



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 7th, 2022

Board of Selectmen's Meeting Room, Town Hall

Planning Board Members in Attendance:

Josh Kusnierz, Chairman
Rick Starodoj, Vice-Chairman
Joseph Knight, Clerk (Remote)
Ed Murphy
Kenneth Crosby

Staff Members in Attendance:

Elizabeth Hancock, Alternate
Rob Watchilla, PCD Dept. Director
Anna Marques, Building Commissioner / Zoning Enforcement Officer
Laura White, Admin. Assistant to PCD Dept.

Members of the Public in Attendance:

Paul Moryl
Chuck Dowd
Phil Hamel
S.K. Robinson
Steve Mansfield
Nathaniel Mansfield

PLEDGE OF ALLEGIANCE

Chairman J. Kusnierz called the meeting to order at 7:00pm and led the Board in the Pledge of Allegiance.

ADMINISTRATIVE

Approval of Planning Board meeting minutes from March 30, 2022.

Motion made by E. Murphy to approve meeting minutes from Wednesday, March 30th.
Seconded by R. Starodoj.

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

Three in favor, two abstentions. Approved 3/0/2.

TOWN PLANNER UPDATE

Bids were opened Thursday, April 7, 2022 for the Ware Rail Trail Phase II project. The Town received eight (8) competitive bids.

Warrant for the Annual Town Meeting has been finalized and was approved by the Board of Selectmen on Tuesday, April 5th, 2022.

The Board of Selectmen also voted to move the Planning Board to hold a public hearing for a 12-month Solar Battery Storage Facility Moratorium. The anticipated date for this public hearing will be Thursday, April 28th at 7:05pm.

Work has begun on the West Street Corridor Study. Pare Corporation and the Town have agreed on contractual terms with an anticipated completion date of June 1st, 2022.

PUBLIC HEARINGS

Town Zoning Bylaw Amendments

J. Kusnierz read the public hearing legal notice for the proposed zoning bylaw amendments.

R. Watchilla read the proposed zoning bylaw amendments. [A copy of the proposed zoning bylaw amendments can be found at www.townofware.com > Departments > Planning & Community Development > Zoning > Proposed Bylaw Amendments]

S.K. Robinson inquired about why the Town is not including definitions for social consumption sites in terms of new definitions for cannabis-related businesses in its bylaws. He also stated concerns about problems arising from this omission in the future.

The Board discussed possible ways to approach adding this into the bylaw.

S.K. Robinson suggested looking into what the Cannabis Control Commission (CCC) already has in their regulations as a model for the Town.

K. Crosby stated concerns about who would be responsible for overseeing test pits, soil borings, and monitoring wells for Earth Removal Operations. He suggested removing test pits from this section.

The Board discussed changing this section to remove test pits and adding “the SPGA has the authority to change the frequency of these reports.”

S.K. Robinson inquired about the reasoning behind restricting marijuana cultivation in residential properties.

A. Marques stated having multiple principal uses for one property is only allowed in mixed use districts and described the complications that would arise from allowing marijuana cultivation in a residential property.

J. Kusnierz suspended the zoning bylaw amendments discussion due to the scheduled public hearing.

SP-2022-04 & SPR-2022-01

J. Kusnierz read the public hearing legal notice for SP-2022-04 & SPR-2022-01 Steve & Sons Auto Detailing.

The Board reviewed the application for Steve Mansfield who is seeking approval of a proposed garage for additional storage and shop space for existing home-based auto detailing business. Property is located at 187 Gilbertville Road, Assessor's Parcel # 41-0-24, Zoned: Rural Residential (RR).

S. Mansfield stated his intention is to build a new garage to allow for larger vehicles for his existing business and would like to use the existing garage to store personal vehicles.

K. Crosby asked about the dimensions of the proposed building.

S. Mansfield stated it will be 2,400 ft² with 16 foot high ceilings.

Motion made by R. Starodaj to approve the Special Permit and Site Plan for Steve Mansfield based on the Findings in §7.2.4 of the Town Zoning Bylaw with no additional conditions.
Seconded by K. Crosby.

J. Kusnierz	Abstain
R. Starodaj	Aye
E. Murphy	Aye
J. Knight	Aye
K. Crosby	Aye

Four in favor, one abstention. Approved 4/0/1.

Town Zoning Bylaw Amendments Continued

A. Marques described building code challenges that would arise from a residential property being used for marijuana cultivation and stated marijuana cultivation is still classified as a factory use.

R. Starodaj stated a factory in a residential property would not promote customer circulation the way a small retail business would and it could potentially present a fire hazard as well.

S.K. Robinson stated "microbusinesses" are limited to 5,000ft² which would be considered a small business. Many cultivation site applications to the CCC are for significantly smaller, less than 1,000ft² operations, and would not take a lot of space. He also stated concerns about residents wanting to support their families and being restricted by these zoning bylaws.

The Board discussed the reasoning behind this bylaw decision.

E. Hancock pointed out some inconsistencies in the language of a couple different parts of the Bylaw.

The Board agreed to amend the inconsistencies.

S. Beckley informed the Board having a 300' setback for marijuana businesses from places in which children commonly congregate or are dedicated for the use of children, would eliminate potential businesses on Main Street completely.

K. Crosby stated parking on Main Street would be a concern for such establishments.
The Board discussed parking concerns on Main Street.

The Board agreed to leave the proposed setbacks, as written.

S. Beckley pointed out a conflict in §7.5 regarding enforcement.

The Board agreed to remove the conflicting parts of §7.5.

Motion made by R. Starodaj to approve the Zoning Bylaw Amendments and forward them on to Town Meeting for final approval. Seconded by E. Murphy.

J. Kusnierz	Abstain
R. Starodaj	Aye
E. Murphy	Aye
J. Knight	Aye
K. Crosby	Aye

Four in favor, one abstention. Approved 4/0/1.

ADJOURN

Motion made by E. Murphy to adjourn the meeting at 8:29pm. Seconded by K. Crosby.

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

All in favor. Approved 5/0/0.




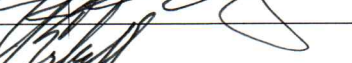
NEXT PLANNING BOARD MEETING DATE:

Thursday, April 21th at 7:00pm.

Minutes from April 7th, 2022

Respectfully submitted by,

Laura White
Administrative Assistant
Planning & Community Development

Minutes Approved on:	4/21/2022
Starodaj	
Starodaj	
Knight	
Murphy	
Crosby	