



# TOWN OF WARE

## Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 120

## Planning Board

Meeting Minutes from

**Thursday, April 21<sup>st</sup>, 2022**

Board of Selectmen's Meeting Room, Town Hall

### Planning Board Members in Attendance:

Rick Starodoj  
Joseph Knight (remote)  
Ed Murphy

### Staff Members in Attendance:

Kenneth Crosby  
Elizabeth Hancock, Alternate  
Rob Watchilla, PCD Dept. Director  
Stuart Beckley, Town Manager  
Anna Marques, Building Commissioner / Zoning Enforcement Officer  
Nancy Talbot, Town Clerk  
Laura White, Admin. Assistant to PCD Dept.

### Members of the Public in Attendance:

Josh Kusnierz  
Kim Mongeau  
Matthew Darling  
Glen Wojcik  
Michael Harris  
Dan Barnes (remote)  
Isaac Fleisher (remote)  
Eileen Kennedy (remote)

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## PLEDGE OF ALLEGIANCE

Acting chairman, R. Starodoj, called the meeting to order at 7:00pm and led the Board in the Pledge of Allegiance.

## ADMINISTRATIVE

R. Starodoj requested to postpone reorganizing the Board until new member, Nancy Talbot, takes the Oath of Office to join the Planning Board.

R. Starodoj announced Planning Board member, J. Knight, was attending the meeting remotely via Zoom.

**Motion** made by K. Crosby to postpone reorganizing the Board until the next meeting. Seconded by E. Murphy.

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

**All in favor. Approved 4/0/0.**

**Approval of Planning Board meeting minutes from April 7<sup>th</sup>, 2022.**

**Motion** made by E. Murphy to approve the meeting minutes from April 7<sup>th</sup>. Seconded by K. Crosby.

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

**All in favor. Approved 4/0/0.**

R. Starodoj suggested postponing the Public Hearing for a few minutes to allow time to review the ANR-2022-01.

R. Starodoj read the public hearing legal notice for SP-2022-05 & SPR-2022-02 for Green Adventure, LLC scheduled for 7:05pm. The applicant, Michael Harris, is requesting Special Permit approval and Minor Site Plan Review to operate a Recreational Marijuana Retail Establishment under §4.8.8, of the Zoning Bylaw. Site is located at 14 West Street. Said premises being further described in deeds recorded in the Hampshire County Registry of Deeds, Book 11505, Page 252. Property is also identified as Assessor's Parcel # 56-0-39. Zoned: Downtown Commercial (DTC).

**Motion** made by E. Murphy to suspend the Public Hearing temporarily. Seconded by K. Crosby.

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

**All in favor. Approved 4/0/0.**

**ANR-2022-01 for Edward Couture - 176 Greenwich Road**

The Board reviewed Edward Couture's ANR Application for 176 Greenwich Road.

**Motion** made by K. Crosby to approve ANR-2022-01. Seconded by K. Crosby.

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

**All in favor. Approved 4/0/0.**

## **PUBLIC HEARINGS**

### **SP-2022-05 & SPR-2022-02**

R. Starodoj appointed E. Hancock as a voting member for the Public Hearing.

R. Watchilla read the Permit Summary Report to the Board which including feedback from Police Chief, Shawn Crevier. The Chief requires that for any alarms, breaking & entering, robbery, etc. the police be called first, before the manager.

I. Fleisher, the attorney for M. Harris, informed the Board the most recent use of this building was a retail store for CBD and CBD products and, thus, conversion to an adult use marijuana retailer would not require significant changes. He stated the majority of the changes would be to upgrade the security to comply with the requirements set by the Cannabis Control Commission (CCC) and there will be 2 separate points where identifications would be checked. He also stated there is ample parking on West Street and Pulaski Street for customers, and the applicant has additional parking 1/10<sup>th</sup> of a mile up the street at another property he owns where his employees would park. As per the Community Host Agreement 3% of gross proceeds would be paid to the Town to reimburse the Town for any expenses caused by the retailer. The Community Host Agreement would also require Green Adventure, LLC to donate \$15,000 per year to local non-profit organizations. The applicant also agreed with the police chief's comment and the police will be the first contacted in the case of alarms, breaking & entering, robbery, etc. Green Adventure, LLC intends to work in close collaboration with the local police department to refine their security plan.

N. Talbot inquired about handicap accessibility.

A. Marques stated existing building code requires one public entrance, however, an exemption could be made if this is not feasible under current or future site plans. Either way, it would need to get the approval from Town ADA representative.

M. Harris stated it is not feasible under the current site plans.

K. Mongeau, of 67 Pulaski Street, stated concerns about limited parking on Pulaski Street, adding that she is frequently blocked in by cars parking in front of her driveway, due to the current demand for parking, and that her neighbors have expressed the same concerns. She also expressed concerns about odor she has experienced outside of marijuana retail shops in other areas and is concerned that, with so many marijuana retailers in a small area, crime may increase in her neighborhood.

M. Harris stated he has visited numerous marijuana retail locations and has never experienced odor, as the product is already packaged. There will be air filtration in the building that will mitigate any odors that may arise from the business. He also stated he will have employees of the business park at his other property up the street, and will encourage patrons to do the same as well, to relieve the burden on Pulaski Street for parking. Mr. Harris also stated the businesses being in close proximity to each other would encourage healthy competition and benefit the community.

I. Fleisher stated the proposed business is not projected to bring in more traffic than the previous business did and should not have much of an impact on the parking in the neighborhood. He also stated there is not much definitive data on crime rates in neighborhoods where marijuana retail shops open, however, the security requirements imposed by the CCC should, in theory, make the neighborhood safer with the exterior cameras and lighting.



K. Mongeau stated concerns about bright lighting and alarms on the building and property values dropping. She urged the Board to look closely at the impact this business would have on the Pulaski Street neighborhood.

The Board discussed the parking concerns.

J. Kusnierz stated the applicant encouraging patrons to park at his other property may benefit the area and alleviate the parking burden on Pulaski Street.

R. Starodoj stated police need to enforce parking laws and added that, in the past, there were more businesses and less parking in the area. He suggested the Town look into where parking is allowed on West Street and if the "no parking" signs on Bruso's are valid. He also agreed with concerns about handicap access.

M. Harris stated he is not able to do anything about the handicap access with the current building. He expects to have 4-5 customers at a time, and could accommodate 8-10 at a time, but with the other retailers in the area, does not foresee large lines.

E. Hancock asked Mr. Harris how many parking spots his other property has and if he allows anyone to park there.

M. Harris stated he has 13 parking spots at his other property, as well as the town parking lot next door to it, and allows people to park there within reason.

K. Mongeau asked if the property he owns next door to the proposed marijuana retail business could be utilized for parking, instead of the one he owns up the street.

M. Harris stated he would only gain 2-3 spots from that property, if the building were to be torn down.

R. Starodoj asked about lighting.

M. Harris stated there would be lighting on the street sides of the building pointing down as to enhance security, but not be a nuisance to the neighbors.

I. Fleisher added that the security would comply with the regulations set by the CCC, but there would be security cameras on the back and sides of the building that will be equipped with night vision either way.

E. Hancock stated concerns about municipal parking lot being used for this business instead of Town Hall business.

M. Harris stated he would make it clear to patrons where parking would and would not be available and would hang a sign in the store stating there is no parking in the Town Hall parking lot.

A. Marques inquired about what Mr. Harris's plans are for the building next to this property.

M. Harris stated, if he's able to, he would like to demolish the building in order to increase parking and visibility.

K. Mongeau inquired about signage.

M. Harris stated signage would be done in accordance with Town Bylaws and CCC regulations.

R. Starodoj suggested tabling this discussion until more research can be done and to allow for more public comment.

The Board discussed what date would work best to continue this discussion.

**Motion** made by K. Crosby to continue the Special Permit discussion on Thursday, April 28<sup>th</sup> at 7:05pm. Seconded by E. Murphy.

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

**All in favor. Approved 5/0/0.**

## **OLD BUSINESS**

R. Watchilla stated other boards do not assign a time to public hearings, they only list them and choose which ones to discuss first.

K. Crosby stated concerns about being fair to all parties, some of which are coordinating schedules with multiple people, including attorneys, engineers, contractors, etc.

The Board agreed to continue scheduling public hearings.

## **NEW BUSINESS**

### **Proposed Tractor Supply Co. on West Street**

M. Darling presented proposal for new Tractor Supply Co. at 256 West Street and informed the Board of concerns about the property being zoned both Rural Business (RB) and Suburban Residential (SR). The RB Zoning District does not currently allow for large-scale retail businesses. Mr. Darling is asking for the Board's opinion on it.

The Board discussed the proposal and informed Mr. Darling he would need to bring this to Town Meeting for a vote on changing the Zoning line on the property and to change the Use Table in §4.2 of the current Town Bylaw to allow for large-scale retail in RB. This would be two separate articles for Town Meeting. He would also need to apply for a Special Permit and Site Plan Review, if these changes are approved.

R. Watchilla stated Mr. Darling could ask the current land owner to gather 100 signatures for Special Town Meeting or he could schedule at least one Public Hearing and the Board could recommend the two Articles for Town Meeting.

N. Talbot stated Board of Selectmen may call a Special Town Meeting for situations like this.

M. Darling stated, if there is a Special Town Meeting this summer, he would like to add this proposal to it.

R. Starodoj suggested the applicant pursue articles for special Town Meeting.

## **SP-2019-06**

R. Watchilla informed the Board SP-2019-06 was approved by the Board but was never registered by the applicant within the 30 days required in the conditions of the Special Permit.

R. Starodoj stated the Special Permit would be void.

K. Crosby suggested having them apply again.

R. Starodoj stated concerns about lawsuits if the applicant is required to apply again.

E. Murphy suggested asking Town Council.

R. Watchilla asked if the Board would like to reschedule meeting on Thursday, May 5<sup>th</sup> in order for members to be able to attend Open Meeting Law training with KP Law.

The Board agreed to this.

## **TOWN PLANNER UPDATE**

### **Rail Trail Phase II Project**

Phase II of the Ware portion of the Rail Trail Project was awarded to H.M. Nunes & Sons Construction, whose bid quote was \$69,750. They are set to begin work early next week.

### **Town Grant Applications**

The Town is currently applying for the following grants:

- One Stop for Community Growth - for cleanup at the former MGP site on Monroe Street and an Adaptive Re-Use and Feasibility study for Mary Lane Hospital.
- Municipal Vulnerability Preparedness (MVP) Grant - to help the Town update its current MVP Plan and create a Muddy Brook Watershed Master Plan.
- Hazard Mitigation Planning Grant - to update the Town's existing (and expired) Hazard Mitigation Plan.
- Mass DOT Small Bridges Program - to help secure funding for the Beaver Lake Dam / Bridge on Babcock Tavern Road, which is showing signs of structural failure.

### **Façade Improvement Program**

The Façade Improvement Program is in the planning stages. Applications are expected to be available around this summer.

R. Starodoj informed the Board the property next to Town Hall, at 120 Main Street is for sale.

The Board discussed whether it would benefit the Town to purchase this property.

G. Wojcik asked the Board who he should ask about signage regulations.

A. Marques informed him he could come see her if he has any questions.



## ADJOURN

**Motion** made by E. Murphy to adjourn the meeting at 8:35pm. Seconded by K. Crosby.

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

**All in favor. Approved 4/0/0.**

## NEXT PLANNING BOARD MEETING DATE:

**Thursday, April 28<sup>th</sup> at 7:00pm.**

Minutes from April 21<sup>st</sup>, 2022

Respectfully submitted by,

Laura White  
Administrative Assistant  
Planning & Community Development

Minutes Approved on:	4/28/2022
Starodoj	<i>(Signature)</i>
Talbot	<i>(Signature)</i>
Knight	
Murphy	<i>(Signature)</i>
Crosby	<i>(Signature)</i>