



## TOWN OF WARE

Planning & Community Development  
126 Main Street, Ware, Massachusetts 01082  
(413)967-9648 ext. 186 pcd@townofware.com

### PLANNING BOARD MEETING MINUTES

MARCH 20, 2019

Location: Town Hall, 126 Main Street, Ware, MA 01082  
Time: 7:00 PM

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#### Pledge of Allegiance

**Present: Chairman Rick Starodaj, Jennifer Muche, Edward Murphy, Joseph Knight,  
Town Manager Stuart Beckley, Clerk Mary L. Midura**

**Absent: Josh Kusnierz, Fred Urban**  
**The meeting is video recorded.**

Chairman Starodaj welcomed Jennifer Muche. He noted that the March 14 EQLT meeting had an informative packet and a great exchange of ideas regarding solar bylaws and amendments, with further information over the next months. Any ideas can be sent in to ~~BOA~~<sup>PLNWK-6114</sup>, with more meetings proposed for the end of April, beginning of May, and input is welcome and valued. Chairman Starodaj noted the Special Town Meeting article which was approved for a 14-month moratorium to June 30, 2020 or Spring Town Meeting. This could possibly be put on the Fall Town Meeting.

#### Administrative

- a. Approve minutes from February 20, 2019 and March 6, 2019

Chairman Starodaj noted that, in the minutes of February 20, 2019, #8, wording should be that Mr. Starodaj "questioned if fencing".

**Ed Murphy made the motion to approve the amended minutes of February 20, 2019 and the minutes of March 6, 2019; Joseph Knight seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 2 Absent (Kusnierz, Urban).**

7:10 p.m. Public Hearing: Zoning Change, 15 South Street, LLC

**Joseph Knight read aloud the public notice.**

Chairman Starodoj asked if anyone present wished to speak on the matter.

Paul Opalinski gave a brief history that the property was zoned Industrial until 2004, rezoned in 2012 as Downtown Commercial (DTC), due to a lease with Country Bank. Industrial zoning did not allow for offices, and current uses are light industrial, office and wholesale for grandfathered of American Athletic Shoe, some repacking, and Berkshire Blanket since the mid-90s. In September 2017, several emails to Rueben Flores-Marzan, Director of Planning and Community Development, to request the change to Mill Yard (MY). This was sent to the Board of Selectmen and was referred to Planning Board on February 5, 2019. After a short discussion, the Planning Board members agreed to endorse this change.

**Ed Murphy made the motion to change the zoning of the named parcels from DTC to Mill Yard (MY) as noted in the legal advertisement, and to send to the May Town Meeting; Joseph Knight seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Kusnierz, Urban).**

Chairman Starodoj noted and read the letter of support for Caring Health Center, as drawn from a template from CHC.

**Ed Murphy made the motion to approve the letter of support for CHC; Joseph Knight seconded the motion. The motion passed on a vote of 3 Yes, 0 No, 2 Absent (Kusnierz, Urban).**

Chairman Starodoj noted letters of recognition to Chris DiMarzio and to Judi Mosso. All present members signed the letters.

7:30 p.m. Public Hearing: Special Permit (SP 2019-03) and Site Plan Review (SPR 2019-03), Application by MLR, LLC and Cedar Roots, LLC, 50 East Main Street

**Chairman Starodoj opened the Public Hearing.**

**Joseph Knight read aloud the public notice.**

**Chairman Starodoj appointed Jennifer Muche to the Special Permit and Site Plan Review Hearing.**

Chairman Starodoj informed the proponents that the Planning Board usually has 5 members and a Special Permit hearing must have 4 voting members, and the proponents had the choice to postpone or move forward. Rick Lotuff, from MLR, LLC, stated they would like to move forward.

Mary Lotuff Feeny, from MLR, LLC, read the narrative regarding location, zoning, Host Community Agreement, security systems, product delivery, proposed operational hours and compliance with Zoning §7.2.4, §7.4.7 and §4.8.8 (Attached).

Andrew Stoddard explained that the facility will be complete wholesale, with no retail allowed and strict adherence to Cannabis Control Commission rules and regulations. Chairman Starodoj questioned the anticipated number of local employees; Mr. Stoddard noted approximately 20% but is determined by who applies. Rick Lotuff noted that the intention is to use local plumbers and other contractors. Ed Murphy noted the need for qualified applicants. Ms. Feeny stated that there is a focus on opportunity for small business. Chairman Starodoj questioned if sampling would be done regarding industrial waste, and the need to coordinate with the Wastewater Department. Ms. Feeny noted the industry is still evolving with the hope this facility is a learning tool. Ed Murphy questioned the security plan; Ms. Feeny stated that they have discussed this with the Town Manager, Police and Fire Departments.

Chairman Starodoj noted the need to be clear that Nenameseck Square is not a park, but is in Open Space Plan as a park. Planning member Jennifer Muche asked about the loading dock and plan of procedures. Andrew Stoddard stated that unmarked vehicles following strict State rules for guaranteed safety. Rick Lotuff noted that trucks could back up to the dock but all loading must follow regulations as approved by CCC.

Andrew Stoddard also noted that the CCC can request video to review at any time, with product only leaving the facility in secured vehicles, with no waste products. Rick Lotuff noted that the secured dumpsters would be in the back.

Mr. Lotuff noted that the owners intend to beautify the area, clean exterior of the building, and maintain the ~~waste~~ mill ~~and~~. Chairman Starodoj asked about the windows; Mr. Stoddard explained that there will be a building within the building, as no light is allowed inside where the plants are "sleeping". The first harvest may take 6 months or more.

Joseph Knight questioned the operational hours; Ms. Feeny noted that there would be no operations outside of the 8:00 a.m. – 8:00 p.m. and no retail use or hours. Andrew Stoddard explained that the operations are actually 24/7 (Spring) and when flowers are 12 hours on/12 hours off (Fall) with internal computerized security, and a back-up generator is not required. He noted that studies have shown that music is beneficial to the growing process. Ms. Feeny noted the operations would adhere to town bylaws for noise standards.

Chairman Starodoj suggested allowing operations for six months, with re-evaluation. Mr. Stoddard noted that the first grow would take at least six-eight months before fully operational. Jennifer Muche asked about whether the entrance would be the same as the children's outlet. Rick Lotuff stated the handicapped entrance would be the first on the left, with another on the South Street side. A separate access door would be for the Hydro company, the elevator shaft is locked out, and traffic would not be heavy as there would be no retail.

Chairman Starodoj stated the concept of a written agreement from the property owners for insurance surety to place proceeds into escrow for removal of debris or to stabilize the site if any calamity were to occur. Ms. Feeny noted this was an intelligent request on the Planning Board's part, and there is a requirement under CCC that the facility must have a takedown plan.

The Planning Board reviewed all items previously discussed. The Board further stated that the proponents submit a written request of waivers of any bullets in Zoning §7.45 for the next meeting on April 3, 2019.

**Chairman Starodoj closed the public hearing at 8:43 p.m., with the decisions of the Special Permit and Site Plan Review to be finalized at the April 3, 2019 meeting.**

Chairman Starodoj noted the Planning Board is awaiting the final list from Mr. St. George-Sorel, Interim DPW Director regarding Wildflower Drive. This must go to Town Meeting for acceptance.

**At 8:51 p.m., Jennifer Muche made the motion to Adjourn; Joseph Knight seconded the motion. The motion passed on a vote of 4 Yes, 0 No, 2 Absent (Kusnierz, Urban).**

*The next Planning Board meeting will be held Wednesday, April 3, 2019*

Attest: Mary L. Midura  
Mary L. Midura, Executive Assistant to  
Town Manager

Minutes Approved on:	<u>4/3/19</u>
R. Starodoj	<u>RAS</u>
J. Kusnierz	<u>JC</u>
F. Urban	<u>          </u>
J. Knight	<u>[Signature]</u>
E. Murphy	<u>[Signature]</u>
J. Muche	<u>          </u>