



TOWN OF WARE

Planning & Community Development
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Planning Board

Meeting Minutes from
Thursday, October 15, 2020
Select Board Room, Town Hall

Planning Board Members Present: Rick Starodoj (Chairman), Josh Kusnierz, Ed Murphy III, and Ken Crosby

Staff Present: Rebekah Cornell-Director; Jack Carolan-Assistant; Anna Marques-Building Inspector

Public in Attendance: Tom Barnes, Keith Kruckas, Gibby St. George Sorel, Steve Pikul (Bertin Engineering)

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 October 1, 2020

Motion by J. Kusnierz to approve the minutes from October 1, 2020. Seconded by E. Murphy. All in favor. Approved 4-0

- ANR 2020-11: 44 Walker Road (Division of a triangular parcel into two lots)
- The Director noted that the property owner has violated M.G.L. Chapter 87, Section 3 – the cutting of public shade trees. The Tree Warden will be following due process and will be seeking damages from the current property owner for removing public trees without permission.

Motion by J. Kusnierz to approve ANR 2020-11 as presented. Seconded by E. Murphy. All in favor. Approved 4-0

NEW BUSINESS

- Subdivision Regulations

R. Cornell invited the current DPW Director Gibby St. George-Sorel to for discussion of updates to the current subdivision regulations.

G. St. George-Sorel noted that when the current subdivision regulations were approved in 1987 there was no Americans with Disabilities Act (ADA) requirements and there no storm-water management regulations. He also recommended that the existing terminology needs to be changed and processes need to be updated. He also made a point that guidelines for the acceptance of a subdivision proposal need to be clearly stated and included in any subdivision revisions.

There was a discussion regarding using other towns regulations as a template such as Belchertown and Ludlow. R. Starodoj brought up the town of Wilbraham's subdivision bylaws and how he preferred the way they require the entire streets to be completed with sidewalks and drainage before housing can start being built. He also brought up the issue regarding the status of water mains and who controls and maintains them during the process of constructing a subdivision, either the town or the developer. G. St. George-Sorel said that everything is required to meet AWWA Standards for drinking water and referencing that in an update of the bylaw would be important. R. Starodoj mentioned how he would like to see more surface infiltration systems as opposed to subsurface catch basins because they are easier to maintain.

R. Cornell raised a question of whether or not the town or property owner would be required to maintain swales and catch basins. It was agreed that adopting regulations that create the minimal amount of maintenance on the towns end is ideal with maximum stormwater remaining on site. There should not be new drainage created that the Town would be responsible to maintain.

K. Kruckas raised the point that Belchertown charges residents a fee for the amount of stormwater runoff that comes off of their property. There was discussion on the feasibility of such a structure in Ware. R. Starodoj made it clear that these fee structures for stormwater runoff are dictated and required by the state and not the town or any of the town boards/committees.

There was a discussion on including guidelines for when there is a change of ownership and that there should be a set of standard conditions. R. Starodoj noted he would like to see some sort of "sundown" clause where if the subdivision is not built within a certain period of time the permit will expire. He also said he would like to see a standard homeowner's agreement regarding stormwater management.

S. Pikul from Bertin Engineering commented that engineers and designers are required to adhere to MassDEP stormwater best management practices. He also mentioned that there a number of surrounding communities that have their own Stormwater Bylaws which complement the state regulations. He recommended Ware to look into adopting such a bylaw. He also brought up the fact that there is both "clean" and "grey" stormwater and that they need to be

managed differently, and that MassDEP requires clean stormwater to be infiltrated into the soil. He also recommended requiring an "As-Built" for any type of stormwater management system a developer installs on a property so the town can have a better record of what is in place and how it needs to be maintained.

R. Cornell brought up the issue of whether or not the town should pursue a standalone Stormwater Bylaw or if it should be incorporated into existing Rules and Regulations. G. St. George-Sorel commented that the intention should be for it to be a standalone bylaw.

R. Cornell proposed using the model subdivision regulations which was done in the support of Agawam, Belchertown, Easthampton, Ludlow, South Hadley, and Ware as a starting point as opposed to outsourcing the work required for updating the subdivision regulations.

K. Crosby raised the point of making sure not to over regulate due to the fact that lots only have so much value and costs can add up quickly.

There was a discussion on how long approved subdivisions can sit without any construction actually taking place. R. Starodoj brought up phases of development and how they are handled such as the timeframe for putting in cul-de-sacs. He also raised the issue of houses being built with access to town water lines but which have their own wells. There was a question of whether or not if town water is accessible it should be required to be tied into. The same idea for sewer and septic.

OLD BUSINESS

- Zoning Bylaw Amendments. R. Cornell presented the board with proposed zoning definition amendments that had been presented to the Board of Selectman for them to review. The public hearing will be held November 19th.
- Route 9 Overlay District. R. Cornell presented the board with a proposed overlay district for the route 9 corridor which would allow certain parcels of land to operate secondary uses on them. This evaluation come from the discussions with Canadian Tree looking for additional uses for the property. She discussed how there are only a small number of parcels within the proposed overlay district which are 10 acres or larger. She wanted the board's advice on how to move forward with this potential project.

R. Starodoj stated that he was against any type of overlay district east of Fisherdick Road. He also had issues with the parcels along Babcock Tavern Road as well as those adjacent to the Beaver Lake area. K. Kruckas was concerned with preserving the beauty and aesthetic quality of that area of town. T. Barnes also noted how it is one of the only pristine parts of town left and he would not like to see it altered in any negative way. It was determined that the Route 9 overlay district idea will not move forward as previously discuss. The Director will reach out to Mr. Bergeron of Canadian Tree.

TOWN PLANNER UPDATE

- Scenic Road Bylaw. The Historical Commission is picking up the proposed Scenic Road Bylaw to aim for adoption at a Town Meeting next year. The Commission will be working on this inventory over the winter and plan for a few public forums to support adoption of the Scenic Road Bylaw. J. Kusnierz added that Webster Road should be included and stated that he would like to attend the next Historic Commission meeting as Tree Warden to coordinate on this effort.
- Grants. Ware did not receive the Shared Streets and Spaces grant that was applied for. Feedback stated that because the proposed projects were not along any major bus routes the community lost points. It is predicted additional rounds of this grant will be available and the Town will try again.
- Ware Regional Recovery Center. The town is signing the lease the space above Hannah Devine’s for the Ware Regional Recovery Center.
- Re-advertising Melink Solar Project Public Hearings. Due to the change in Board membership, the public hearings for the Melink solar project must be re-advertised and have been rescheduled to November 19, 2020.
- R. Cornell also updated the Board on her conversation with Town Counsel regarding the Kulas Farm property. The recommendation from Town Counsel was for the Board to do nothing else.

ADJOURN

Motion by E. Murphy to adjourn the meeting at 8:36 pm. Seconded by J. Kusnierz. All in favor. Approved 4-0

The next meeting is scheduled for Thursday November 5, 2020 at 7 pm.

Minutes from October 15, 2020

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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