



TOWN OF WARE

Planning & Community Development
126 Main Street, Ware, Massachusetts 01082
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Planning Board
Meeting Minutes from
Thursday, September 16, 2021
Select Board Room, Town Hall

Planning Board Members Present:

Rick Starodoj (Vice-Chairman), Ed Murphy, Ken Crosby (Remote), Joe Knight (Remote), Elizabeth Hancock (Alternate)

Staff Present:

Rob Watchilla, Director

Public in Attendance:

PLEDGE OF ALLEGIANCE

Chairman J. Kusnierz was absent from the Meeting and R. Starodoj (Vice-Chairman) stepped in as Acting Chairman.

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

ADMINISTRATIVE

- Approval of Minutes from September 2nd.

Motion by J. Knight to approve the meeting minutes from September 2nd, 2021. Seconded by E. Murphy. Roll call vote:

Rick Starodoj	Aye
Ed Murphy	Aye
Joe Knight	Aye
Ken Crosby	Aye

All in favor. Approved 4/0/1.

- Review of vote made on August 5th, 2021, regarding the definition of "park" in section 4.8.8.E in the zoning bylaw, as not pertaining to an area where children transiently pass through.

Acting Chairman R. Starodoj mentioned to the board that the original perception of the intent of the Cannabis section of the Zoning bylaw was to keep Cannabis retail establishments away from areas where children congregate on an ongoing and formal basis. The Board, when making its vote, interpreted this definition of park, with the intent clause in mind, to exclude Veteran's Park as an area where children congregate on an ongoing and formal basis. They instead interpreted Veteran's Park to be an area where children transiently pass through. After a Board of Selectman meeting in which Mr. Harris was denied a Community Host Agreement to open his Recreational Marijuana retail business at a location abutting Veteran's Park, the Planning Board decided to rediscuss their prior vote made at the August 5th meeting. The Board decided to interpret Veteran's Park as being a "Park" as stated in section 4.8.8 of the zoning bylaw.

Motion by E. Murphy to rescind vote made on August 5th, 2021, that designated Veteran's Park as not being a park as defined in Section 4.8.8. in the zoning bylaw. Seconded by K. Crosby. Roll call vote:

Rick Starodoj	Aye
Ed Murphy	Aye
Joe Knight	Aye
Ken Crosby	Aye

All in favor. Approved 4/0/1.

OLD BUSINESS

- Scenic Road Designation Update

R. Watchilla mentioned to the Board that substantial updates have been made, including the addition of a petition of 10 or more landowners who live alongside the proposed scenic road as an avenue for scenic road proposal. The question arose to whether or not a proposal would have to go to the Planning Board before it is voted at Town Meeting. The Planning Board will host a future meeting inviting members of the Zoning Board of Appeals, Historic Commission, and Conservation Commission to discuss further.

- Right to Farm Designation Update

R. Watchilla updated the board about the idea of mailing out a survey (with an optional online component) to owners of Chapter 61A registered properties to gain their opinion on Right to Farm designation. This will determine whether or not this project will continue further.

NEW BUSINESS

- Zoning Bylaw Discussion
 - Section 4.8.8. (Cannabis)

The Planning Board focused the majority of its meeting on discussing the Cannabis section (4.8.8) of the zoning bylaw. The Board compared the current Cannabis Control Commission guidelines with the Town of Ware's Cannabis section of the zoning bylaw. E. Murphy stressed the importance of connecting the intent section with the setback section with the addition of the phrase "in the board's opinion, meets the intent of this bylaw." Linking these two sections will ensure that the intent of the Cannabis section of the zoning bylaw applies to the setbacks as well.

The current language of the setback is described as three hundred (300) feet "door-to-door" from any schools. K Crosby proposed that the language should be changed to "property line to property line" instead.

E. Murphy expressed his concern about how the focus of the setback section in regard to children is limited to only K-12 schools. The language should be reworded to "anywhere where children congregate on an ongoing and formal basis." K. Crosby brings up the point that "home schooling" should be included in the setback section as well.

The addition of a residential setback of three hundred (300) feet in residential zoning districts was discussed. The Board thinks that this is worth considering as to prevent Cannabis establishments in residential zoning districts in town. This would exclude the Downtown Residential Zone which is a mixed-use district.

- o Section 2.2 (Possibility of adding the definition for "Park")

Looking at the City of Springfield's definition of the word "park", the Board discussed the possibility of adding a definition of "park" to section 2.2 of the zoning bylaw. The question of whether to include a passive park in this definition was briefly discussed. A passive park would be one where recreation is not taking place, but would be predominantly leisure. E. Murphy mentioned that passive parks should be left out of the definition of park, if added to the zoning bylaw. There is also the discrepancy of Town owned parks versus parks owned by DCR, the State, or the Mass Central Rail trail. Further research is needed in order to generate a comprehensive definition of the term "park" to add to section 2.2 of the zoning bylaw.

- o Other areas of Section 4 (Accessory Dwelling Units, Earth Removal, Mobile Home Replacement)

This part of the agenda was skipped over during the meeting.

TOWN PLANNER UPDATE

- The Ware Palmer Road LLC (Amp Energy) solar project will be posting a decommission bond with the Planning Board for SP-2018-02 in replacing the \$175,000 deposit that the Board is currently holding.

- The Ware Zoning Bylaws are currently up to date (as of March 27, 2021). Copies were offered to members of the Planning Board.
- The Town will soon be carrying out its annual subdivision road inspection.
- The Planning & Community Development Department will soon post a job listing for a full-time Assistant for the department.

Motion by E. Murphy to adjourn the meeting at 8:28 pm. Seconded by K. Crosby. Roll call vote:

Rick Starodoj	Aye
Ed Murphy	Aye
Joe Knight	Aye
Ken Crosby	Aye

All in favor. Approved 4/0/1.

The next meeting is scheduled for Thursday, October 7th, 2021 at 7 pm.

Minutes from September 16th, 2021

Respectfully submitted by,

Robert Watchilla,
Director,
Planning & Community Development

<i>Minutes Approved on: Oct 7, 2021</i>	
Kusnierz	<u>JK</u>
Starodoj	<u>RS</u>
Knight	_____
Murphy	_____
Crosby	<u>[Signature]</u>