



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 6, 2023

Selectboard Meeting Room

126 Main Street, Ware MA 01082

Planning Board Members in Attendance:

Rick Starodoj	Chair
Ed Murphy	Vice Chair (Absent)
Ken Crosby	
Nancy Talbot	
Chris DiMarzio	
Elizabeth Hancock	Alternate

Staff Members in Attendance:

Stuart Beckley	Town Manager
Kristen Jacobsen	PCD Dept. Admin. Assistant
Anna Marques	Building Commissioner/ Zoning Enforcement Officer

Members of the Public in Attendance:

Claudia Kadra
Jodi Chartier

PLEDGE OF ALLEGIANCE

Chairman R. Starodoj called the meeting to order at 7:02pm and led the Pledge of Allegiance.

ADMINISTRATIVE

Approval of Minutes from March 16, 2023

Motion by N. Talbot to approve the March 16, 2023, meeting. **Seconded** by C. DiMarzio. **Discussion** None

R. Starodoj		Aye
N. Talbot		Aye
E. Murphy		Absent
K. Crosby		Aye
C. DiMarzio		Aye
Four in favor. One Absent. Approved 4/0/1.		

Public Hearing

7:05pm: SP-2023-03 (Delia Wolfe, RVT)

- Applicant is requesting a Special Permit for the keeping of nine (9) pet chickens. Deeded in the Hampshire County Registry of Deeds, Book 14669, Page 178. Assessor’s Parcel 25-0-3. Zoned: Rural Residential (RR).

N. Talbot read legal notice

Motion by N. Talbot to postpone until applicants arrived. **Second** K. Crosby. **Discussion** None.

R. Starodoj		Aye
N. Talbot		Aye
E. Murphy		Absent
K. Crosby		Aye
C. DiMarzio		Aye
Four in favor. One Absent. Approved 4/0/1.		

Applicants arrived.

The Planning Board Reopened the Public Hearing

E. Hancock appointed.

- The applicants and the board discussed the nine chickens.
- The Chickens are kept as pets and do not produce eggs for profit.
- The coop is in the back yard over 100’ from any abutter.
- No roosters.
- Not free range
- The home is a family occupied multi family.

The board found the application SP-2023-03 to meet all criteria and was no detriment to public health.

The board instilled the following conditions:

- If coop is portable, it must be kept 100' from abutters
- The Special Permit is non-transferrable and does not go with the land
- No roosters

Motion by C. DiMarzio to approve SP-2023-03 with the above conditions. **Second** K. Crosby. **Discussion** None.

R. Starodoj		Aye
N. Talbot		Aye
E. Murphy		Absent
K. Crosby		Aye
C. DiMarzio		Aye
Four in favor. One Absent. Approved 4/0/1.		

ANR

ANR-2023-02 (Sczygiel Road)

- The Board will make the determination of whether this plan requires their approval under the Subdivision Control Law.

The board viewed the submitted plans.

The board found that the ANR plan met all criteria for area and frontage.

Motion by C. DiMarzio to approve ANR-2023-02. **Second** K. Crosby. **Discussion** None.

R. Starodoj		Aye
N. Talbot		Aye
E. Murphy		Absent
K. Crosby		Aye
C. DiMarzio		Aye
Four in favor. One Absent. Approved 4/0/1.		

Old Business

- Review of newly proposed Subdivision Regulations
- Sections 2.4.11 (Recording of Plan) to Section 2.4.14 (Road Acceptance) [Pages 43-45]
Discussion postponed until Director of Planning and Community Development Director is appointed

New Business

- Appointment of PVPC Commission Member and alternate.

Motion by N. Talbot to postpone discussion until the April 20, 2023, meeting. **Second** C. DiMarzio.

Discussion None.

R. Starodoj		Aye
N. Talbot		Aye
E. Murphy		Absent
K. Crosby		Aye
C. DiMarzio		Aye
Four in favor. One Absent. Approved 4/0/1.		

Public Hearing- 7:30pm: Battery Energy Storage Systems Public Hearing

- Proposed addition to the zoning bylaws regarding battery energy storage systems. Recommendation for Town Meeting.

N. Talbot read the legal notice.

The board discussed the moratorium the town had adopted, and S. Beckley explained the Attorney General would not allow the moratorium. S. Beckley presented the proposed bylaw for battery energy storage systems which had been created by members of PVPC, R. Watchilla, with consultation from C. Kadra, and J. Chartier. S. Beckley explained the Attorney General determined that any new bylaw related to battery storage could not negatively impact battery storage that is related to solar. The battery storage systems that are not related to solar would have a Site Plan Review and Special Permit process attached to those projects under the new bylaw.

The board, members of the audience, J. Chartier, and C. Kadra discussed :

- The sizes of the storage systems.
- Types of containment.
- Potentially useful locations (zones).
- Potential dangers include fire suppression and chemical contamination.
- Proposing a safety plan.
- Lack of regulation and safety guidelines on the state and federal level.
- Whether the battery storage systems may pose a risk to aquifer and groundwater systems.
- Questioned if it would be possible disallow free standing storage systems unless they are associated with solar.
- J. Chartier suggested allowing the town to vote on the proposed bylaw during the Town Meeting.
- Proposed setbacks
- Lack of environmental information
- Potential place holder for Town Meeting.
- Suggested edits of language in Application Material section.

Motion by N. Talbot to continue Public Hearing on April 20, 2023. **Second** C. DiMarzio. **Discussion** None.

R. Starodoj		Aye
N. Talbot		Aye
E. Murphy		Absent
K. Crosby		Aye
C. DiMarzio		Aye
Four in favor. One Absent. Approved 4/0/1.		

TOWN MANAGER UPDATE

S. Beckley presented letter from PVPC regarding the Senior Housing Plan and requesting the Chairmans signature.

Motion by N. Talbot approve the signing of the document required for the application and grant process. **Second** . **Discussion** None.

R. Starodoj		Aye
N. Talbot		Aye
E. Murphy		Absent
K. Crosby		Aye
C. DiMarzio		Aye
Four in favor. One Absent. Approved 4/0/1.		

Motion made by N. Talbot to **ADJOURN at 8:42pm. Seconded** by C. DiMarzio **Discussion:** none

R. Starodoj		Aye
N. Talbot		Aye
E. Murphy		Aye
K. Crosby		Aye
C. DiMarzio		Aye
All in favor. Approved 5/0/0.		

NEXT PLANNING BOARD MEETING DATE:

Thursday, April 20, 2023 at 7:00pm.

Minutes from Thursday, April 6, 2023.

Respectfully submitted by,

Kristen Jacobsen
Administrative Assistant
Planning & Community Development

Minutes Approved on:	<u>4/20/23</u>
Starodoj	<u>BAS</u>
Murphy	<u>[Signature]</u>
Talbot	_____
Crosby	_____
DiMarzio	<u>[Signature]</u>