreement to pay the difference if parking fees increase as well as language that the parking passes will be available during the 10-year period, as well as if for whatever reason the parking agreement disappears or ceases to exist, the Site Plan shall need to be reviewed by the Board.

Motion by K. Crosby to approve the Site Plan Review with conditions as discussed. Seconded by E. Murphy.

Roll Call Vote:

R. Starodoj Aye
J. Kusnierz Aye
E. Murphy Aye
J. Knight Aye
K. Crosby Aye

All in favor. Approved 5-0

PUBLIC HEARINGS (Continued)

- 278 Osborne Road- Definitive Subdivision. Colin Derhammer of Ware Solar II, LLC c/o Melink Solar Development requesting approval for a Definitive Subdivision Plan. The applicant is proposing to divide an estate lot at 278 Osborne Road creating two parcels of land. Location is Parcel 40-14-19, owned by Joel Harder.

S. Pikul from Bertin Engineering appeared before the Board on behalf of the applicant. He requested a continuance to the February 4, 2021 meeting.

Motion by E. Murphy to continue the hearing until February 4, 2021. Seconded by K. Crosby. All in favor. Approved 5-0

- Ware Solar III LLC (c/o Melink Solar Development) for Special Permit (SP-2019-01) and Site Plan Review (SPR-2019-06) for a 4.2MW ground-mounted solar energy facility approximately 14.5 acres on Greenwich Road. Location is Parcel 35-0-12, owned by F.T. Smith.

S. Pikul provided the Board with a summary of where this particular application stands. He noted that they are now required to redesign the solar arrays due to habitat concerns, which they are in the process of doing. He requested a continuance to the February 4, 2021 meeting.

Motion by E. Murphy to continue the hearing until February 4, 2021. Seconded by K. Crosby. All in favor. Approved 5-0

- Ware Solar IV LLC (c/o Melink Solar Development) for Special Permit (SP-2019-07) and Site Plan Review (SPR-2019-05) for a 1.5MW large ground-mounted solar energy facility encompassing approximately 6.2 acres. Location is Parcel 40-0-79 owned by Richard & Edward Couture.

S. Pikul noted they have completed the peer review comments on January 11, 2021. The Conservation Committee peer review comments have also been completed in this document. R. Cornell presented the proposed conditions to the Board. There was a discussion on whether

or not the Board would rather see a Surety Bond or a cash deposit. Both R. Starodoj and J. Kusnierz stated that they prefer cash but would be ok with a bond.

There was a brief discussion on one of the conditions regarding not allowing the topping of trees. J. Kusnierz strongly agreed that no topping of trees should be allowed. There was also a discussion regarding the caliper of tree that will be used. J. Kusnierz noted that anything above a 2.5 caliper would be ideal. The grade of trees and plantings was also discussed and J. Kusnierz said this project should only be using "Grade A" and "Grade 1" plantings. S. Pikul wanted the conditions to only guarantee tree replacement within the first five growing seasons given that the trees will have been established by that point. There was some concern from the Board regarding what would happen if trees died after the five-year mark. There was an agreement that within the first five years, a tree of equal or greater size and quality will be used as a replacement. After five years the project owner would need to replace it with something for the life of the project.

There was a discussion on one of the conditions regarding the color of the fencing used around the project. Earth-tone colors are proposed for the portions that would be visible from the road. Recommendations were made regarding which portions of the fence are visible from the road versus those that are not. A more detailed outline of those portions of fencing will be presented at the next hearing. Dark green or black were considered for the colors for the portions visible from the road.

S. Pikul requested a continuance of the hearing to the February 4, 2021 meeting.

Motion by E. Murphy to continue the hearing until February 4, 2021. Seconded by K. Crosby. All in favor. Approved 5-0

OLD/NEW BUSINESS

- Ware River Bridge Replacement (Old Belchertown Road Intersection)

R. Cornell noted that that plans are now on the Town of Ware website and that the virtual public meeting concerning the project will be held on Wednesday February 10, 2021.

TOWN PLANNER UPDATE

R. Cornell updated the Board that the Historical Committee is working on a stone wall inventory throughout town as part of the proposed Scenic Road Bylaw.

R. Cornell briefed the Board that there will be two earth removal permit renewals coming before the Board in the near future. R. Starodoj proposed conducting a site visit for both of the two sites before their hearings.

R. Cornell also briefed the Board on the fact that the town is looking into becoming an "Age Friendly Community" and is working with PVPC. This would give the town access more resources regarding the aging population as well as those with dementia related conditions.

Motion by E. Murphy to adjourn the meeting. Seconded by J. Kusnierz. All in favor. Approved 5-0

The next meeting is scheduled for Thursday February 4, 2021 at 7 pm.

Minutes from January 21, 2021

Respectfully submitted by,

Jack Carolan- Department Assistant

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| <p><i>Minutes Approved on:</i> _____</p> <p>Starodoj _____</p> <p>Kusnierz _____</p> <p>Knight _____</p> <p>Murphy _____</p> <p>Crosby _____</p> |
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