



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 28th, 2022

Board of Selectmen's Meeting Room, Town Hall

Planning Board Members in Attendance:

Rick Starodoj
Nancy Talbot
Joseph Knight (remote)
Ed Murphy (remote)
Kenneth Crosby (remote)

Staff Members in Attendance:

Elizabeth Hancock, Alternate
Rob Watchilla, PCD Dept. Director
Stuart Beckley, Town Manager (remote)
Laura White, Admin. Assistant to PCD Dept.

Members of the Public in Attendance:

Jodi Chartier
Josh Kusnierz (remote)
"JM" (remote)
Eileen Kennedy (remote)
Michael Harris
Linda Jamilowski
Glen Desjardins

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 announced Planning Board members J. Knight, E. Murphy, and K. Crosby were attending the meeting remotely via Zoom.

R. Starodoj welcomed new member, N. Talbot, to the Board.

Reorganization of the Board

Motion made by E. Murphy to nominate R. Starodoj for Chairman of the Planning Board.
Seconded by N. Talbot.

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

All in favor. Approved 5/0/0.

Motion made by N. Talbot to nominate E. Murphy for Vice-Chairman of the Planning Board.
Seconded by K. Crosby.

R. Starodaj	Aye
E. Murphy	Aye
N. Talbot	Aye
K. Crosby	Aye
J. Knight	Aye

All in favor. Approved 5/0/0.

Motion made by K. Crosby to nominate N. Talbot for Clerk of the Planning Board. Seconded by E. Murphy.

R. Starodaj	Aye
E. Murphy	Aye
N. Talbot	Aye
K. Crosby	Aye
J. Knight	Aye

All in favor. Approved 5/0/0.

PUBLIC HEARINGS

SP-2022-05 and SPR-2022-02 (continued discussion from April 21, 2022)

E. Hancock was appointed as a voting member of the Board for this public hearing by Chairman, R. Starodaj.

R. Watchilla read comments from Building Commission / Zoning Enforcement Officer, Anna Marques. In these comments, Ms. Marques stated concerns regarding 521 CMR §3.3.2, writing, "If the proposed work is over 30% of the assessed value of the building, the entire building is required to comply with 521 CMR. The assessed value of the building per Assessor's is \$49,300. The projected cost of site improvements as described in the submitted project narrative to consist of an upgraded security system and interior renovations is approximately \$40,000. This amount exceeds 30% (\$14,790) of the assessed building value. If the applicant should question the current assessed value and it is discovered it's more than three years old, a request to substitute the appraised value may be submitted to the Architectural Access Board. The request to use the appraised value may be submitted by a certified appraiser and must be submitted prior to obtaining a building permit for the project. There is also a variance process available but the applicant must prove that compliance is technologically infeasible; or the cost of compliance is excessive without any substantial benefit to persons with disabilities." She also noted, "This concern may affect the proposed design as presented to the Planning Board for a Special Permit and it could affect the proposed design as submitted to the CCC (Cannabis Control Commission) for approval."

R. Watchilla explained what this would mean for the applicant and informed him of what he would need to do in order to be "ADA Compliant" (Americans with Disabilities Act Standards for Accessible Design).

A. Marques also stated, in her memo, concerns regarding the Environmental Impact Assessment, "Energy Efficient Lighting was mentioned along with a public bicycle rack. However, locations of these proposed installations were not shown on the plan." She added that, "Any changes to the proposed design could affect the locations of these - the Planning Board may wish to place some guidance in the potential decision/conditions."

K. Crosby stated concerns about the Board approving the Site Plans if there are major changes that would need to be made.

The Board discussed this.

R. Starodoj stated ADA Compliance supersedes setback requirements.

M. Harris stated, several years ago, someone from the ADA informed him there was no room for a ramp and it wouldn't be cost-effective compared to the value of the building.

R. Starodoj requested Mr. Harris provide any paperwork he has regarding ADA compliance in the past, in order to help the Board make a decision.

M. Harris stated he would look for what he has.

R. Starodoj stated the Board could take a vote on the Special Permit during the meeting, to allow the applicant to move forward, then continue the Site Plan Review at a future meeting. He also suggested Mr. Harris show proposed outdoor lighting on future Site Plans.

K. Crosby suggested the applicant return to the Board when he has definitive Site Plans.

R. Watchilla suggested tying the Special Permit to the owner, instead of the building, in case the building was sold during this process.

R. Starodoj asked for clarification.

R. Watchilla stated issues could arise if another party were to purchase the building with this Special Permit attached to it.

R. Starodoj agreed, stating a Sunset Provision should be applied to this Special Permit application.

The Board discussed parking for the proposed business.

L. Jamilowski, an abutting property owner, stated concerns about limited parking on Pulaski Street.

R. Starodoj suggested the Town look into creating designated parking for residents.

E. Hancock stated parking has been a problem in Town for a very long time and it should be up to the Town to address parking concerns, not the applicant.

N. Talbot agreed, stating the Special Permit should not be held up by this issue.

L. Jamilowski asked about property values being affected by this business.

R. Starodoj stated an active business is considered better than a vacant building, adding that this type of establishment has already been approved by Town vote.

N. Talbot stated the increase in traffic may entice more businesses to come to the Town.

Motion made by K. Crosby to close the public hearing for SP-2022-05. Seconded by E. Murphy.

R. Starodoj	Aye
E. Murphy	Aye
N. Talbot	Abstain
J. Knight	Aye
K. Crosby	Aye
E. Hancock	Aye

Approved 5/0/1. Five in favor, one abstention.

R. Watchilla read the Findings (§7.2.4) and Conditions (§7.2.5) for the Special Permit.

The Board and applicant agreed to add to the conditions, the hours of operation will be 9:00am - 8:00pm Monday - Saturday, and 10:00am - 5:00pm on Sunday. They also agreed to add the condition, if another party were to buy the building and decide to continue under the same use, the new owner(s) would need to come before the Board to review the conditions of the Special Permit.

M. Harris stated he expects one delivery weekly or biweekly and the van providing the delivery would park off-street, at his other property next to the business.

R. Watchilla recommended the Board add a condition that the applicant put up signs in or on the business asking patrons to park at Mr. Harris's business on Main Street and walk down.

R. Starodoj suggested a sign saying something along the lines of, "Please Respect Our Neighbors," but noted signs are often disregarded.

The Board agreed to add the condition that deliveries are to be made during normal hours of operation.

R. Starodoj stated the Board reserves the right to revisit Part H of §7.2.5, if there are complaints made about the operation of the business.

The Board added the condition the applicant must screen outdoor waste receptacles.

Motion made by E. Murphy to approve SP-2022-05 under the Findings and Conditions specified in §7.2.4 and §7.2.5 of the Town Zoning Bylaw, as well as the conditions set forth by the Board. Seconded by K. Crosby.

R. Starodoj	Aye
E. Murphy	Aye
N. Talbot	Abstain
J. Knight	Aye
K. Crosby	Aye
E. Hancock	Aye

Approved 5/0/1. Five in favor, one abstention.

Solar Battery Storage Facility Moratorium

R. Watchilla read a letter from the Town Manager on behalf of members of the Board of Selectmen asking the Planning Board to, "Consider modifying the language of the proposed zoning bylaw amendment to include all large scale battery storage facilities, not solely those related to large scale solar array projects."

R. Starodoj informed the rest of the Board as well as members of the public, this would only apply to future projects, not projects that have been approved already.

J. Chartier, Vice Chairwoman of the Zoning Board of Appeals, stated when she originally proposed the moratorium, it was in response to what the town of Oakham was going through, and felt more research was needed on this topic before any decisions were made.

R. Starodoj suggested the moratorium should start the date of the Town Meeting, when it is voted on.

The Board discussed limits for battery storage.

N. Talbot asked for clarification that the Board is expected to close the public hearing and vote on whether or not to endorse the moratorium, adding there will be further discussion on the topic in the future.

R. Starodoj stated his intention is to clarify to the public this will not restrict small scale solar projects for home owners or small business owners.

R. Watchilla suggested adding to the Purpose of this section, that this will not affect small scale battery storage of 100kW or less.

E. Hancock stated concerns about EV batteries being used in free-standing battery storage facilities on private property, their potential hazards, and the challenge of decommissioning these facilities.

K. Crosby suggested collecting a bond on decommissioning battery storage facilities.

The Board discussed this affecting future free-standing battery storage for large scale solar projects only, not solar projects currently in the process of being approved.

It was also discussed that, if a site plan was changed to add battery storage, it would be considered separate from the original application.

Motion made by N. Talbot to approve the additions to the Solar Battery Storage Facility Moratorium and close the public hearing. Seconded by K. Crosby.

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

All in favor. Approved 5/0/0.

OLD BUSINESS

Approval of Planning Board meeting minutes from April 21st, 2022.

Motion made by N. Talbot to approve the meeting minutes from April 21st, with one edit (to change the word “rearrange” to “reorganize” in reference to a motion to table the reorganization of the Board). Seconded by E. Murphy.

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

All in favor. Approved 5/0/0.

NEW BUSINESS

ANR-2022-02

The Board reviewed and discussed Joseph and Donna Longtin’s ANR application for Old Gilbertville Road.

Motion made by K. Crosby to approve ANR-2022-02. Seconded by N. Talbot.

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

All in favor. Approved 5/0/0.

TOWN PLANNER UPDATE

Rail Trail Phase II Project

H.M. Nunes and Son has started work on the project and has exposed the earth and finished most of the grading. They should be putting down 1¼ inches of hard pack material within the next few days.

Bank Street / Park Avenue Reconstruction Project

Caracas Construction has installed new sewer and water lines on Bank Street. They have milled the road surface and should be starting road construction very soon. The Town is currently looking into funding sources to fully fund the Park Avenue portion of the project.

Subdivision Regulations

R. Watchilla is currently reviewing the newly proposed Subdivision Regulations Document and asked the Board how they would like to review it.

R. Starodoj suggested going over each piece individually at separate Planning Board meetings.

Permit Fee Schedule Public Hearing

A Public Hearing for a review of the Permit Fee Schedule is scheduled for Thursday, May 19th at 7:05pm. The Board could make amendments for the Fee Schedule. This review is due to the rising costs of advertising and a reassessment of the current costs for each permit.

ADJOURN

Motion made by N. Talbot to adjourn at 9:03pm. Seconded by E. Murphy.

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

All in favor. Approved 5/0/0.

NEXT PLANNING BOARD MEETING DATE:

Thursday, May 19th, at 7:00pm.

Minutes from April 28th, 2022

Respectfully submitted by,

Laura White
Administrative Assistant
Planning & Community Development

Minutes Approved on:	<u>5/19/22</u>
Starodoj	<u>RAS</u>
Murphy	<u>[Signature]</u>
Talbot	<u>Ammy Talbot</u>
Knight	<u>_____</u>
Crosby	<u>_____</u>