



TOWN OF WARE

Planning & Community Development
126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext. 120

Planning Board

Meeting Minutes from

Thursday, October 21, 2021

Select Board Room, Town Hall

Planning Board Members Present:

Josh Kusnierz (Chairman), Rick Starodoj (Vice-Chairman), Ed Murphy (Remote), Ken Crosby, Elizabeth Hancock (Alternate)

Staff Present:

Rob Watchilla, PCD Director
Stuart Beckley, Town Manager
Anna Marques, Building Commissioner

Public in Attendance:

Jennifer Knight, Kathy Knight, Todd Lavallee, Karen Hubacz, Steve Pikul, TJ Reupero, Elio Qorri

PLEDGE OF ALLEGIANCE

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

ADMINISTRATIVE

- Approval of Minutes from October 7th, 2021.

Motion by R. Starodoj to approve the meeting minutes from October 7th, 2021. Seconded by E. Murphy. Roll call vote:

Josh Kusnierz	Aye
Rick Starodoj	Aye
Ken Crosby	Aye
Ed Murphy	Aye

All in favor. Approved 4/0/1.

- S. Beckley announced to the Board that Bertin Engineering will host a training session of battery storage for solar developments. The Board agreed to have this session take place at the next Planning Board meeting on November 4th at 7:30 pm.

- Letter from Bird Hill Farm

Kenneth Chattel, owner of Bird Hill Farm Bed and Breakfast, wrote a letter to the Planning Board regarding whether or not he is allowed to host Wedding Events on his property. His bed and breakfast was approved by the Board via Special Permit back in 2015. Mr. Chattel wishes to have clarification on any bylaws that may restrict his ability to host Wedding Events and what steps he should take moving forward.

PUBLIC HEARINGS

▪ 7:10 PM SP-2021-04: Bond Construction Corporation (Continued Discussion).

Applicant is seeking approval for an earth removal operation under section 4.8.5 of the Zoning Bylaw. The project is located at 219 Babcock Tavern Road. Assessor's Parcel 4-0-14. Property is owned by the Irene Kulas Life Estate. Zone: Rural Residential (RR).

Elizabeth Hancock recuses herself as a Planning Board Alternate during this public hearing due to conflict of interest. She stated as being a direct abutter to the property in discussion.

R. Watchilla read a detailed report for the Planning Board pertaining to SP-2021-04 in terms of what is still required from the applicant and what needs to be changed.

K. Hubacz states that this project is not a normal earth removal operation. K. Hubacz claimed that phase I and II of this operation were allowed under a previous agricultural exemption.

According to the site plan, parcel 4-14-2 (Owned by Kathleen Knight and abuts the property) was left out of the plan and indicated to have earth removed as well. K. Hubacz responded by claiming that the focus of parcel 4-14-2 was grading as opposed to earth removal, and that K. Knight had agreed to it. No removal will occur at 4-14-2 whatsoever.

K. Crosby stated that the contours have to be 2 feet, the plan currently has 5-foot contours. He also mentioned that the plan lacks certain detail including leaving out the elevation of the road nor the addition of test pits. K. Crosby suggested putting test pits on each corner of the project site.

K. Hubacz mentioned that phase I of this operation occurred under an agricultural exemption with the Planning Board acting as an overseer. The original permit was given by the United States Department of Agriculture (USDA) through the Farm Bureau in Hadley, Massachusetts. The Planning Board originally agreed to let the Farm Bureau handle the first two phases of this operation.

Public Comments

S. Beckley expressed his concern to the Board that they currently do not have enough information from the current plans to achieve a specific decision. Section 7.2 of the Zoning

Bylaws offers good impact analysis requirements, which are lacking in the site plans as they stand. The application and plans are seen as incomplete.

K. Crosby brought up a question regarding where the drainage would run off to on the current plans.

E. Hancock (aggrieved neighbor) claimed that the original application was never filed with the USDA Farm Bureau in Hadley, MA, that it was not a legitimate application for the grasslands reserve program. She claims that this permit does not allow for the existence of a gravel pit. E. Hancock mentioned that this operation started in 2008 and the complaints did not start until 2010. This operation has never gone before the Conservation Commission regarding the river wetlands. She states that J. Knight (Planning Board Member) had voted back in 2012 for phase II of the earth removal operation, which is seen as a conflict of interest. E. Hancock wants to see trees planted in the 50-foot buffer around the area where phase III is set to take place. 240 Babcock Tavern Road is under Kathleen Knight's name and there appears to be no common ownership that has appeared in the plans.

K. Hubacz admitted that there was some confusion with the address of the property. She claimed to use J. Knight's name on the application for clarity purposes.

K. Crosby expressed his concern about how what is taking place may be checkerboarding. In this case, 240 and 219 are seen as properties with separate ownership.

K. Knight stated that the intention of the earth removal operation was not one of financial gain. She claims to not have received any profits from the gravel pit that existed on the premises.

R. Starodoj explained to the audience that the regulations must be followed but at the same time the Board does not want to cause any negative conflict or unjustified roadblocks.

K. Crosby mentioned that the current rules and regulations get changed due to problems that arose before by other past boards.

E. Hancock demanded that a timeline of the remaining earth removal process be established.

R. Starodoj mentioned that Phase II would be required to be completed in no more than six (6) months. It is also the Board's understanding that the proceeds from the gravel pit help pay for the earth removal operation.

K. Hubacz stated that no screening nor crushing are done on site, but are instead carried out at the main plant in Spencer, MA.

T. Lavallee (an abutter) sees no problem with the operation and that this can be seen as a good thing for farmers.

E. Hancock mentioned that no abutter's notices were ever received for the first two phases of the earth removal operation. She also states that these notices should be send via certified mail.

Motion by K. Crosby to **continue** the discussion of SP-2021-04 to the meeting on Thursday, December 4th, 2021, at 7:10pm. Seconded by E. Murphy. Roll call vote:

Josh Kusnierz	Aye
Rick Starodoj	Aye
Ken Crosby	Aye
Ed Murphy	Aye

All in favor. Approved 4/0/1.

OLD BUSINESS

- **Release of Covenant: Maple Shade Development (Continued Discussion).**
 - Request for release of covenant for parcel # 6-11-33 (1 Bel Air Drive) in Bel Air Estates

Maple Shade Development was not able to attend the meeting. They had requested prior to the meeting with the Planning & Community Development Department to post pone their release of covenant for the meeting on Thursday, November 4th, 2021.

Chairman Kusnierz invites E. Hancock back to the meeting as a Planning Board Alternate at 8:30 pm.

NEW BUSINESS

- **Sign off for SP-2019-04 & SPR-2019-03 (45 Greenwich Plains Road)**

Bertin Engineering was represented by S. Pikul and E. Qorri. This special permit and site plan review were originally approved by the Planning Board; however, the Massachusetts Department of Environmental Protection (Mass DEP) approved the plans with imposed superseding conditions. The newly added mitigation features meet the general performance standards set by Mass DEP. The review by Mass DEP was originally triggered by the sighting of box turtles on the site location. Bertin Engineers claimed that they were originally none on sight.

The new plans feature installed crossings for the turtles and tighter spacing between solar panels. The wattage has increased from 2.8 MW to 3.3 MW. A 12-inch pipe was taken out and replaced with a larger culvert to support the stream. A detention basin was introduced on the northwestern portion of the site to prevent storm water discharge in resource areas. Even though a larger facility was initially approved by the Planning Board, the revised plans show a smaller footprint. A beaver dam caused a breach to the nearby pond, which Bertin Engineering will construct mitigation for in order to preserve the pond.

Motion by K. Crosby to **approve and sign off** on the revised plans for SP-2019-04 & SPR-2019-03. Seconded by R. Starodoj. Roll call vote:

Josh Kusnierz	Aye
Rick Starodoj	Aye
Ken Crosby	Aye
Ed Murphy	Aye

All in favor. Approved 4/0/1.

TOWN PLANNER UPDATE

- **Updates on Major Solar Projects**

- King Brook Solar Project

R. Watchilla mentioned to the Board that the King Brook Solar Project is at a standstill. They are still working out agreements with parcel owners and are still updating their plans. The solar company suggested to the Town that they will hold off completing their application until around March of 2022.

- Ware Palmer Road Solar LLC (Amp Energy)

Constructed has been completed for this project. Amp Energy will be posting a decommissioning bond with the Town in the amount of \$175,000 to replace a deposit made for the same amount. Which will be refunded to Amp Energy. The bond is set for auto renewal for the lifetime of the solar project.

- GLX Solar SP-2020-05 & SPR-2020-07

This project is at a standstill.

- Melink Solar Projects

- Couture

- Approved by the Planning Board in March of 2021.

- FT Smith

- Still an open application.

- Harder

- Still an open application.

- **Updates on Subdivision Roads that are ready for Town acceptance**

The only road that appears to be ready for Town acceptance is Wildflower Drive. The Town will soon conduct its annual inspection with members of the Planning Board. Road to be inspected include: Coldbrook Drive, Hillside Terrace, Williston Drive, Belair Drive, Walter

Drive, Wildflower Drive, and King George Drive. The Planning Board brought up the question of why Belfor Road was not included on this list.

- **Planning Department Administrative Assistant accepts position**

An offer was sent to a qualified candidate for the position of Administrative Assistant in the Planning & Community Development Department. They accepted it.

- **Planning & Community Development Department Facebook Page**

R. Watchilla mentioned to the Board that having a Facebook page would better advertise planning and community development initiatives and plans/projects. It would also better advertise public meetings and hearings.

Motion by E. Murphy to adjourn the meeting at 9:04 pm. Seconded by K. Crosby. Roll call vote:

Josh Kusnierz	Aye
Rick Starodoj	Aye
Ken Crosby	Aye
Ed Murphy	Aye

All in favor. Approved 4/0/1.

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

Minutes from October 21st, 2021

Respectfully submitted by,

Robert Watchilla,
Director,
Planning & Community Development

Minutes Approved on: 12/16/21

Kusnierz _____

Starodoj RWS _____

Knight _____

Murphy _____

Crosby _____