



TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 120

Planning Board

Meeting Minutes from

Thursday, August 3, 2023

Selectboard Meeting Room

126 Main Street, Ware MA 01082

Planning Board Members in Attendance:

Rick Starodoj	Chair
Ed Murphy	Vice Chair
Ken Crosby	
Chris DiMarzio	
Elizabeth Hancock	Absent

Staff Members in Attendance:

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

Members of the Public in Attendance:

Bernie Bergeron
Alex Bergeron

PLEDGE OF ALLEGIANCE

Chairman E. Murphy called the meeting to order at 7:03pm and led the Pledge of Allegiance.

ADMINISTRATIVE

- Approval of minutes from July 20th, 2023

Motion by R. Starodoj to approve the July 20th 2023 meeting minutes. **Seconded** by K. Crosby.

Discussion. None

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

OLD BUSINESS

Kulas Earth Removal Project- Babcock Tavern Road

- Response from Bond Construction regarding the demarcation of the buffer area of the Earth Removal Operation at 240 Babcock Tavern Road.

-Sherman and Frydryk provided a plan of the placed boundary markers depicting the stakes which were set on 7/20/ 2023. K. Jacobsen had reached out to them regarding the placement of the silt fence and was awaiting a response.

Open Space and Recreation Plan

C. DiMarzio discussed the remarks he stated in an email on sent Friday July 14, 2023 at 9:37 a.m. :

“In 2008 the Town adopted the Flexible Residential Open Space Development (FROSD) zoning provision, which requires that 50% of the development be set aside as open space. However, no developer has proposed an FROSD since 1) as written, it has no provisions for density bonuses or other incentives to use it”???

It was my recollection that the whole idea of the bylaw was to give a density bonus. Unless I am wrong, or it has been changed during my absence from the board, the bylaw allowed a developer to take the number of lawful lots they could develop under our current zoning requirements for lots, and then use half that acreage for development with the requirement that the other 50% be set aside for open space, resulting in smaller more dense lots. This also results in less road and drainage infrastructure cost, which hopefully creates more affordable housing. That is how I remember passing that bylaw, and was always surprised nobody ever proposed a FROSD. Am I missing something? ”

S. Beckley addressed the email and answered that it should be amended.

The board discussed the possibilities of why no one had taken advantage of that as of yet.

Motion by R. Starodoj to recommend the Open Space and Recreation Plan as presented.
Seconded by K. Crosby. **Discussion.** None

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

NEW BUSINESS

Belaire Drive

The board discussed the current condition of Belaire Drive. S. Beckley had anticipated the owners being present during the Planning Board meeting and being able to brake the cyclical issues they have encountered. The owner is having issues finishing the road and not being able to sell or build which would enable them to fund the road construction. The board discussed that the road condition is fine until house number 6 after that point, it is in unacceptable condition and they are using concrete to smooth out areas. The dention/retention pond is completely overgrown.

Snow Plowing of Unaccepted Roads Discussion (Private Subdivision Roads)

To discuss the roads to be considered during the yearly unaccepted roads inspection and to set a date for the inspection.

The board discussed dates to inspect unaccepted roads settling on Tuesday, Septemember 5, 2023 at 9am.

Revisit Proposed Zoning Changes : 415 – 417 Belchertown Road (Bergeron)

S. Beckley and the Bergeron’s discussed the issues the proposed zoning change had last fall. (questions of lot sizes, spot zoning, and the parcels included).

A. Bergeron asked about the possibility of adding Battery Storage which would link with their existing solar system and connect to the grid.

B. Bergeron spoke about the zoning changes and the notification process. S. Beckley explained that 417 Belchertown Road was not included in the original RB district.

Would like to add two 30,000 gallon propane storage tanks.

The Bergerons would like to revise their discussion from 2022 taking into account questions and concerns which were raised during the Public Hearing on November 3, 2023.

The board suggested eliminating the 5 acre minimum requirement, selecting multiple uses, and the possibility of adding properties that abut state highway.

S. Beckley and A. Marques would meet and speak with the Bergerons to discuss their ideas.

Motion by K. Crosby to continue the discussion of the revision of the proposed Rural Business Overlay District to August 17, 2023. **Seconded** by R. Starodoj. **Discussion.** None

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

Discussion

A.Marques and the board discussed business using flutter flags. R. Starodoj found that it seemed to fall under #13 on page 115 of the Ware Zoning Bylaw:

“Banners and pennant signs shall be allowed for a period of 30 days per permit, consecutive or non-consecutive, for up to four times within a calendar year (i.e. maximum of 120 days, including all banner and pennant signs)”

The board discussed the interpretation of the bylaw is at the discretion of the Zoning Enforcement Officer.

A.Marques discussed the possibility of charging per pole for such flags. The board said that it should be written and defined so as to be clear and fair for everyone.

C. DiMarzio proposed such signs could be permitted could be allowed for a period of 30-days per permit which would not limit the number of these signs.

The board and A. Marques discussed the possibility of these signs being a hazard or distraction. E. Murphy noted that #7 on page 114 of the Zoning Bylaw states:
“Signs must not be placed so as to obstruct the view of traffic entering or leaving a premises, as determined by the Building Inspector.”

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT UPDATE

Tractor Supply- appears to be in the beginning stages of their permitting process.

Integrity Towing- Owners met with A.Marques and K. Jacobsen to address their need for a Special Permit to operate their towing business. A. Marques had told them what materials they would need to apply for the Special Permit. No materials were brought in by the owners at that time.

As of 8/3/2023 they had not applied for a Special Permit.

There has been visual evidence that the company is operating as of 8/3/2023

R. Starodoj proposed that a Cease and Desist may be in order.

Town Planner Search- no applicants. S. Beckley noted that there are 20 openings throughout the state

ADJOURN

Motion made by C. DiMarzio to **ADJOURN at 8:03 pm. Seconded** by R. Starodoj **Discussion:** None

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




NEXT PLANNING BOARD MEETING DATE:

Thursday, August 17, 2023 at 7:00pm.

Minutes from Thursday, August 3, 2023.

Respectfully submitted by,

Kristen Jacobsen
Administrative Assistant
Planning & Community Development

Minutes Approved on:	<u>8.17.23</u>
Starodoj	<u></u>
Murphy	<u></u>
Hancock	_____
Crosby	_____
DiMarzio	<u></u>

Administrative

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