



TOWN OF WARE

Planning & Community Development
126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext. 186 / f. 413.967.9642

Planning Board

Meeting Minutes from
Thursday, April 15, 2021
Select Board Room, Town Hall

Planning Board Members Present: Josh Kusnierz, Rick Starodoj, Ken Crosby, Ed Murphy III, Joe Knight (Remote)

Staff Present: Rebekah Cornell, Director
Rob Watchilla, Department Assistant

Public in Attendance: Mar Delrosario

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

- Nominations

Motion by K. Crosby to nominate J. Kusnierz as Chairman. Seconded by E. Murphy. All in favor. Approved 5-0.

Motion by K. Crosby to nominate R. Starodoj as Vice-Chairman. Seconded by E. Murphy. All in favor. Approved 5-0.

Motion by E. Murphy to nominate J. Knight as Clerk. Seconded by R. Starodoj. All in favor. Approved 5-0.

- Approval of Site Visit Minutes from March 27th.

Motion by R. Starodoj to approve site visit minutes from March 27th. Seconded by E. Murphy. All in favor. Approved 5-0.

- Approval of Minutes from April 1st.

Motion by J. Kusnierz to table the approval of minutes from April 1st until the next planning board meeting.

PUBLIC HEARINGS

- **Mar Delrosario for a Special Permit (SP-2021-03).** Applicant is requesting approval for a home occupation to use his basement as a single chair barbershop at 130 West Main Street. Location is parcel 56-0-121.

M. Delrosario is requesting to gain a special permit for his barbershop that services both men and women. The applicant is planning on finishing the basement of his property, where the business is to be operated. A half bathroom currently exists in the basements with plans to convert it into a full bathroom. The basement does have a separate entrance that does not go through the rest of the building unit.

The Board suggested that parking may be a potential issue, that it would be wise to add gravel and expand the designated parking area. Due to the COVID-19 pandemic, one customer at a time would be allowed in the basement. The installation of no more than two parking spaces behind the unit are allowed and the hours must be kept between 8AM-8PM. It is suggested that the days of operation are between Mondays to Saturdays.

A condition for the Special Permit similar to the accessory apartment bylaw was discussed, in where if the property changes hands the Special Permit shall become void. Alternatively, if the property were to change hands, the Planning Board must be notified by M. Delrosario. J. Kusnierz recommended that the Special Permit should become null and void if the property were to change hands. M. Delrosario was in support of that condition.

Motion by R. Starodoj to approve the Special Permit (SP-2021-03) with the conditions brought up by the Board. Seconded by E. Murphy.

Roll Call Vote:

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

All in favor. Approved 5-0.

- **Continued. Gevork Anderyassian for a Special Permit (SP-2021-01).**

The Applicant, G. Anderyassian, requested by email correspondence that the Board consider to withdraw without Prejudice the application of Special Permit (SP-2021-01). The applicant

expressed that due to the likely plumbing requirements and expense related to installing a water line, it is not in his best intentions to invest further into the project. The applicant felt his business continues to grow and he may outgrow the space in a few years.

Motion by R. Starodoj to withdraw the Special Permit (SP-2021-01) without prejudice. Seconded by K. Crosby. All in favor. Approved 5-0.

NEW/OLD BUSINESSES

- Zoning Amendments
 - Earth Removal

The first main issue brought up was around the definition of "structure" and how it relates to earth removal. K. Crosby mentions that the definition of "structure" should not differ from the definition used in the Building Code. There was discussion of how to address the saw-tooth patterns of earth removal when properties abut one another. It was suggested that one permit with a written agreement between all property owners should suffice for the project and earth removal, instead of having separate applications for both. The current language suggests that over 1,000 cubic yards or more of earth material are required to be removed with Special Permit approval. The Board feels that this may be too small and that the yardage should be based on lot size, features included in construction, and what seems reasonable. 5,000 cubic yards of earth removal should be the set maximum. A joint coordination is will be scheduled with the Zoning Board of Appeals.

- Retail Cannabis

Discussion mostly focused on licensing and allocation of collected tax revenue. The current minimum as mandated by the State is at least 2 licenses per Town. The Town can grant more licenses if it wishes to. It would be wise to compare Cannabis and Liquor licenses to set a maximum. More research would be needed on this topic.

- Accessory Dwelling Units (ADU)

The Board acknowledged that ADU's are becoming increasingly popular among elderly retirees. They are also a way for property owners to create extra income and provide more housing in Town. This bylaw has not been used in the two years the Director has been here, and she brought it before the Board to discuss any changes that might make it easier for property owner to utilize.

It would be wise to address the dimensional characteristics of ADU's in order to support and preserve the Town's rural character. A setback should be mandated between the ADU and the property line or abutting structures. The ADU must be serviced with the same utilities as the main building unit. K. Crosby mentions that the 700 square foot with 1 bedroom maximum is

not too small if the ADU is attached to the main building. The Director had suggested this size might be examined to increase.

Tiny houses were briefly discussed by the Board. In order to address this issue it would be wise to have a minimum square footage of dwelling units within lots. There should also be a mandate that states no trailers and no wheels on the dwelling unit. In terms of the definition of a tiny house, the Board suggested to look into what other Towns (such as Hadley) have done.

- Subdivision Rules & Regulations (Continued) Discussion

The continued discussion of the Subdivision Rules & Regulations were tabled for the next Planning Board meeting.

TOWN PLANNER UPDATE

- The King Brook solar project on Fisherdick Road still in process. The company, CPV, is currently looking for utility customers in order to ensure that they have a viable project. Currently the wetlands on the property assessed and will be requesting delineation confirmation by the Conservation Commission through an RDA and then hope to have a full plan for the Board in September.
- East Quabbin Land Trust has a free tree planting program. They will provide guidance on how to plant and take care of these trees. It is the responsibility of the land owners where the trees are located to water and care for them. Focus of planting these trees should be concentrated in the downtown area.

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

The next meeting is scheduled for Thursday May 6th, 2021 at 7 pm.

Minutes from April 15, 2021

Respectfully submitted by,

Robert Watchilla,
Department Assistant

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