



TOWN OF WARE

Planning & Community Development
126 Main Street, Ware, Massachusetts 01082
(413) 967-9648 ext. 120

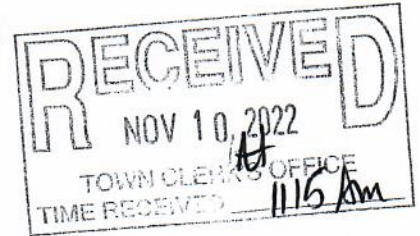
PLANNING BOARD

MEETING AGENDA

Location: Board of Selectmen's Meeting Room
Town Hall, 126 Main Street, Ware, MA 01082
Date & Time: Thursday, November 17th, 2022 @ 7:00 PM

Digital Participation:

Phone number: 929-205-6099
Meeting ID: 784 604 1861
Passcode: 01082



Instructions for call-in option: at or before 7pm call the phone number above and when prompted enter the Meeting ID number. The platform is Zoom Meetings. Join online: <https://zoom.us/join>

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- Pledge of Allegiance
 - Administrative
 - Approval of minutes from November 3rd, 2022
 - Old Business
 - Update on recent zoning changes proposed at Special Town Meeting
 - New Business
 - Review of newly proposed Subdivision Regulations
 - Sections 2.4.8 (Performance Guarantee & Requirements Prior to Endorsement of Definitive Plan) to Section 2.4.14 (Road Acceptance) [Pages 33-45]
 - Town Planner Update

The next Planning Board meeting will be held December 1st, 2022.



TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext. 120

Planning Board

Meeting Minutes from

Thursday, November 3, 2022

Ware Junior/Senior High School Auditorium
237 West Street, Ware MA 01082

Planning Board Members in Attendance: Rick Starodoj, Chairman
Nancy Talbot, Clerk
Ed Murphy, Vice-Chairman
Ken Crosby (Remote)
Chris DiMarzio
Elizabeth Hancock, Alternate

Staff Members in Attendance: Rob Watchilla, PCD Dept. Director
Kristen Jacobsen, PCD Dept. Admin
Anna Marques, Building Commissioner
Stuart Beckley, Town Manager

Members of the Public in Attendance: Matthew Darling
Claudia Kadra
Jodi Chartier
Bernard Bergeron
Janet Ciejka
Andrew Surprise
William Jackson
Ray Harlbough
Denis Pelletier
Dennis Pasternak
Karen Hubaz
Marilyn Sloper
Tom Murphy
Ira Cameron

*See attached for complete list in attendance

PLEDGE OF ALLEGIANCE

Chairman R. Starodoj called the meeting to order at 7:05pm and led the Pledge of Allegiance.

ADMINISTRATIVE

Approval of Minutes from October 20, 2022

Motion made by N. Talbot to approve of the minutes as submitted from Thursday, October 20, 2022. Seconded by E. Murphy. There was no additional discussion.

R. Starodoj Aye
N. Talbot Aye
E. Murphy Aye
K. Crosby Aye
C. DiMarzio Aye

All in favor. Approved 5/0/0.

ANR-2022-11 (Campbell Road)

Proponent seeks to section a piece of their property for the purpose of selling it.

C. DiMarzio and R. Watchilla spoke about the property confirmed that there were no existing structures on the land.

Motion made by C. DiMarzio to approve ANR-2022-11. Seconded by N. Talbot. There was no additional discussion.

R. Starodoj Aye
N. Talbot Aye
E. Murphy Aye
K. Crosby Aye
C. DiMarzio Aye

Four in favor, Approved 5/0/0.

PUBLIC HEARING

Zoning Public Hearings

Rural Business Overlay District

- Proposed overlay district along the route 9 corridor to allow for limited commercial uses. Recommendation for vote before Town Meeting.

N. Talbot read the legal notice

R. Watchilla presented the addition of the Rural Business Overlay District and read through the additions to the zoning bylaw.

R. Starodoj asked if board members had any comments.

E. Hancock requested the floor and stated the following:

- The proposed overlay district requires that properties must be at least 5-acres or more to qualify for rural business use. Therefore, this would be inconsistent with the Town of Ware Zoning Bylaw. None of the other zoning districts were established using landowner acreage as a necessary condition. Acreage is used for a specific type of property use. Two examples of property use that require acreage of at least 5-acres or more could be a Marijuana cultivation structure of up to 5,000-square feet in the Rural Residential District a minimum of 5 acres. A mobile home park at least 10 acres.
- Except for the propane storage tanks. I believe all other listed uses allowed by Special Permit in the new Rural Business Overlay District do not require 5-acres or more. This would be an unfair thing to the property owners with less than 5-acres. Therefore, only property owners with 5-acres or more would benefit from this overlay district.
- The proposed Rural Business Overlay District is split into 3 separate sections. (E. Hancock read the memo from the Zoning Board of Appeals dated September 28, 2022) I do agree with that, but I would add that I do not think this would be fair for landowners that have less than 5-acres. Along this route 9 corridor.
- Other than the propane storage tanks, the Planning Board did not discuss any of the other business uses proposed for the overlay district. The one that I really feel that should not be allowed here is laboratory and research facilities. I was very surprised to see we don't even have a definition for laboratories and research facilities other than what I could find that it was in the Suburban Residential, it needed to be near a hospital and needed to be medical. In light of what we have seen with the Covid Epidemic and the Wuhan labs and everything else that we have. I think we need to be very careful about what kind of labs or research centers we do put in this town. We need to go over this with our boards and make sure we have a definition of what a lab and a research center is. On this route 9 corridor we are not that far from the University of Massachusetts that is taking grants from the Institute, the National Institute of Health that is Dr. Faucis department and there is a level 4 lab the Boston area in the South end. Because, things weren't covered there that way, so we must be

very careful about this, I feel and that is connected with the (I think) the Boston University, so, I'm very much against putting any kind of laboratories or research centers in this area until we have a direct definition of what that means in this town. And then I looked at auto service, and this was not allowed in the former Residential Business District and the only thing I have of concern here is that this may include fueling and I don't know if that would be gasoline tanks, you know, for gassing up vehicles or just to store things on, so I think that needs discussion. Light Industry was allowed in the former RB district and I just don't know if this would concur with the towns Master Plan. And then when we get to the tank farms, this is classified as Industrial use in the towns zoning use table allowed by Special Permit only in the Commercial Industrial and Industrial Districts of our town. I think we would need to look at the Use Table for this and make amendments in it. And what I would like to bring up about this what this is interesting is that in the Massachusetts Department of Revenue Property Type Classification codes, tanks are classified as Industrial Utility Properties. And I bring this up because we also have solar and wind that are also classified as industrial in the state code under electric generation plants (renewable), but we also classify them as utilities in our town. And so, they are allowed in the Rural Residential District. So, I think we need to look at this. So, my question is solar and wind renewable electric generation plants are classified as industrial in the state codes, tanks are classified as industrial utilities are the listed tank farms proposed for the Rural Business District an appropriate use, just as solar and wind by Special Permit? All are utilities. And so, can tank farms, they would be classified as major utilities I believe and if so, should these tanks be listed in the public and civic uses section in the zoning use table instead of being under industrial where they are now like solar and wind facilities? And then I would also want a report from the fire chief about safety concerns such as leaking tanks, human error, human intrusion, fire and explosion risks and I would here note that solar and wind facilities are also not free of environmental and safety hazards either.

- And I need to go to the overlay sections, I'm gonna look at overlay district number 1, I'm calling it number 1, it's ah, closest to the, to the center of town. And I question here why we would put the Holy Cross Polish-National Catholic Cemetery into this district, this overlay district and I don't see the reason for that. And, then we've got two other properties, let's see, 219 Belchertown Rd and another one that just says 0 Belchertown Rd. and these properties including the cemetery are split, in other words the front almost to the back there in the new overlay district but the rest of the property isn't, so I question why would we do that if you don't have the whole piece of the property in it? And I'm also looking there in that particular district at the oil company that is there, and this is again, going back to the 5-acres or less. This would not qualify in the overlay district to get any benefit cause it's only 1-acre, so I really question doing it this way. And then I look into the overlay district number 2 which is the center one, and that would be just one property owner that would have, be in that

overlay district, so I would question if this could be thought of as a spot zoning because no one else is in it and also this property would not benefit either because it's less than 5-acres and yet there is a, you know there was a business here too, this is the DeSantis property. And I'm looking at Overlay district number 3 I think it believes it starts with number 375 Belchertown Road and then ends on 435 and there's more properties beyond that and I just wonder why they were not included. It would be from 437 Belchertown Rd. to I think Mr. Lemons property. So, there are 7-parcels that are over 5-acres, 7-parcels, 4 are over 5-acres and 3 are under 5-acres.

- The Master Plan of the Town of Ware lays out a roadmap for the future. Part of the Master Plan intent is to establish a clear policy for the Planning Boards for future decisions for land use. We must make sure that there is no conflict with the Master Plan. There was only a brief discussion of it at the Planning Boards August 4, 2022, meeting in relation to the route 9 corridor. I believe there are still many questions to be answered, more homework, and discussion needed and joint meetings with the Zoning Board of Appeals before going forward with making any zoning amendments to the Route 9 Corridor.

Thank you Mr. Chairman I yield back.

R. Watchilla displayed maps showing the inspiration for the proposed overlay district and also the agricultural lands surrounding it to demonstrate how the overlay district parcels were selected.

R. Starodoj stated the oil company, and the DeSantis properties are both grandfathered uses. E. Hancock inquired what would happen to that use if the property were sold. R. Starodoj answered the grandfathered use would remain with the property despite being sold. E. Hancock asked what would happen if the owners wanted to change the use. R. Starodoj answered that the owners could apply for a Special Permit or seek a zoning appeal.

E. Hancock stated that homeowners with properties under 5-acres are unable to benefit from the overlay district.

R. Starodoj opened the discussion up to members of the public.

C. Kadra asked how the farmland was determined. R. Watchilla answered stating data was used from the MA GIS database which according to the state designates those areas to be farmland. C. Kadra asked if this meant all farmland would be unbuildable from a commercial standpoint. R. Watchilla responded stating it was only the case in this corridor. R. Watchilla and C. Kadra discussed the agricultural lands.

C. Kadra inquired how far grandfathering reached back and mentioned the DeSantis property. R. Watchilla stated if a grandfathered property is abandoned or unused for a period of 2+ years it may not revert to its former (grandfathered) use. C. Kadra asked if the business had a

current license and R. Watchilla responded he was not aware and was not aware of when the business there ceased to exist. C. Kadra stated as per the Ware GIS the property is 2 separate parcels and neither are 5-acres and asked if that belonged in the historic district and the overlay district of it didn't fit the criteria. R. Watchilla stated it was discussed in a previous meeting to include those parcels. C. Kadra asked if they were public hearings to which R. Watchilla responded that they were, and originally those parcels were not included in the overlay district because of the points C. Kadra had made. R. Watchilla stated that he believed the intention of limiting the parcels to 5-acres was to limit the development that would go into the district and create it in a way that would be broader than just a few parcels. R. Watchilla and C. Kadra discussed the possibilities of future use.

C. DiMarzio inquired why the 5+ acres was set as criteria. R. Watchilla stated it was to prevent widespread development in an area where they are trying to preserve the scenic character while allowing for commercial uses. C. DiMarzio inquired about the possibility of relaxing the 5+ acre restriction. R. Watchilla responded that the current proposal was drafted based on prior hearings and could be amended to include the smaller parcels. R. Starodaj asked if it was uncomplicated enough for an amendment or if it would be better to work on it further and bring it back in the spring. R. Watchilla agreed, stating more feedback from residents would be needed and incorporate them into this process.

J. Chartier spoke stating it was discriminating to include one property under 5-acres and not others. Also, she read the definition of spot zoning and that it applied to the area since this was accommodating three businesses. R. Starodaj stated he agreed. E. Hancock suggested the middle portion should be looked at regarding spot zoning because it only included one owner there who had two parcels which individually are approx. 2+ acres and unless combined are under the 5+ acre requirement. R. Watchilla stated that the overlay district should be reviewed and the smaller parcels in question had been recommended to be included during public hearings and the district does not conform to spot zoning as it is 200+acres and there are zones in town which are smaller. R. Watchilla spoke of the possibility of revisiting the Overlay District.

N. Talbot spoke stating her concerns about rushing the district and felt there should be more input from the town departments and discussed the benefits of postponing.

C. DiMarzio spoke stating it didn't seem as though there was a lot of opposition in the room and that if the 5 acres was the sticking point then perhaps that could be relaxed that might go a long way, however he stated he could also see how immediately amending it could be problematic. R. Starodaj agreed adding that it does not lend itself to amendments on the floor. R. Starodaj inquired if the proponents had any remarks.

B. Bergeron spoke stating that they were not notified of the change in their district when it was rezoned in 2012 and while he understood a postponement, they would like their original zoning category. E. Hancock stated that from what she could see it does not seem that Mr.

Bergeron's property was included in the Residential Business District. R. Watchilla confirmed that Mr. Bergeron's property was not included in the original district.

J. Chartier presented the insert to the Ware River News from January 1987 which contained the zoning changes and the announcement of proposed changes. R. Starodoj stated there were many meetings on it and it took 1 -1.5 years to go through the process and revisions.

S. Beckley inquired about the use of the term proponent in regard to Mr. Bergeron and wondered if the board saw this as Mr. Bergeron's proposal or the Planning Bards proposal. R. Starodoj stated that Mr. Bergeron came to the board with the proposal. He continued by stating that this proposal had been discussed at public meetings and what was presented had input from the Planning Board and Mr. Bergeron and R. Watchilla. R. Starodoj continued, saying he calls Mr. Bergeron the Proponent because he had been the initiator in this process. C. DiMarzio stated that it is not uncommon for zoning changes to be proposed by citizens who are aggrieved by the zoning regulations. He continued by stating that at he had been a proponent himself when he proposed Estate Lots to the Planning Board and that another resident had been a Proponent of a zoning change when they had requested putting in an automobile service area near Walmart. S. Beckley stated that the issue was whether or not they make a recommendation for Town Meeting. R. Starodoj discussed the options of recommending the proposal to go before Town Meeting or not.

R. Starodoj closed the Public Hearing at 7:55pm

Motion made by N. Talbot to make no recommendation for the proposed zoning amendment. E. Murphy seconded the motion. There was additional discussion by C. DiMarzio who spoke asking if postponing the amendment would mean that the current progress would be lost. S. Beckley clarified that because it was less than 21 days before Town Meeting the amendment would be dismissed and not go before Town Meeting. C. DiMarzio inquired if there was a timetable for it to be readdressed. S. Beckley responded stating that because it was dismissed and not voted down so it would not need to wait. R. Watchilla stated that this would enable more research to be done and seek the opinion of residents in the proposed overlay district.

R. Starodoj	Aye
N. Talbot	Aye
C. DiMarzio	Aye
E. Murphy	Aye
K. Crosby	Absent (disconnected from Zoom)

Four in favor, one absence. Approved with no recommendation 4/0/1.

Residential Business (RB) District Boundary Adjustment

- RB District Boundary Adjustment at 256 West Street. Recommendation for vote before Town Meeting.

N. Talbot read the legal notice

R. Watchilla stated the purpose of this zoning bylaw amendment was to change the district boundary of 256 West Street which is split between two zoning districts.

R. Starodoj stated there was a petition signed by numerous residents in opposition. R. Watchilla responded that he was only shown the petition and had not been given a copy for the record. The Planning Board was presented with a copy from a member of the audience. R. Starodoj reviewed the petition and stated there were 50 residents and abutters who indicated their opposition as well as two letters that were received from residents stating their opposition. One letter was withdrawn.

R. Starodoj spoke saying the way in which the lot is split does not make sense to him and that it does not seem consistent with other properties along the corridor for the other lots.

C. DiMarzio stated he tended to agree with what Mr. Starodoj stated.

R. Watchilla added that the Zoning Bylaw lists the intended purpose of each district, and this area (Residential Business) was intended to be a transition zone which allows for the continued existence of the residential homes that dominate the area but acts as a zone of transition in which commercial uses would eventually dominate the area in the future. He added that he was unaware of the rationale for dividing the lot in that way.

R. Starodoj opened the floor for public discussion

J. Ciejka spoke stating she assembled the petition because it is a residential neighborhood. Additionally, she referred to a report given by McCabe Enterprises which was a study on development from the High School area to Main Street. The report found there to be sufficient business along the street and suggested going from three to two lanes due to the excessive traffic. J. Ciejka urged the board to not make a recommendation as she felt that would lessen the rural character of the town. She also recommended that a traffic study be performed as she found the traffic to be excessive. J. Ciejka also stated that was the only road to the hospital and more traffic could impede the ambulance. J. Ciejka finished by stating this was not about Tractor Supply, she feels retail business of any kind in that location are inappropriate.

R. Watchilla mentioned a comment received in the Zoom chat which asked that a letter be read. R. Watchilla read the letter from Patricia Alderige (included in the meeting packet, pg. 24).

M. Darling spoke as the developer of the land at 256 West Street. He stated he had brought his Traffic Engineer and the District Manager for Tractor Supply should the board have any questions for them. He urged the board to make a recommendation for Town Meeting. He continued by stating that the project would require a complete traffic study and he would have to comply with all DOT conditions. M. Darling stated that during the meeting with residents' potential tax revenue was discussed and would be approximately \$118,000.00 per year and bring in 18 – 20 jobs.

R. Starodoj commented that the zoning district change was brought forward by the developer. However, the purpose of the proposal was not solely intended to apply to Tractor Supply, but to make the property more easily developed.

A. Surprise spoke, stating that as the CEO of the Quaboag Hills Chamber of Commerce he is in favor of the project. He added that it restores zoning that had existed in 2009 and would have allowed Tractor Supply to locate there. A. Surprise mentioned that the actions that M. Darling has undertaken as the developer and urged the Planning Board to recommend this for Town Meeting.

J. Ciejka stated the issue was not about Tractor Supply, it was about any retail business, and they would like the zoning to be left as is.

B. Jackson spoke stating he believed Tractor Supply would not have a noticeable impact on traffic on Route 32, and he hoped the Planning Board would endorse the zoning change.

C. DiMarzio clarified that any endorsement the Planning Board makes would only send it to the Town Meeting. He believes it should be brought to the voters and let them decide.

D. Pelletier stated that he would like his name to be withdrawn from the petition against Tractor Supply. He stated he believes it would be beneficial for the town to have Tractor Supply.

D. Pasternak mentioned that if Tractor Supply goes in the area will be barren and that the traffic issue is serious.

R. Starodoj mentioned that any business that goes in will have to meet state DPW requirements and approvals for any type of traffic movements there.

M. Darling spoke of the zoning use table and how limited the uses are for that zone and the lot.

T. Murphy spoke, he is one of the owners of the property and purchased the property 15 years ago. He stated when it was purchased it they were not aware of the zoning change that reduce the depth of the zone and asked for the board's consideration in this matter.

R. Starodoj asked if there were further comments on Zoom, R. Watchilla responded that P. Alderidge stated she was opposed to the zoning change and that was the only comment he had so far.

E. Hancock asked if the other letter (meeting packet pg. 25 written by Y. Fares) should be read. R. Starodoj responded that the author of the letter chose to withdraw it.

M. Darling left notifications through town for people to sign. It asked if Tractor Supply would be welcome in town on that property. R. Starodoj advised M. Darling to stop into the office to make a copy of the signatures to keep on file.

J. Ciejka mentioned that the names on her petition are abutters and neighbors, and she hoped their desires would be taken into consideration.

M. Sloper spoke stating the opinion of the abutters and neighbors should carry more weight as their lives will be impacted by the decision. M. Sloper cited the ambiance as one of the reasons she chose to reside in Ware. M. Sloper stated the board members would not be affected by the change since they did not reside in town. She is against the zoning change as she believes it will negatively affect the area and raise the prices of rentals.

R. Watchilla addressed a point M. Sloper had made and informed the audience that all the Planning Board members live in the Town of Ware.

M. Darling spoke regarding the clearing of the property. He stated that the area where the Tractor Supply would be built is already clear and the back of the property (the wetland portion) will remain untouched.

M. Sloper asked if that meant no more trees would be removed. R. Starodoj responded that this meeting was to discuss the change in the zoning and not the details of that project which would require various other Public Hearings. C. DiMarzio spoke showing the audience the conceptual design of the Tractor Supply and showed where the trees would remain. He stated the only thing they were voting for tonight was to give the voters the decision. M. Sloper asked if the Town Meeting could be postponed in order to let more people know. R. Starodoj stated the Town Meeting doesn't get pushed, the choice is to put it in front of the voters or not. M. Sloper said that she is an abutter and hadn't heard of anything until now, she was not aware of the efforts put forth by M. Darling. R. Starodoj asked M. Sloper what her address was, M. Sloper disclosed her address as a renter of a nearby property and R. Starodoj surmised that was why she hadn't received notification.

T. Murphy asked to show the plan on the screen. He spoke of the area proposed for parking is a substantial distance from Malboeuf Rd he believes it is a perfect fit for the area and will preserve the vegetation in the area. T. Murphy asked that the town be able to vote.

R. Harlbough spoke stating he would like his name withdrawn from the petition against it. He is concerned about the traffic, but he stated he is for the proposal.

B. Jackson spoke stating the town desperately needs the tax money and that the revenue would be beneficial to the town, and he believes it's a good company for the town to have.

R. Starodoj closed the Public Hearing at 8:53pm

Motion made by C. DiMarzio to recommend the Rural Business District Boundary Adjustment at 256 West Street to Town Meeting and if it passes, the board will do its due diligence address the traffic, setbacks, buffers, are addressed to protect the abutters. N. Talbot seconded the motion. There was no additional discussion.

R. Starodoj	Aye
N. Talbot	Aye
C. DiMarzio	Aye
E. Murphy	Aye
K. Crosby	Absent

All in favor. Approved 4/0/1.

A brief recess was taken between 8:55pm and 9:00pm

Urban Fill Prohibition

- Prohibition on the use of contaminated soils and sediments as fill material.
Recommendation for vote before Town Meeting.

N. Talbot read the legal notice

R. Starodoj spoke stating they are trying to keep Urban Fill out of places such as gravel pits.

R. Watchilla reviewed the document in the packet (pg. 28 through 37 of the meeting packet)

I.Cameron inquired how the soil would be tested and how it would be monitored. R. Starodoj answered that the most important thing is to get it into the books so that there can be a regulation for it. A monitoring scheme would need to be created which would need to be approved by other departments.

C. DiMarzio stated the important thing is to have an enforceable bylaw.

Public Hearing Closed at 9:11pm

Motion made by C. DiMarzio to recommend the Urban Fill Prohibition to Town Meeting N. Talbot seconded the motion. There was no additional discussion.

R. Starodoj	Aye
N. Talbot	Aye
C. DiMarzio	Aye
E. Murphy	Aye
K. Crosby	Absent

All in favor. Approved 4/0/1.

SP-2022-10 (Bond Construction Corporation)

- Applicant is requesting a special permit for earth removal under section 4.8.5 of the Zoning Bylaws, and pursuant to MGL Chapter 40A. Site located at 219 Babcock Tavern Road. Deed recorded in the Hampshire County Registry of Deeds Book 12833, Page 207, and Book 07177, Page 314. Assessor’s Parcel ID 4-0-14 & 4-14-2. Zoned: Rural Residential (RR).

N. Talbot read the legal notice.

R. Starodoj stated it was brought to his attention that the abutters notices had not been sent out. Abutters in the audience stated that they had all received them. R. Starodoj asked if E. Hancock was going to recuse herself. E. Hancock recused herself.

R. Starodoj asked if there was confirmation if other abutters had received the notices. R. Watchilla stated we don’t have official confirmation as to which abutters received the notices but, if he (R. Starodoj) felt they should be resent we could do so. N. Talbot asked abutters were required to call in to indicate that they had received the notice. R. Watchilla responded that there is nowhere in general laws that state that.

E. Hancock spoke stating she is an abutter and did not receive the notice neither did other abutters.

R. Watchilla stated certified mail would be sent this time for proof and confirmation. R. Starodoj asked if the hearing could continue or if it needed to be postponed. R. Watchilla answered that general law states that abutters within 300’ of the project location have to be notified in a reasonable amount of time for the proposed Public Hearing. The Public Hearing was advertised in the Ware River News for the site location R. Watchilla stated R. Starodoj could move it to a subsequent meeting if he wanted to give time to readvertise the Public Hearing.

R. Starodoj discussed moving it to the first meeting in December. R. Watchilla stated that would be Thursday December 1, 2022, and could be readvertised at the cost of the town and

abutters notices will be sent out 2-week prior. N. Talbot stated she believed it to be wise to start the process over stipulating that they should be sent certified so that it is known that every abutter has received the notice. C. DiMarzio stated he agreed with that running the advertisement in the paper would be wise.

K. Hubaz spoke stating they would have preferred to know this at the beginning of the meeting and had spent a number of hours waiting. R. Starodoj apologized and stated that yes in hindsight they should have.

K. Hubaz asked if abutters were within 300' and asked if that was for 219 and did not include 240.

N. Talbot recommended that the rescheduled hearing be scheduled for 7:05pm

R. Starodoj closed the Public Hearing at 9:21pm

Motion made by N. Talbot to continue the Public Hearing that was scheduled for this evening for SP-2022-10 to be rescheduled for December 1, 2022, at 7:05pm based on abutters notices and to readvertise it to the public and resent abutters notices via certified mail. E. Murphy seconded the motion. There was no additional discussion.

R. Starodoj	Aye
N. Talbot	Aye
C. DiMarzio	Aye
E. Murphy	Aye
K. Crosby	Absent

All in favor. Approved 4/0/1.

Motion made by E. Murphy to adjourn the meeting at 9:23pm. Seconded by N. Talbot. No additional discussion.

R. Starodoj	Aye
N. Talbot	Aye
C. DiMarzio	Aye
E. Murphy	Aye
K. Crosby	Absent

All in favor. Approved 4/0/1.

NEXT PLANNING BOARD MEETING DATE:

Thursday, November 17th, at 7:00pm.

Minutes from Thursday, November 3, 2022.

Respectfully submitted by,

Kristen Jacobsen
Administrative Assistant
Planning & Community Development

Minutes Approved on: _____
Starodoj _____
Murphy _____
Talbot _____
Crosby _____
DiMarzio _____



TOWN OF WARE

Planning & Community Development
126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext. 118 rwatchilla@townofware.com

To: Ware Planning Board
From: Rob Watchilla, Director of Planning & Community Development
Date: November 15, 2022

MEMORANDUM

Dear Planning Board Members,

The Town voted on four articles at last night's Special Town Meeting (November 14th) in which two articles were approved and two were dismissed. The following two articles were approved by the Town:

- Article 5: The district alteration of the Residential Business (RB) Zoning District at 256 West Street
- Article 6: The prohibition of "Urban Fill" via language inserted into sections 2.2, 4.7, and 4.9.2 of the zoning bylaws

The following two articles were dismissed by the Town:

- Article 4: The creation of the Rural Business (RRB) Overlay District
- Article 7: The proposed Scenic Road Bylaw

The two dismissed articles will most likely be reconsidered for annual town meeting in the spring.

Best Regards,
Robert Watchilla
Director of Planning & Community Development

Approvals of Definitive Subdivision Plans are transferable only upon the prior approval of the Planning Board.

2.4.8 Performance Guarantee & Requirements Prior to Endorsement of Definitive Plan

An approved, or approved with modifications, Definitive Plan shall not be endorsed until after the mandatory twenty-day appeal period has elapsed as certified by the Town Clerk, or after issuance of a final decree of the court sustaining the approval of such plan, if appealed, and not until the applicant has complied with all of the following.

2.4.8.1 Required Documents to be Submitted:

- a) A revised Definitive Subdivision Plan with the necessary corrections if conditional approval was given or modification required.
- b) Delivered one set of the Mylar originals of the plan (for recording at the Hampshire County Registry of Deeds), one copy in a digital format approved by the Planning Board, and four copies of the definitive plan if no corrections were necessary; (Note: If corrections were required by the Planning Board, eight prints shall be delivered.) Said Mylars must bear the certification of the Town Clerk that twenty days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied.
- c) Submitted the approved plan in the required digital format
- d) Submitted a municipal lien certificate, indicating that all taxes, assessments and charges have been paid in full.
- e) Caused to be executed, in a form accepted to the Town Counsel, all deeds of easements, as shown on the plan and/or required by the Planning Board, and submission of such deeds and documents to the Planning Board, and signed an agreement to pay for Town engineering or legal review service, and public hearing advertisement.
- f) The applicant shall submit all documents including, but not limited to, master deeds, restrictive covenants, deed restrictions, shared land, detention pond, open space, and recreation areas. A Homeowners' Association must be established to maintain the streets and infrastructure until and unless the streets are accepted by the Town. Covenants must include the requirement that the

homeowner's/landowner's association or other entity accept all responsibility under Town Bylaw to keep all sidewalks in front of open space associated with the project free of snow. This requirement shall apply even if omitted from a covenant.

- g) Submitted a proforma or sample of the individual property deeds to the individual homeowners to be used showing that the developer has retained his rights and ownership of the right-of-way. When selling lots, the developer shall retain his rights and ownership of the right-of-way, and such shall be stated and included in all deeds to lots in the development.
- h) Posted the necessary performance guarantee. The monetary value of said guarantee, using any method other than a covenant, shall be based on a Construction Quantity Estimate (see below) if conditional approval of the subdivision was given and if said approval changed the original quantities. In addition, the monetary value of the performance guarantee shall be adequate to cover all costs the Town would incur to complete the project at the end of the expiration of said guarantee, including but not limited to construction costs at state (or, if required, federal) prevailing wages, record plans, street acceptance plans, and legal costs.
 - 1. Construction Cost Estimate
With all performance guarantees the applicant shall also submit a detailed Construction Cost Estimate for all construction within the proposed roadway layout and/or public utility easements, certified by the project's registered professional engineer. Said estimate shall be based on the "Standard Specifications for Highways and Bridges," 1988 Edition, as amended, of the Commonwealth of Massachusetts, and shall include:
 - 2. Schedule of Values for Subdivision Construction (see Form B: Definitive Subdivision Construction Cost Estimate).
 - 3. Total amount for cost of completion of project.
 - 4. Costs adjusted to account for municipal prevailing wage rates.
 - 5. Costs adjusted to add an inflation/safety factor of 20%.
- i) Delivered an irrevocable offer of dedication of all facilities to be dedicated to the public. Said offer must be accompanied by a lawyer's title opinion that the offer is free of any liens and encumbrances, and all mortgages must be subordinated to the offer. The offer shall be

irrevocable, except the offer can be withdrawn if the project proponent does not proceed with the project and requests that the subdivision approval be rescinded or otherwise amended such that the dedication is no longer necessary.

- j) If determined to be required by the Planning Board, received from the applicant an executed instrument, in a form approved by the Planning Board, transferring to the Town or to an approved public utility company, without cost to the Town, valid unencumbered title to all sanitary sewers, water mains, and appurtenances thereto, and other utilities constructed and installed in the subdivision or approved portion thereof, and conveying to the Town or to an approved public utility company without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanitary sewers, water mains and other utilities, with any manholes, conduits, and other appurtenances, and to do all acts incidental thereto, in, through, and under the whole of all streets in the subdivision or approved portion thereof, and if any such sewers or water mains have been constructed and installed in land not within such streets, then in, through, and under a strip of land extending 10 feet in width on each side of the center line of all such sewers and water mains. The Planning Board may require greater than 10 feet in width on each side of the center line where it deems necessary.
- k) A formal petition, accompanied by said plans, requesting that the street be accepted by the Town as a Town Street in accordance with the Town Street Acceptance Procedure.
- l) A document, the form and content of which must be approved by the Town Counsel, suitable for recording, deeding the proposed public roadway to the Town.
 - 1. In cases where the developer has requested, and the Planning Board has approved, that the road not be accepted as a Town Road but be kept as a Private Way, not under the ownership and/or responsibility of the Town but under the ownership and responsibility of a Homeowner's Association as established in accordance with state law, the developer shall submit to the Planning Board for its approval an irrevocable declaration that shall be included in the deed to the roadway, the Homeowner's Association Master Deed and Bylaw/ordinances, and the deeds to all of the lots in the subdivision.

Said irrevocable declaration shall state that said way is a Private Way and not a Town road, that it is not under the ownership and/or responsibility of the Town but under the ownership and responsibility of the homeowner's association, that it shall remain a Private Way in perpetuity and, if at such time it is ever petitioned to become a Town Road that it first must be brought into compliance with the design and construction standards for a definitive subdivision road required at the time that the petition is submitted.

Private Ways shall be designated by blue street identification signs

- m) Failure of the applicant to meet the above requirements shall be full and sufficient reason to withhold endorsement. If the applicant fails to submit the required performance guarantees, easements and other documentation and the endorsement of the plan by the Planning Board is delayed more than six months after the expiration of the twenty-day appeal period, the Planning Board, on its own motion, shall exercise its power to modify, amend, or rescind its approval of the subdivision plan or to require a change in the plan as a condition of said plan retaining the status of an approved plan.

2.4.8.2 Performance Guarantee

Before endorsement of the Planning Board's approval of a Definitive Plan of a subdivision, the applicant shall agree to complete the required improvements specified in the approved Definitive Subdivision Plan for all lots in the subdivision, such construction and installation to be secured in accordance with Chapter 41, Section 81-U, M.G.L., as amended, by one, or in part by the other, of the following methods which may from time to time be varied with the applicant. While the applicant chooses the initial form of the Performance Guarantee, the Planning Board shall determine/approve the actual dollar amount (where applicable). The Planning Board may require a change in the form/method and amount of the Performance Guarantee when a partial release is requested by the applicant.

- a) Financial performance guarantees (surety bonds, money or three-party lender agreement).

The applicant shall either file a surety company performance bond or provide a deposit of money or negotiable securities in an amount determined by the Planning Board in consultation with the appropriate Town departments, to be sufficient to cover the cost of all or any part of the improvements specified in these regulations at state (or, if applicable, federal) prevailing wage rates not covered by a covenant below, and to cover the costs of inspections, record plans, street acceptance plans, and legal work, and a contingency/inflation factor. Warranty principal shall be not less than 15% of the estimated cost of those components of the entire project which shall be dedicated for public use and shall cover workmanship and materials.

- i. If financial performance guarantees are used, at least two lots in a subdivision which can be built on must be covered by a covenant to ensure that all work, including legal work, is completed.
- ii. Three-party agreement for lender retention of funds, surety bonds and other financial performance guarantees must be drafted so that the only requirement that must be met for the Planning Board to draw on the letter is to notify the financial institution (grantor) that:

“We have incurred liability by reason of the failure of the applicant/ developer/owner, within ninety days of the expiration of this letter, to complete the construction of their project (insert name of subdivision and plans) in accordance with the definitive subdivision plans and submittal, the subdivision approval, the Town of Ware Zoning Bylaw, and the Rules and Regulations Governing the Subdivision of Land in Ware. The amount drawn, which may be more than required to complete the project, will be held in a segregated bank account until the work can be bid competitively and the bid awarded and paid for or until the contract for the work is otherwise let and the work paid for. Any excess over the cost of completing the work will be returned to the grantor.”

- iii. Such bond, deposit of money or negotiable securities, shall be approved as to form, the surety or financial institution, and manner of execution by the Planning Board.

b) Approval with Money

By a deposit of money sufficient in the opinion of the Planning Board to secure performance of the construction of ways and installation of municipal services required for lots in the subdivision shown on the plan, and the Planning Board may require that the applicant specify the time within such construction shall be completed. Deposits of money shall take the form of one or a combination of the following:

- i. Savings passbook (with three signed withdrawal slips) account made out to the Town of Ware and controlled by the Town Treasurer, with agreement from the bank that no withdrawal from the account be made without approval of the Planning Board.
- ii. Certified cashier's check or bank check.

For any surety bond:

- The surety must agree that any litigation stemming out of the bond will take place in Massachusetts.
- The bond must include the name and address of the person to be served for any legal action.
- The bond must specifically include the terms above.
- No expiration date may be allowed in the bond (The bond must be valid until the work is complete.), and the warranty performance period has been completed.

c) Approval with covenant

Instead of filing a bond or depositing money, the applicant may fulfill a covenant, executed and duly recorded concurrent with recording the subdivision approval by the owner of record, running with the land, that no lot in the subdivision shall be sold and no building erected thereon until such ways, services and, whenever applicable,

temporary turnarounds are constructed and installed, and until record plans, street acceptance plans, and other required work are accepted by the Planning Board in accordance with these rules and regulations so as to adequately serve the lots.

- i. Such covenant shall be inscribed on the definitive plan or on a separate document referred to on the plan and delivered to the Planning Board. The Planning Board shall turn over the covenant agreement to the Town Counsel, who shall review its contents and forward his comments in writing to the Planning Board. Upon approval of the covenant by the Planning Board, the applicant shall note the Planning Board's action on the definitive plan and the Planning Board shall record the covenant, endorsed definitive plan, and other appropriate documents at the Hampshire County Registry of Deeds.

2.4.9 Completion Time Schedule

All required improvements and legal documents shall be completed within a maximum period of five years from the date of endorsement of the Definitive Plan by the Planning Board. There shall be at least a three-month period between the completion date of all improvements and one-year warranty period and the expiration date of any bond, deposit of money, letter of credit or covenant. Said three-month period shall give the Town the opportunity to collect the financial performance guarantee so that it will be able to complete the necessary improvements in case the developer is unable to do so and/or the Planning Board denies any requests for an extension of time. "Warranty" shall include all workmanship and materials.

- a) Upon written request from the applicant filed with the Planning Board prior to the expiration date, the Planning Board at its discretion, grant an extension of time, and such agreement shall be executed and affixed to the financial performance guarantee or covenant.
- b) In the case of a surety company bond, such an agreement for an extension shall not be effective until the surety delivers to the Planning Board a written statement that the surety agrees to the proposed alteration of the completion schedule and that such alteration shall not relieve or affect the liability of the surety company.

- c) In the case of a covenant, the Board may grant final approval of the Definitive Plan conditional upon the completion of the construction of all ways and installation of utilities within specified time period from date of said covenant. Failure to complete such improvements shall automatically rescind approval of the plan.
- d) Failure to complete all improvements as required by these rules and regulations within the time allotted shall cause the Planning Board to draw upon the performance guarantee (surety bond, deposit of money, letter of credit) in order to complete said improvements and/or schedule a public hearing in order to rescind approval of the subdivision in accordance with appropriate sections of MGL c. 41, § 81.
- e) If the specified subdivision improvements in accordance with the Rules and Regulations are not completed within two (2) years of the date of the bond, deposit of money, lender's agreement or covenant, the Planning Board may require an estimate of the costs of the remaining work, increase the amount of the performance guarantee proportionately, and establish a new date for completion of said required improvements. Failure of the developer to complete the improvements within said two (2) year period, or any extension thereof, shall not relieve the developer from his/her obligation to pay for increased costs for completing the improvements in excess of his/her performance guarantee and shall be grounds for rescission of the approval of the plan pursuant to G.1., Ch.41, Sec. 81 W.

2.4.10 Evidence of Performance and Release/Partial Release of Performance Guarantee

a) Procedures for partial release

The developer may, upon partial completion and installation of required improvements in a subdivision, the security for the performance of which was given by bond, deposit of money, letter of credit, or covenant, make formal application, in writing either by hand delivery or certified mail, to the Planning Board for partial release of his/her/their performance guarantee, in accordance with the procedures set forth herein. It is up to the discretion of the Planning Board whether to approve such request. The Planning Board may deny, approve or partially approve such request. The Planning Board shall determine/approve the actual dollar amount (where applicable). The Planning Board may require a change in the form/method and amount of

the Performance Guarantee when a partial release is requested by the applicant.

1. Financial performance guarantee

The amount of such a bond, or deposit of money, or letter of credit or three-party agreement for lender fund retention held may, from time to time, be reduced by the Planning Board. The applicant shall present to the Planning Board a list of all construction items performed and/or completed, said list to be based on the subdivision approval, and the subdivision regulations in their entirety. The amount to be reduced by the Planning Board, after consultation with the Highway Superintendent, shall be based upon federal or state prevailing wage construction costs at the time the application for reduction is made. The Planning Board shall withhold adequate funds to complete the project, but shall withhold no less than 20% of the original approved cost estimate. At the completion of the project (based on a written acceptance from the Planning Board that the project has been completed) and a one-year warranty period, the amount withheld shall be released under section 2.4.10.a.

2. Covenant

The developer may request a release of conditions for lots where the required improvements have been completed for that section of roadway beginning at any intersection with a Town road and abutting lots up through the last lot to be released. Lots may only be released if they abut the functionally (in the opinion of the Planning Board) completed portion of the road. No partial release from the covenants will be approved if the total length of roadway, including a temporary turnaround, abutting said designated lots, exceeds the Town's maximum allowable length for dead-end streets unless the Planning Board has already approved within the limits of the development a dead-end street exceeding said limits. In the absence of financial performance guarantees, adequate covenants will be held to ensure completion of the project, including record plans, street acceptance plans, site inspections, and legal work. In addition, a covenant on one lot which can be built on will be held until either

a) the Town has acceptance all of the Definitive Plan's roadways a Town streets, or b) said covenant has been exchanged in lieu of the cash value (as determined by the Planning Board) of the lot. Covenant shall be inscribed on the Definitive Plan or in a separate document referred to on the Plan, and delivered to the Planning Board.

- i. The subdivider may request a Release of lots from covenant, in exchange for a bond, deposit of money or surety provided that:
 - A revised Construction Cost Estimate (see Section 2.4.8.1.i) for all of the work remaining to be completed in accordance with the approved plans has been submitted.
 - Lots will be released in area of the subdivision where all the required improvements have been completed.
 - The lots run consecutively and are released on both sides of the road simultaneously, beginning with the lots nearest any intersection of the subdivision road and a Town road.
 - The amount of the surety of Bond shall be determined by the Planning Board, based on the submitted revised Construction Cost Estimate and their estimates for constructing the road within existing approval. The amount of the Surety or Bond shall be determined on a request-by-request basis, and each request shall be judged on its own merits.
 - The amount of the Surety or bond on existing lots for which prior Surety or Bond has been given may be increased by the Planning Board should the specified Subdivision improvements in accordance with these rules and regulations not be completed within the allotted time period as specified and such increase would take into consideration increased construction costs.
 - Such a covenant shall be inscribed on the Definitive Plan or in a separate document referred to on the Plan, and delivered to the Planning Board. The

Planning Board shall turn over the covenant to the Town Counsel who shall review its contents.

3. All requests for a partial release of the performance guarantee must be accompanied by:
 - i. A revised Construction Cost Estimate (see Section 2.4.8.1.i) for all of the work remaining to be completed in accordance with the approved plans.
 - ii. A certification from the project's engineer that all work and systems have been completed in accordance with the approved plans and are functioning as designed and intended.
 - iii. Proof that all fees to cover inspections for the release of the performance guarantee have been paid in full by the applicant.
 - iv. "As-Built" plans for that portion of the roadway for which a partial release is being requested.

b) Procedures for full/final release.

The developer may, upon completion and installation of required improvements in a subdivision, the completion of record plans and street acceptance plans, as specified in these rules and regulations, and the completion of a one-year labor and materials warranty period make formal application, in writing either by hand delivery or certified mail, to the Planning Board for full release of any outstanding performance guarantee.

1. Before the Planning Board releases the full interest of the Town in said performance guarantee, the Planning Board shall:
 - i. Receive a certification from the project's engineer that all work and systems have been completed in accordance with the approved plans and are functioning as designed and intended.

The sanitary sewer and public water systems must be pressure tested and videotaped and comply with the municipality's standards. Documentation of such testing and videotaping must be submitted.

In no instance shall bonding or covenants be released for the final road course and sidewalks until said work has withstood one full winter season. Partial or final release for this work may be requested of the Planning Board no sooner than April 1st of the calendar year subsequent to completion of way and walks.

- ii. That the streets and drainage system have functioned as designed and intended and been in use for through one full winter.
- iii. Obtain in writing from the Director of Public Works, or from a registered professional engineer chosen by the Planning Board (and paid for by the applicant), a certificate of statement that all work and systems required by these rules and regulations has been constructed in conformance with the approved construction plans. In the case where roadways will remain under private ownership, the above-mentioned certificate or statement shall be supplied by the project's registered professional engineer.
- iv. Receive from the applicant written evidence from the electric, telephone, gas and cable TV companies and all other public and private utilities stating that their respective underground systems have been installed and are functioning to their satisfaction.
- v. Receive from the applicant written evidence from a Registered Land Surveyor that all permanent bounds and monuments on all street lines and on the lot or lots within the subdivision are in place and are accurately located in accordance with the approved Definitive Plan.
- vi. Find that all fees to cover inspections for the release of the performance guarantee have been paid in full by the applicant.
- vii. Obtain from the applicant a set of record "as-built" construction plans. Approval of said plans by the Planning Board shall take place after review of the former by the Director of Public Works.
- viii. Receive from the applicant street acceptance plan or plans and necessary documents. Said plans and documents, after approval by the Planning Board and the Director of Public

Works, shall be presented by the Planning Board to the Town Meeting for a formal street acceptance in accordance with the Town Street Acceptance Policy.

- ix. Copies of all of the recorded lot deeds showing that the applicant has retained their rights to the subdivision road(s) right-of-way, or Certification from developer's lawyer that all deeds to lots contained phrasing which retained his rights to the right-of-way(s).
 - x. All "as-built" Definitive Subdivision Plan information pertaining to the creation of the lots (including annotation of frontage, dimensions, acreage, etc.) shall also be submitted in a digital format acceptable to the Town using drawing interchange files (AutoCAD compatible files). Horizontal and vertical control shall have at least two (2) points tied (in feet) into the most recent Massachusetts State Plane Coordinate System using municipal GIS monuments stationed throughout the Town. Horizontal control shall have a closure of 1:12,000 or better. Vertical control must be of second order D Class 2 accuracy or better and be tied to USGS datum. All records of control shall be delivered to and reviewed by the Town.
 - xi. All "as-built" Definitive Subdivision Plan, Record and Street Acceptance Plan information shall also be submitted in pdf and AutoCAD compatible format or in another digital format acceptable to the Town.
2. If the Planning Board determines that all improvements as shown on the endorsed definitive plan and all required plans and legal documents have been completed satisfactorily, it shall release all the interest of the Town in such performance guarantee and return the bond to the person who furnished the same, or release the covenant, by appropriate instrument, duly acknowledged, which may be recorded.
 3. If the Planning Board determines after inspection that said construction or installation has not been completed, or wherein said construction or installation fails to comply with these rules and regulations, the Planning Board shall send by registered mail to the applicant and to the Town Clerk the details wherein said construction or installation fails to comply with its rules.

4. The applicant shall have 30 days after receipt of such notice to correct all problems mentioned in the above. Failure of the applicant to finish all the necessary work within said 30 days shall cause the Planning Board to draw upon the bond or deposit of money as mentioned below.
5. Any such bond may be enforced and any such deposit may be applied by the Planning Board for the benefit of the Town of Ware, as provided in MGL c. 41, § 81, upon failure of the performance for which any bond or deposit was given to the extent of the reasonable cost to the Town of completing such construction and installation.

2.4.11 Recording of plan

The developer shall, within 10 days after the definitive plan has been endorsed, record said plan, required forms and, whenever applicable, the Planning Board's order of conditions, public easements (plans and documents), restrictive covenants, master deeds, etc., at the Hampshire County Registry of Deeds, and in the case of registered land with the Recorder of the Land Court. Within seven (7) days of said recording the applicant shall provide the Board with a copy of the Registry's receipt of said recording including the book, page number, and date of recording. The cost of said recording shall be borne by the developer.

2.4.12 Rescinding Approval of the Plan

Failure of the applicant to record the Definitive Plan at the Hampshire Country Registry of Deeds within six (6) months of its endorsement or to comply with the construction schedule of the performance agreement shall constitute sufficient cause for the Board to rescind such approval, in accordance with the requirements of section 81-W of Chapter 41 of the General Laws as amended.

2.4.13 Preconstruction Conference

Prior to commencement of construction, the developer and the contractor must meet with the Director of Public Works and other relevant Town officials (preferably at a single meeting) to review the subdivision permit and conditions. The applicant must provide evidence that all required documents have been recorded and all required fees paid. Subsequent to said recording and prior to any building permit being issued, the project applicant shall file

within seven calendar days one print of the definitive plan with the Building Inspector. Further, in accordance with the statute, where approval with covenant is noted thereon, the Inspector shall issue no permit for the construction of a building on any lot within the subdivision, except upon receipt from the Planning Board of a copy of the certificate of performance releasing the lot in question.

2.4.14 Road Acceptance

When a road or way in a subdivision has been completed in a manner fulfilling the requirements of the Planning Board, the Applicant may request the Planning Board or their designee to inspect the road or way in order to give a recommendation to Town Meeting, on whether the road or way should be accepted.

Process for road acceptance can be found in the Town of Ware Road Acceptance Policy.

The Planning Board shall require the following information before making a recommendation to the Town Meeting:

- a) Two (2) copies of a plan of the road or way "as built," at a scale of one inch equals forty (1"= 40') feet to the inch at size 24" x 36". Said plan to show a center line profile (4 feet per inch on the vertical scale and 40 feet per inch on a horizontal scale) taken at fifty (50) foot intervals along the road or way as it has been completed. All utilities, public and private, above and below grade shall be shown on the plan as they exist. Said plan shall also be submitted in an electronic format acceptable to the Planning Board.
- b) Two (2) copies of the description by metes and bounds of each road and easement considered for acceptance by the Town. After acceptance by the Town Meeting of a road or way in an approved subdivision, the "as built" plan referred to above, the vote of the Town Meeting and the description of the road or way shall be recorded with the Hampshire County Registry of Deeds by the Town Clerk.
- c) A release of liens under oath from all contractors and subcontractors approved for work on the road or way, attesting to the fact that all payments due them for labor and materials have been received, and that payments for all materials have been rendered.

- d) A plan for maintenance of the subdivision right-of-ways, easements, roads, and sidewalks for the time after acceptance by the Town and continuing for 20 years. The maintenance plan should include provision for the maintenance of road pavement, sidewalks, soil settling problems, street sweeping, snowplowing, maintaining vegetative stabilization of all rights-of way and easements, erosion controls, Fall leaf cleanup, catch basin and drainage system cleaning and maintenance, all stormwater management systems, and other provisions as determined to be necessary by the Board.
- e) A Roadway Conveyance Plan showing the overall boundary of the proposed roadway to be conveyed to the Town. This plan must include the bearing and distance descriptions of the roadway right-of-way.
- f) A Roadway Conveyance Instrument prepared by an attorney and in a form suitable for execution by the Board of Selectmen after acceptance of the roadway at Town Meeting. This instrument must include a legal description of the right-of-way and include reference to any easement documents.
- g) An Easement Conveyance Plan showing overall boundary of any proposed easements to be conveyed to the Town. This plan must include the bearing and distance description of the easement tied to the roadway right-of-way.
- h) An Easement Conveyance Instrument prepared by an attorney and in a form suitable for execution by the Board of Selectmen after acceptance of the easement at Town Meeting. This instrument must include a legal description of the easement as well as a description of the Town's rights within the easement

Town Planner Update: November 17th, 2022

- **The Downtown Improvement Committee will be meeting with representatives from Signarama on Monday (November 21) to figure out a location for the LED message sign**
 - The sign is currently being manufactured and should be arriving within the next four weeks
- **The Town will be submitting a “Request for Qualifications” for the Mary Lane Hospital Adaptive Reuse and Feasibility Study next week**
 - The study will be funded from the One Stop for Community Growth Program, through the Department of Housing and Community Development (DHCD)
 - Bids will be due by December 15th at 2pm