



TOWN OF WARE

Planning & Community Development
126 Main Street, Ware, Massachusetts 01082
(413) 967-9648 ext. 120

PLANNING BOARD

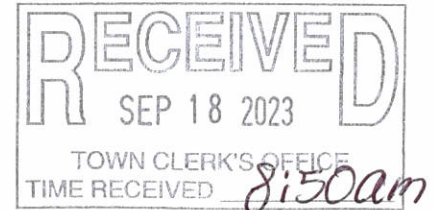
MEETING AGENDA

Location: Board of Selectmen's Meeting Room
Town Hall, 126 Main Street, Ware, MA 01082

Date & Time: Thursday, September 21, 2023 @ 7:00 PM

Digital Participation: Phone number: 929-205-6099
Meeting ID: 784 604 1861
Passcode: 01082

Instructions for call-in option: at or before 7pm call the phone number above and when prompted enter the Meeting ID number. The platform is Zoom Meetings. Join online: <https://zoom.us/join>



Pledge of Allegiance

Administrative

- Approval of Minutes from August 17, 2023

Public Hearings

- **7:05pm SP-2023-05:** Application of James Mosher, for a Special Permit for the construction of a two-family home under section 4.1.1, of the Zoning Bylaw, and pursuant to MGL Chapter 40A. **SITE LOCATION: Lee Rd, Ware, MA.** Said premises being further described in deeds recorded in the Hampshire County Registry of Deeds, Book 14474, Page 54. Property is also identified as Assessor's Parcel # 35-10-8. Zoned: Rural Residential (RR).
- **7:30pm SP-2023-06:** Melink Solar Development, for a Special Permit for annual renewal (SP-2023-06) of an approved large scale solar facility under Section 4.8.3, of the Zoning Bylaw, and pursuant to MGL Chapter 40A. **SITE LOCATION: 45 Greenwich Plains Road, Ware, MA.** Said premises being further described in deeds recorded in the Hampshire County Registry of Deeds, Book 13457, Page 159. Property is also identified as Assessor's Parcel 22-0-12 & 22-12-1. Zoned: Rural Residential (RR).

New Business

- Approval Not Required Plan, D. Jackson, 82 Osborne Road
- Schedule Public Hearing for Revised proposed zoning changes to the Belchertown Road (October 5)
- Review of Unfinished Subdivision Roads to recommend for Plowing/Sanding

Old Business

- Appointment of P.V.P.C. Commission Member and Alternate
- Planning & Community Department Update
- Any matters that are brought up that the Chair did not anticipate including on the agenda prior to this meeting.

The next Planning Board meeting will be held on October 5, 2023.

At the time of posting, the agenda items listed above are what is reasonably anticipated by the Chairman to be discussed at this meeting. Other items not listed may be brought up for discussion to the extent permitted by law. The general public is invited to this and all meetings of the Ware Planning Board.



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 17, 2023

Selectboard Meeting Room

126 Main Street, Ware MA 01082

Planning Board Members in Attendance:

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

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	
Jeremy Croteau	Remote
Angela Panaccione	PVPC

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 August 3rd, 2023

Motion by C. DiMarzio to approve the August 3rd, 2023, meeting minutes. **Seconded** by R. Starodoj **Discussion.** None

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

ANR

- ANR-2023-03 – 34-33-2 & 34-0-31 Osborne Road
- Applicant seeks to create one conventional building lot from two parcels.
Remaining land and frontage would meet regulations for estate lot requirements

J. Croteau presented the ANR, describing the arrangement of the parcels. The board discussed the plan to combine lots and found that the building lot met all area and frontage requirements and the Estate lot met all regulations.

Motion by C. DiMarzio to approve ANR-2023-03 as presented. **Seconded** by R. Starodoj

Discussion. None

E. Hancock connected via Zoom

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

NEW BUSINESS

A. Panaccione presented the draft of the Muddy Brook Subwatershed Resiliency Master Plan. A. Panaccione described the process of developing the plan, year 1 deliverables, year 2 work plan and timeline. C. DiMarzio asked if there were any plans for restricting uses on abutting properties. A. Panaccione said she didn't believe so but, subdivision regulations may want to be revised to address green infrastructure. The board discussed the need for curbing in stormwater management. A. Panaccione discussed the upcoming DEP stormwater

management regulations. The board discussed the possibility of the reopening and size increase of the Casella landfill.

OLD BUSINESS

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

S. Beckley reviewed the changes to the proposed RB District Overlay after meeting with A. Bergeron and B. Bergeron. The changes included removing the lot size requirement, the number of uses previously allowed (Automotive service, labs, and research facilities). The size requirement was replaced by a screening requirement. Also, 2 sections (areas on map) of the former proposed overlay district areas were removed.

S. Beckley addressed past questions of spot zoning, mentioning the test which can be used to test for spot zoning and does not believe this overlay district constitutes spot zoning.

E. Hancock addressed comments from B. Bergeron's previous inclusion in the RB district, and reiterated the property was not historically included in the RB district. A. Bergeron confirmed that he understood. E. Hancock and the Bergeron's discussed the DeSantis property, and that it is not included in the revisited district.

E. Hancock suggested only parcels with frontage along rt 9 should be included. C. DiMarzio confirmed that was what was included on the plan. E. Hancock listed uses included in the previous RB district (hotels, motels, nursing/convalescent homes, government buildings, restaurants, and membership clubs) E. Hancock reviewed the proposed allowed uses. E. Hancock recommended seeing a report from the Fire Chief regarding tank farms.

C. DiMarzio suggested cleaning up the language regarding the vegetated buffer. The board suggested it should be on any line of sight of the structure and that can be dealt with during the conditions of the Special Permit. The board discussed who would be proposing the bylaw, and if proposed by the Bergerons they would be the proponents.

The board discussed who would be responsible for the fees for the advertising. S. Beckley that the town would be responsible because it was zoning.

Motion by R. Starodoj to end the discussion on the proposed revisited and send the revised RB Overlay District Bylaw to the Select Board . **Seconded** by C. DiMarzio. **Discussion.** None

E. Murphy		Aye
R. Starodoj		Aye
K. Crosby		Absent
E. Hancock		Aye
C. DiMarzio		Aye

<p>Four in favor. One Absent Approved 4/0/1.</p>
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Appointment of P.V.P.C. Commission Member and Alternate

The board discussed potential volunteers. C. DiMarzio suggested E. Hancock, E. Hancock had questions regarding the meeting arrangements and the ability to attend remotely. K. Jacobsen said she'd look into that for her. E. Murphy volunteered to be the alternate member.

Motion by R. Starodoj to defer the appointment of PVPC commission member and alternate until September 5, 2023. **Seconded** by C. DiMarzio. **Discussion.** None

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

Planning Department Update

S. Beckley said there were many grants in progress

Marylane is moving forward with demolition

Tractor Supply should be in September/October

The towing company has been in contact with the town.

ADJOURN

Motion made by R. Starodoj to **ADJOURN** at 8:34 pm. **Seconded** by E. Hancock. **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, September 7, 2023 at 7:00pm.

Minutes from Thursday, August 17, 2023.

Respectfully submitted by,

Kristen Jacobsen
Administrative Assistant
Planning & Community Development

Minutes Approved on: _____

Starodoj _____

Murphy _____

Hancock _____

Crosby _____

DiMarzio _____



TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext.118 rwatchilla@townofware.com

Notice of Public Hearing Planning Board

LEGAL NOTICE

to be published in the *Ware River News*
issues 08/24/03 and 8/31/30/2023

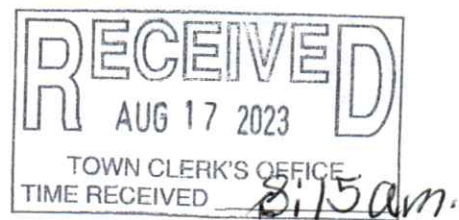
SP-2023-05

NOTICE is hereby given that the Ware Planning Board, acting as the Special Permit Granting Authority, will hold a Public Hearing on **THURSDAY, September 7, 2023 at 7:05 PM** on the application of James Mosher, for a Special Permit for the construction of a two family home under section.4.1.1, of the Zoning Bylaw, and pursuant to MGL Chapter 40A. Pursuant to Chapter 22 of the Acts of 2022, this hearing will be conducted in person and via remote means, in accordance with applicable law. This means that members of the Planning Board as well as members of the public may access this meeting in person, or via virtual means. In person attendance will be held in the Selectmen's Meeting Room, 126 Main Street, Town Hall, Ware, MA. It is possible that any or all members of the public body may attend remotely, with in-person attendance consisting of members of public. The meeting may be accessed remotely via zoom. Go to <https://zoom.us/join> or join by phone. Phone Number: 929-205-6099; Meeting ID: 784 604 1861; Password: 01082.

SITE LOCATION: Lee Rd, Ware, MA. Said premises being further described in deeds recorded in the Hampshire County Registry of Deeds, Book 14474, Page 54. Property is also identified as Assessor's Parcel # 35-10-8. Zoned: Rural Residential (RR).

A complete copy of the application can be found at the Town Clerk's office and on the Planning & Community Development Department website under Recent Filings. Anyone interested or wishing to be heard on the application should appear at the time and place designated.

WARE PLANNING BOARD
Ed Murphy, Chairman



Planning Board
Zoning Board of Appeals

Robert A. Watchilla
Director of Planning &
Community Development

Town of Ware

Planning & Community Development

Application for Special Permit



126 Main Street
Ware, MA 01082
413.967.9648 ext. 120
www.townofware.com

SP-2023-05

Applicant
Name of Applicant (primary contact): JIMMY MOSHER
Address: 34 WEST MAIN WARE
Phone: 413.343.9333 Cell: _____
Email Address: jimmymosher72@gmail.com

Owner
Name of Owner (primary contact): SAME
Address: _____
Phone: _____ Cell: _____
Email Address: _____

Request
Choose applicable Zoning Bylaw Section: SP

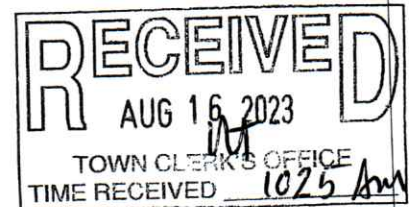
Will the project require a: **Site Plan Review:** ☐ Yes* ☒ No **Variance:** ☐ Yes* ☒ No *Explain in narrative

Property
Location of Property: _____
Assessor's Tax Map/Parcel Number: 35 10-8
Deed Reference - Hampshire District Registry of Deeds Book/Page Number: _____
Plan Reference - Hampshire District Registry of Deeds Book/Plan Number: _____
Zoning District: RR Acreage: _____
Check all that apply: ☐ Wetlands ☐ Floodplain ☐ Aquifer

Proposal
Brief description of the proposal: CONSTRUCTION OF 2 FAMILY HOME

Sign
Applicant's signature: [Signature]
Owner's signature: _____
Date: 8/15/23

Town Clerk's stamp:



Official Use Only: Preliminary Review By: _____ Date: _____
Fee: \$ 111.00 Date Paid: 8/15/23 Check #: 560
Date of Public Hearing: 9/7/23
Decision of Board: _____
Date of Decision: _____ Expiration Date: _____

I AM PROPOSING TO
BUILD A TWO FAMILY HOME
THAT WOULD TAKE LESS
THEN 1 ACRE (40,000 SQ FT)
OF LAND

EACH HOME WOULD BE
ON ONE GROUND LEVEL
AND WOULD BE HANDICAP
ACCESSABLE, IT WOULD
CONTAIN 950 SQ FT

THE NORTH ~~WING~~ AND
SOUTH WING WOULD HAVE
TWO PARKING SPACES, WITH
A PATIO FOR A GRILL AND
TABLE

THIS WOULD BE PAID
BY MYSELF AND BE OWNED
BY MYSELF

SP-2023-05 Project Narrative (transposed from hand written note)

I am proposing to build a two family home that would alter less than 1-acre (40,000 square feet) of land.

Each home would be on one ground level and would be handicap accessible, it would contain 950-square feet.

The north and south wing would have two parking spaces, with a patio for a grill and a table.

This would be paid for myself and owned by myself



Commonwealth of Massachusetts
City/Town of WARE
**Application for Disposal System
Construction Permit**
Form 1A

23-11

Number

\$ 50⁰⁰ pd cash
Fee 6/22/2022

DEP has provided this form for use by local Boards of Health if they choose to do so. Before using the form, check with your local Board of Health to make sure that they will accept it.

A. Facility Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

Application is hereby made for a permit to: ☒ Construct a new on-site sewage disposal system
☐ Repair or replace an existing on-site sewage disposal system
☐ Repair or replace an existing system component

1. Location of Facility:

LOT 2 LEE RD

Address or Lot #

WARE

City/Town

MA

State

01082

Zip Code

2. Owner Information

JAMES MOSHER

Name

203 Osbourne Rd

Address (if different from above)

Ware

City/Town

MA

State

01082

Zip Code

413-345-9355

Telephone Number

3. Installer Information

JAMES MOSHER

Name

203 Osbourne Rd

Address

Ware

City/Town

Name of Company

Ma

State

01083

Zip Code

413-345-9355

Telephone Number

4. Designer Information

RICHARD D GOBI

Name

PO BOX 600

Address

WEST BROOKFIELD

City/Town

GOBI LAND ENGINEERING

Name of Company

MA

State

01585

Zip Code

508-867-5363

Telephone Number

RECEIVED

SEP - 5 2023

Board of Health

APPROVED

SEP - 7 2023

BOARD OF HEALTH



Commonwealth of Massachusetts
City/Town of
Disposal System Construction Permit
Form 2A

23-11
Number

DEP has provided this form for use by local Boards of Health. Other forms may be used, but the information must be substantially the same as that provided here. Before using this form, check with the local Board of Health to determine the form they use.

Permission is hereby granted to:

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



James Mosher
Name

Name of Company

Address

Ware

City/Town

MA
State

01082
Zip Code

to perform the following work on an on-site sewage disposal system:

- ☒ Construction
☐ Repair or replacement
☐ Repair or replacement of system components

Lot 2 Lee Road

Facility Address

Ware

City/Town

James Mosher

Owner

MA
State

01082
Zip Code

413-345-9355
Telephone Number

The work to be performed is further described in the Application for Disposal System Construction Permit. The applicant recognizes his/her duty to comply with Title 5 and the following local provisions or special conditions:

All construction must be completed within three years of the date below.

Fogel W. Bacon P.E.
Approved by

09/05/23
Date

TITLE 5 INDEPENDENT CONTRACTOR
Title



Commonwealth of Massachusetts
City/Town of WARE
**Application for Disposal System
Construction Permit**
Form 1A

23-11
Number
\$ 50 ⁰ pd cash
Fee 6/22/2022

A. Facility Information (continued)

5. Type of Building:

☒ Dwelling

☐ Garbage Grinder (check if present)

Other: Type of Building

TWO FAMILY

Number of Persons Served

☐ Showers

Number of showers

☐ Cafeteria

☐ Other fixtures

Specify other fixtures:

6. Design Flow:

440

Gallons per Day

Calculated Daily Flow:

444

Gallons

7. Plan:

6/13/22

Date of Original

1

8/17/22 8/21/23

Revision Date

Number of Sheets

PLAN OF SEWER DISPOSAL SYSTEM - MOSHER

Title of Plan

8. Description of Soil:

CLASS I LS 5/18/22

9. Nature of Repairs or Alterations (if applicable):

10. Date last inspected:

Date

APPROVED

SEP - 7 2023

BOARD OF HEALTH

RECEIVED

SEP - 5 2023

Board of Health



Commonwealth of Massachusetts
City/Town of WARE
**Application for Disposal System
Construction Permit**
Form 1A

23-11
Number
\$ 50⁰⁰ per cash
Fee
6/22/2022

B. Agreement

The undersigned agrees to ensure the construction and maintenance of the aforementioned on-site sewage disposal system in accordance with the provisions of Title 5 of the Environmental Code and not to place the system in operation until a Certificate of Compliance has been issued by this Board of Health.

Signature

Date

Application Approved By:

Name

Date

Application **Disapproved** for the following reasons:

RECEIVED

SEP - 5 2023

Board of Health

APPROVED

SEP - 7 2023

BOARD OF HEALTH

DEEP HOLE OBSERVATION LOGS

① - 96.0	② - 99.0	③
A FS ² 104R 3/4 9"	A FS ² 104R 3/4 8"	
B SL 104R 4/6 13"	B SL 104R 4/6 24"	
C L.SAND 104R 5/4 5% GRAVEL 38% COBBLES AND STONES	C L.SAND 104R 5/4 5% GRAVEL 26% C451	
93" 88.3	116" 89.4	

DATE OF EVALUATION: 5-18-22
 SOIL EVALUATOR: R. GOBI
 INSPECTOR: SAI PALANI
 SOIL CLASS: 1
 DEPTH OF GROUND WATER BELOW GRADE: USE ELEV. 88.3
 DEPTH OF LEDGER/ROCK BELOW GRADE:
 COMMENTS:

PERCOLATION TEST DATA

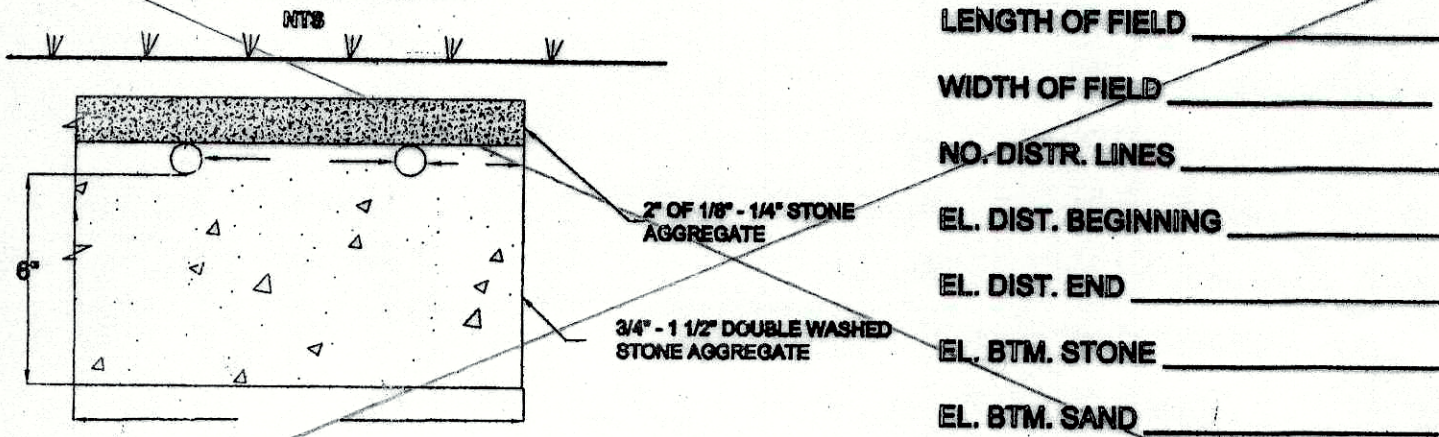
TEST PIT	DATE	DEPTH	RATE	MIN/INCH
P2	5-18-22	45"	3	
P1	8-17-22	44"	2	

I CERTIFY THAT ON 10/24/21 I PASSED THE EXAMINATION APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THAT THE ABOVE ANALYSIS HAS BEEN PERFORMED BY ME, CONSISTENT WITH THE TRAINING, EXPERTISE, AND EXPERIENCE DESCRIBED IN 910 CMR 15.01(2).
 Richard D. Gobi
 RICHARD D. GOBI

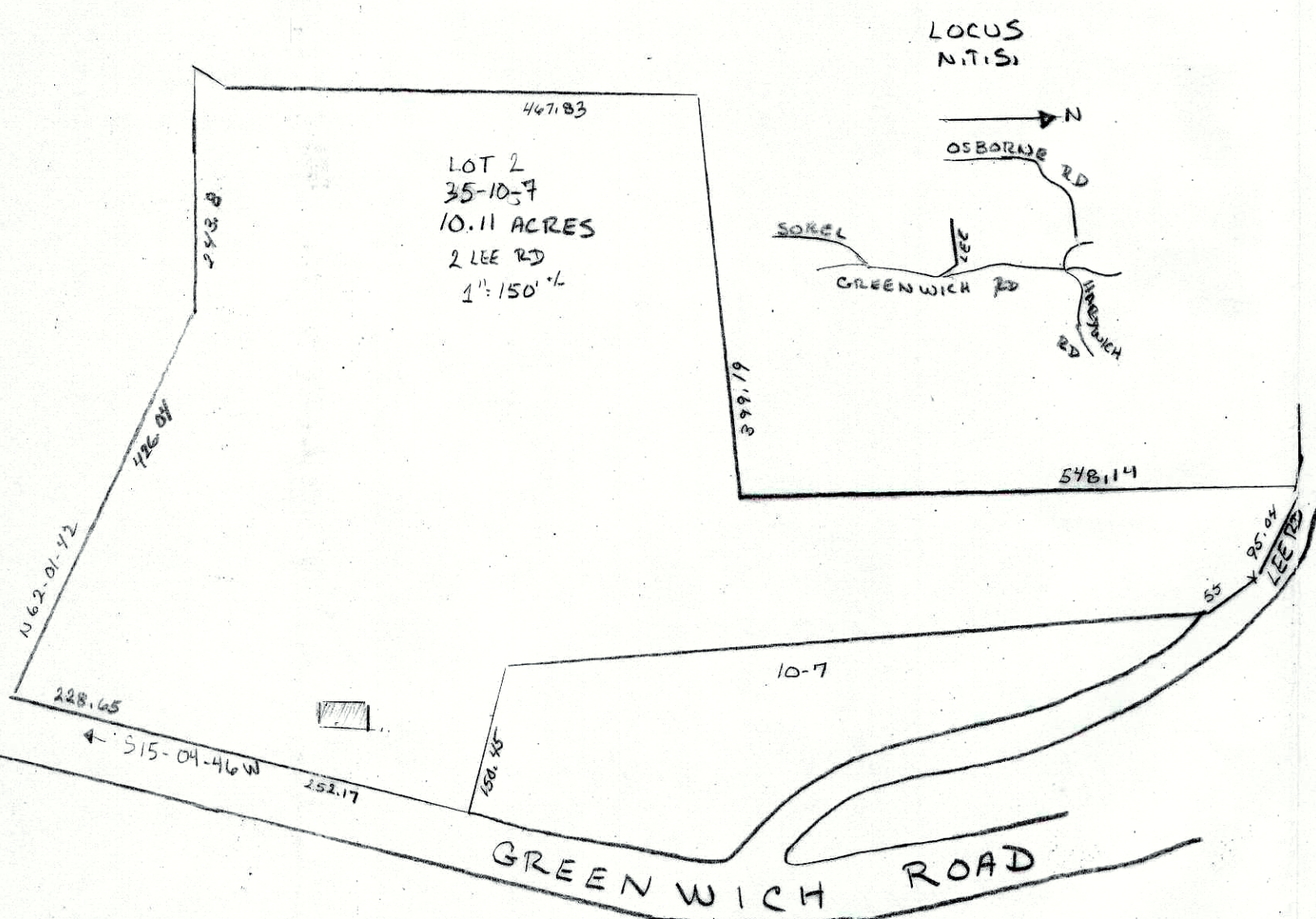
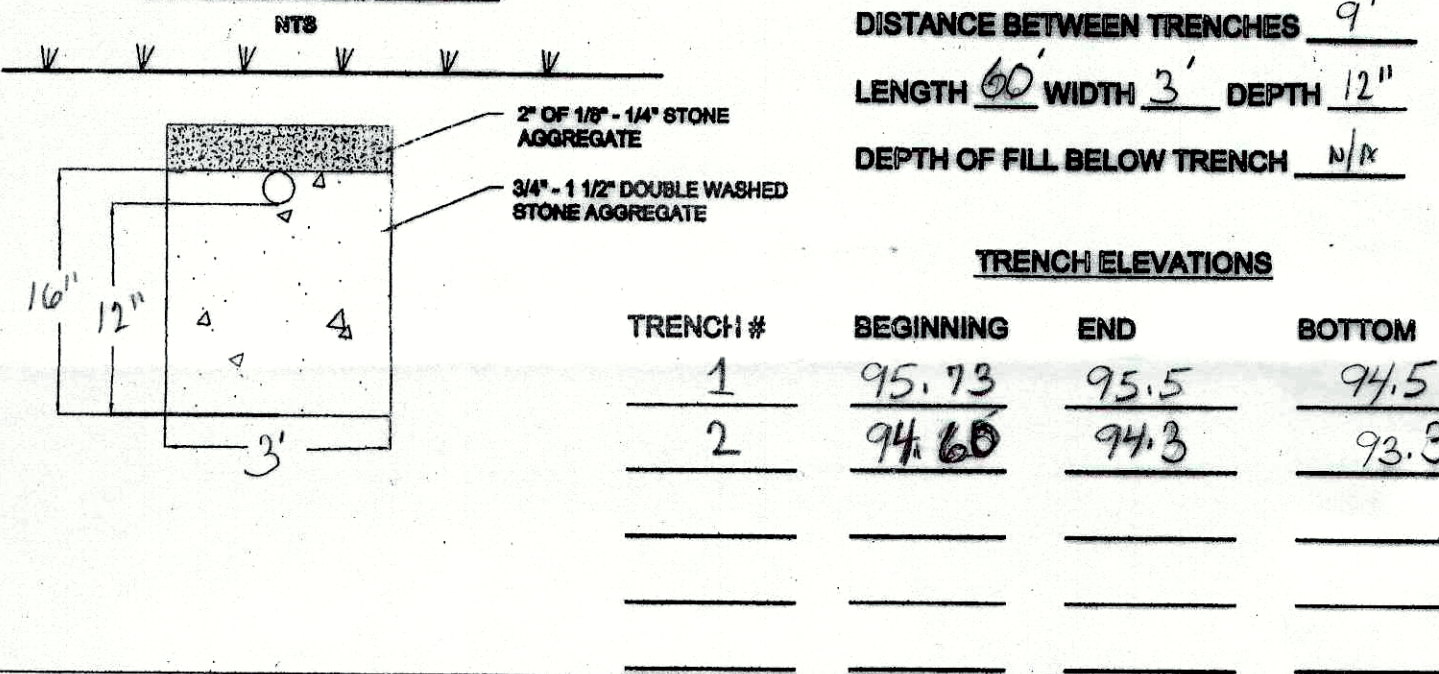
DESIGN CALCULATIONS

TYPE OF BUILDING: TWO FAMILY
 NUMBER OF BEDROOMS (AT 110 GPD/BEDROOM): 4 OTHER: NO CARBAGE DISPOSALS
 FLOW REQUIRED: 440
 TOTAL SQ. FOOTAGE PROVIDED: 600 X LOADING RATE: .74 = 444 GPD FLOW
 TOTAL FLOW REQUIRED: 440 GPD FLOW PROVIDED: 444 GPD

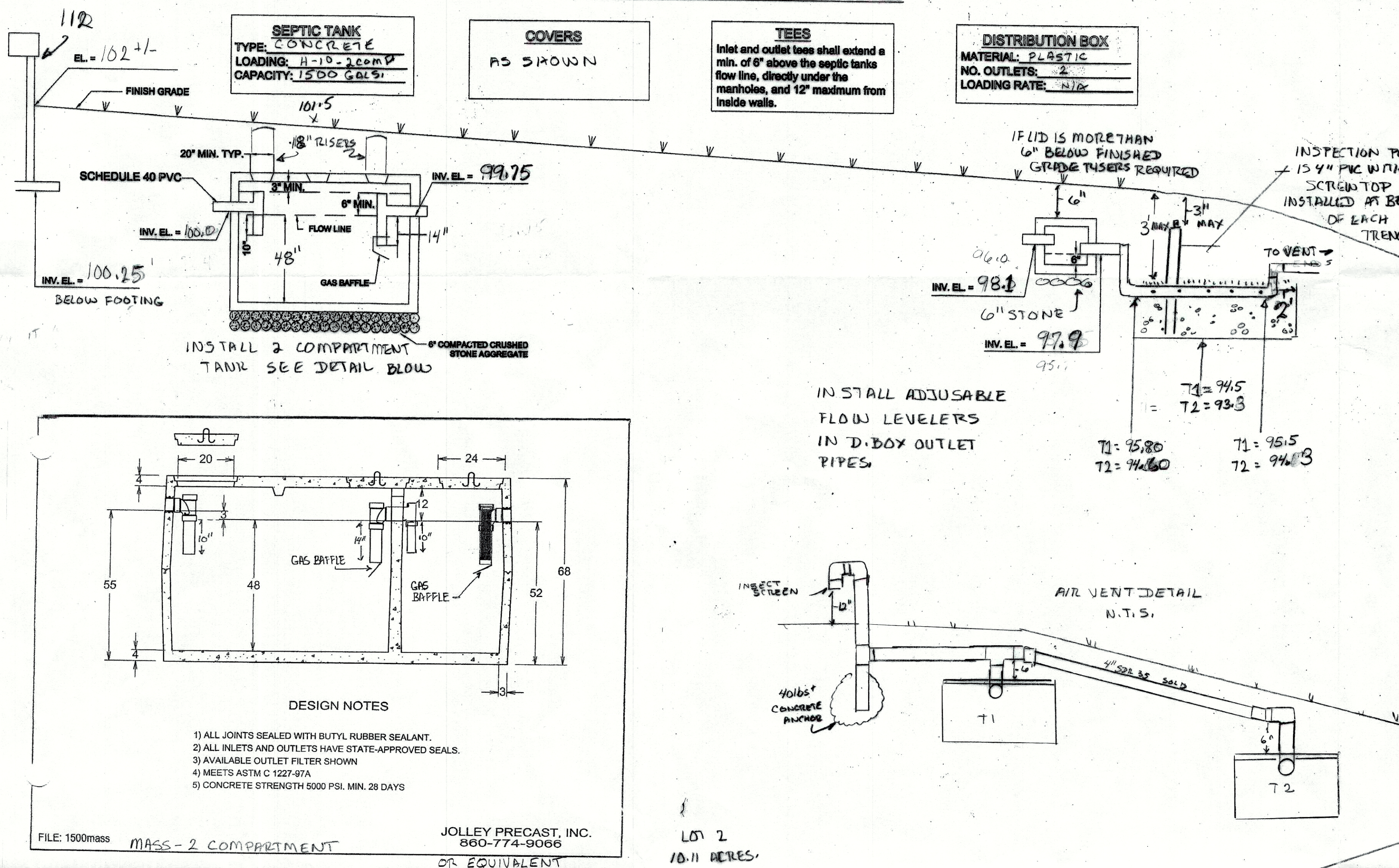
SECTION OF FIELD



SECTION OF TRENCH



PIPE INVERT AND SYSTEM COMPONENT DETAILS



NOTES

- REGULATIONS**
 - A. This design is in accordance with the Commonwealth of Massachusetts regulations 310 CMR 15.000 Title 5, of the State Environmental Code and the requirements of the local Board of Health, unless noted.
 - B. All work and components shall conform to the latest edition of the Commonwealth of Massachusetts regulations, 310 CMR 15.000 Title 5 of the State Environmental Code which governs the design and construction of onsite disposal of sanitary sewage.
 - C. This plan must be reviewed and permitted by the local Board of Health prior to construction.
 - D. All work shall be in accordance with the regulations of the local Board of Health, and must be inspected and approved by the local Board of Health.
 - E. All construction activity within 100 feet of a wetland or 200' of a waterfront area requires filing in accordance with the wetlands Protection Act, MGL Chapter 131 Section 40.
 - F. The owner and/or contractor are responsible to adhere to applicable zoning and wetland regulations.
 - G. The contractor is responsible to comply with all inspections as per Board of Health.
 - H. THERE ARE NO OTHER WELLS WITHIN 150'.
 - I. NO WETLANDS WITHIN 100' OF ANY WORK.
- MATERIALS & CONSTRUCTION**
 - A. All concrete products including septic tank, pumping chamber, distribution boxes must be set on a level, stable base with 4\"/>
- CHANGES**
 - A. No variation from this plan shall be made without written direction from Richard Gobi.
 - B. Richard Gobi is to be notified of any significant changes to this design plan.
- EXCAVATION & BACKFILLING**
 - A. In excavations for the sewage disposal system trench area, care must be taken to not compact or smear the bottom or sides.
 - B. All work should be done in favorable weather conditions, but in no case shall fill or stone be placed on wet, smeared or frozen soils.
 - C. All backfilling shall be done with care to prevent damage to any components and have proper pipe bedding.
 - D. All bedding areas, unless noted, shall be loamed and seeded and have a 2% grade to prevent accumulation of water on the system.
- GENERAL NOTES**
 - A. All wells, wetlands and waterways within 100 feet of the septic system are shown on this plan.
 - B. Property line information was taken from: PL 2K 242 PL 79 REG. 8-17-18 HAMPSHIRE COUNTY REGISTRY OF DEEDS. NO VERIFICATION SURVEY WAS DONE.
 - C. The occupancy requirements (number of bedrooms, etc.) for the existing building(s) as indicated in the calculations below and as shown here are based on owner supplied information. No certification is made regarding this information.
 - D. The Owner or the Contractor is responsible for obtaining a Disposal Works Construction Permit prior to construction, Scheduling Board of Health inspections and obtaining a Certificate of Compliance prior to use of the system.
- CERTIFICATE OF COMPLIANCE**
 - A. In order to receive a Certificate of Compliance, all inspections required must be completed and the proper forms signed as per Code.
- MAINTENANCE**
 - A. Septic tanks must be inspected yearly and cleaned when solids level is more than one (1) foot in depth, but as a minimum once every THREE years.
 - B. If an effluent filter is installed it should be inspected and cleaned if necessary every 6 months.
 - C. Septic tank additives of any kind are not recommended and may interfere with proper treatment and disposal. Never use sulfuric acid or sodium hydroxide. Try to use only biodegradable products. Moderation should be the rule in using household cleaners. Waste from water softeners should not discharge to septic tanks.
- WARRANTY**
 - A. The design guarantees only warranty is that the system is designed according to Title 5 and Local Board of Health regulations unless noted elsewhere, which would require a variance or local upgrade approval.
- OTHER NOTES**
 - INSTALL MAGNETIC TAPE OVER LINES AND COMPONENTS

LEGEND

----- 90 -----	Existing Contour	W W W W	Wetland Boundary
— 90 —	Proposed Contour	BZ BZ	Buffer Zone
x90	Existing Spot Elevation	=====	Double Staked Hay Bales
x90	Proposed Spot Elevation	-----	Silt Fence
①	Deep Hole Location and Number	=====	Limit of Excavation & Fill
⊙	Percolation Test Location	⊙	Property Bound
— D —	Drain Line	• W	Existing Well
— W —	Water Line	[W]	Proposed Well
— G —	Gas Line	⊕	Utility Pole
CB	Catch Basin		

PLAN OF SEWER DISPOSAL SYSTEM

LOCATION: LOT 2 LEE ROAD (35-10-8)
 OFF GREENWICH ROAD
 WARE

APPLICANT: JAMES MOSHER
 APPROVED: SEP - 7 2023
 BOARD OF HEALTH

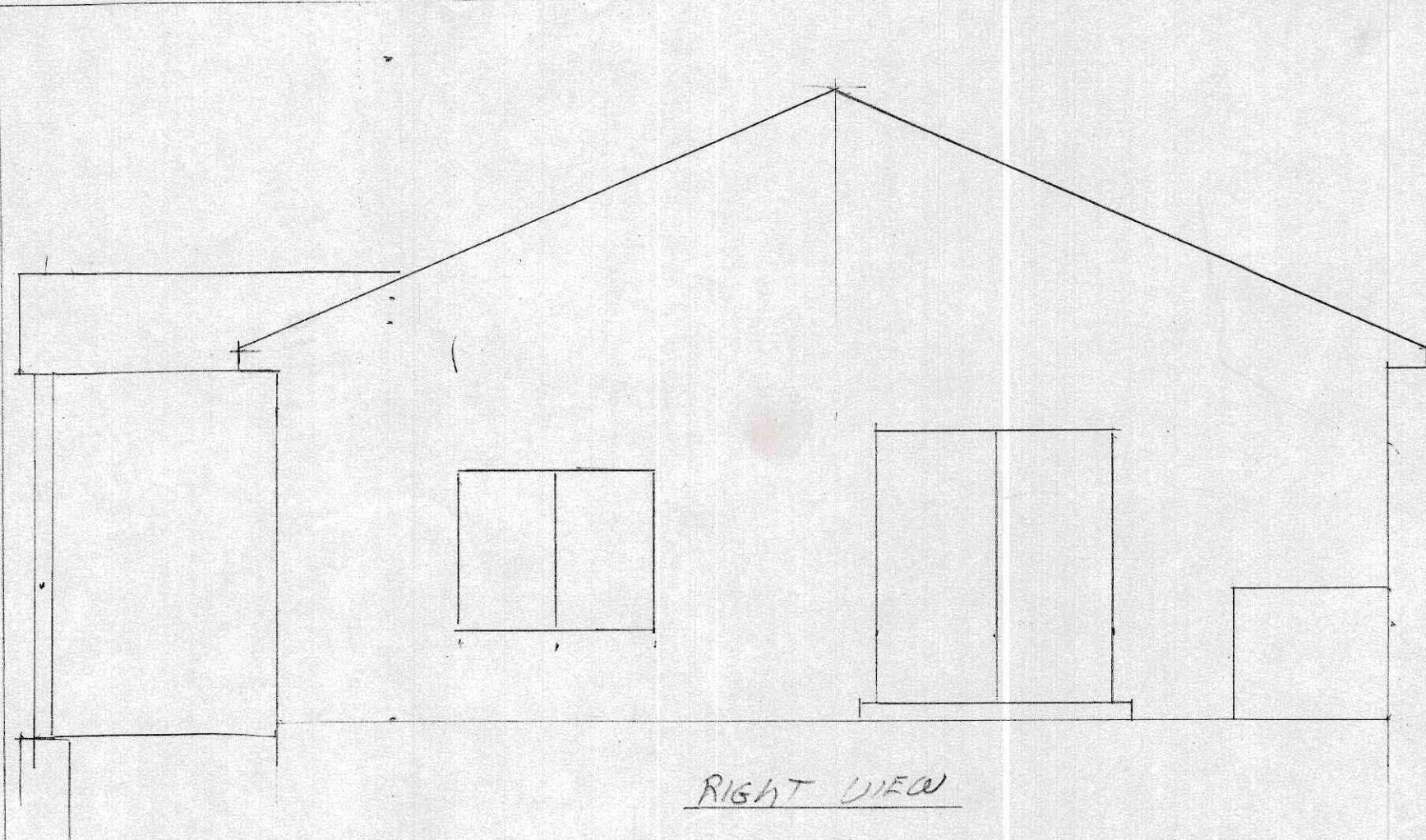
RECEIVED
 SEP - 5 2023
 Board of Health



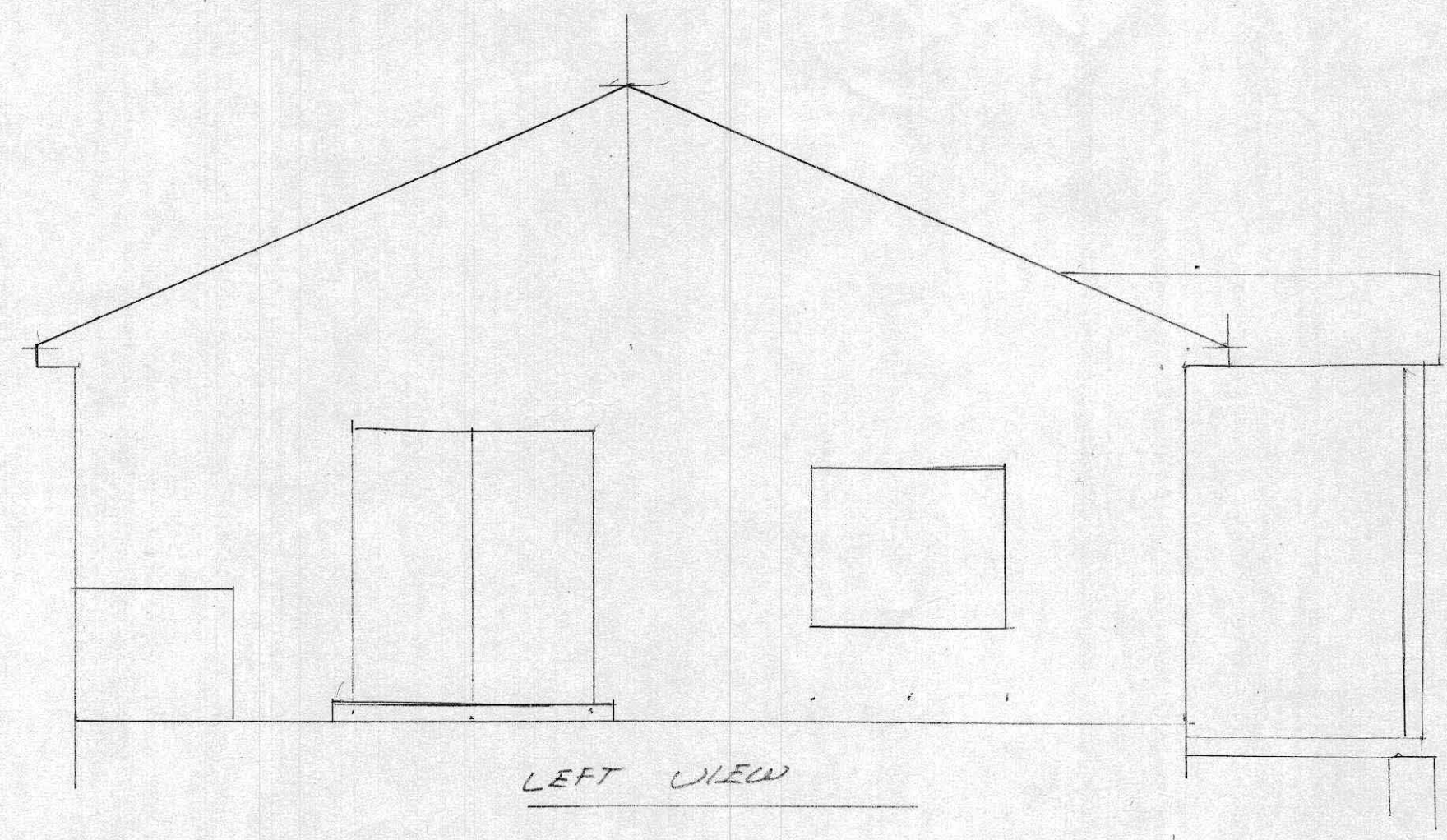
GOBI LAND ENGINEERING
 Richard Gobi R.S. #978
 190 Wickaboag Valley Road
 Post Office Box 600
 West Brookfield, MA 01585
 Phone 508-867-5363

SCALE: 1"=20' DATE: 6-13-22 REV: 8-27-23 REV: 9-1-23

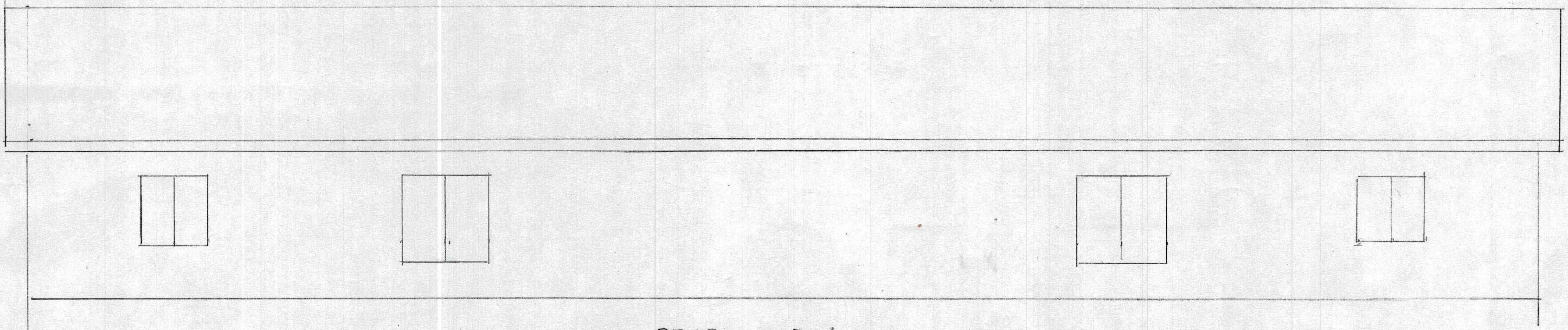
CONTACT HIGHWAY DEPT.
 FOR DRIVEWAY CUT - INSURE
 ANY RUN OFF STAYS IN GUTTER
 AND NOT ENTER ROADWAY



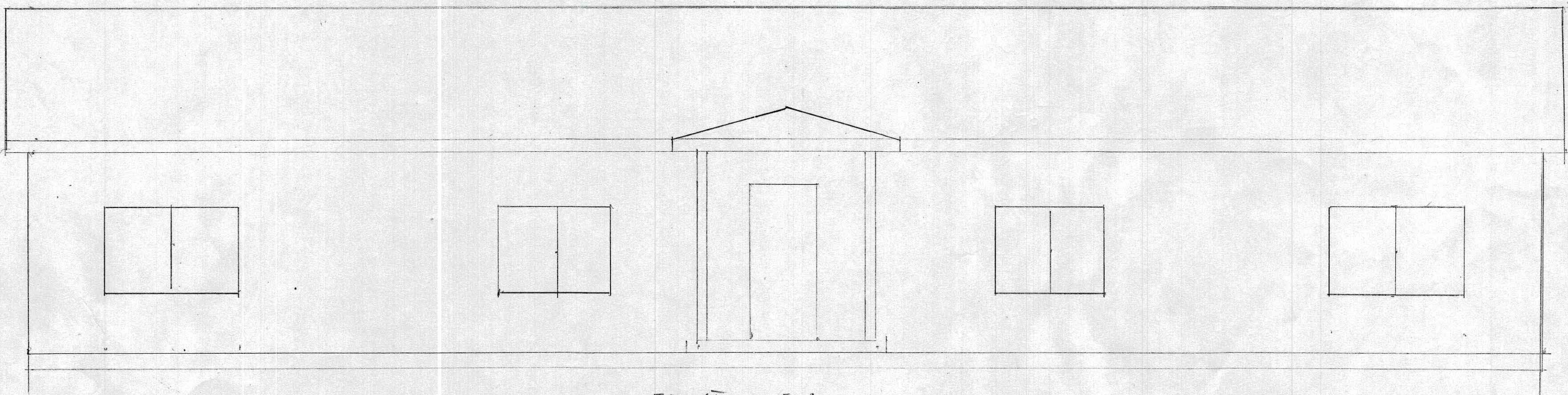
RIGHT VIEW



LEFT VIEW



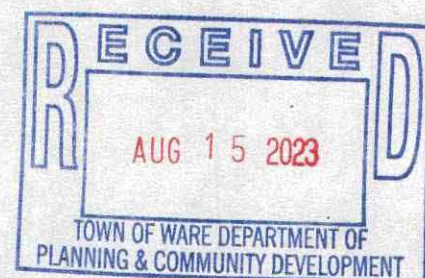
REAR VIEW



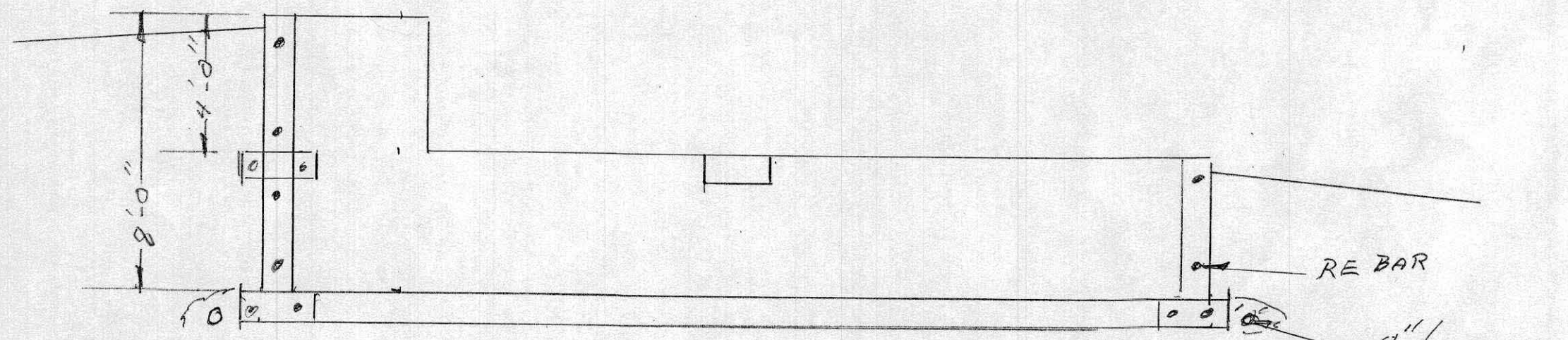
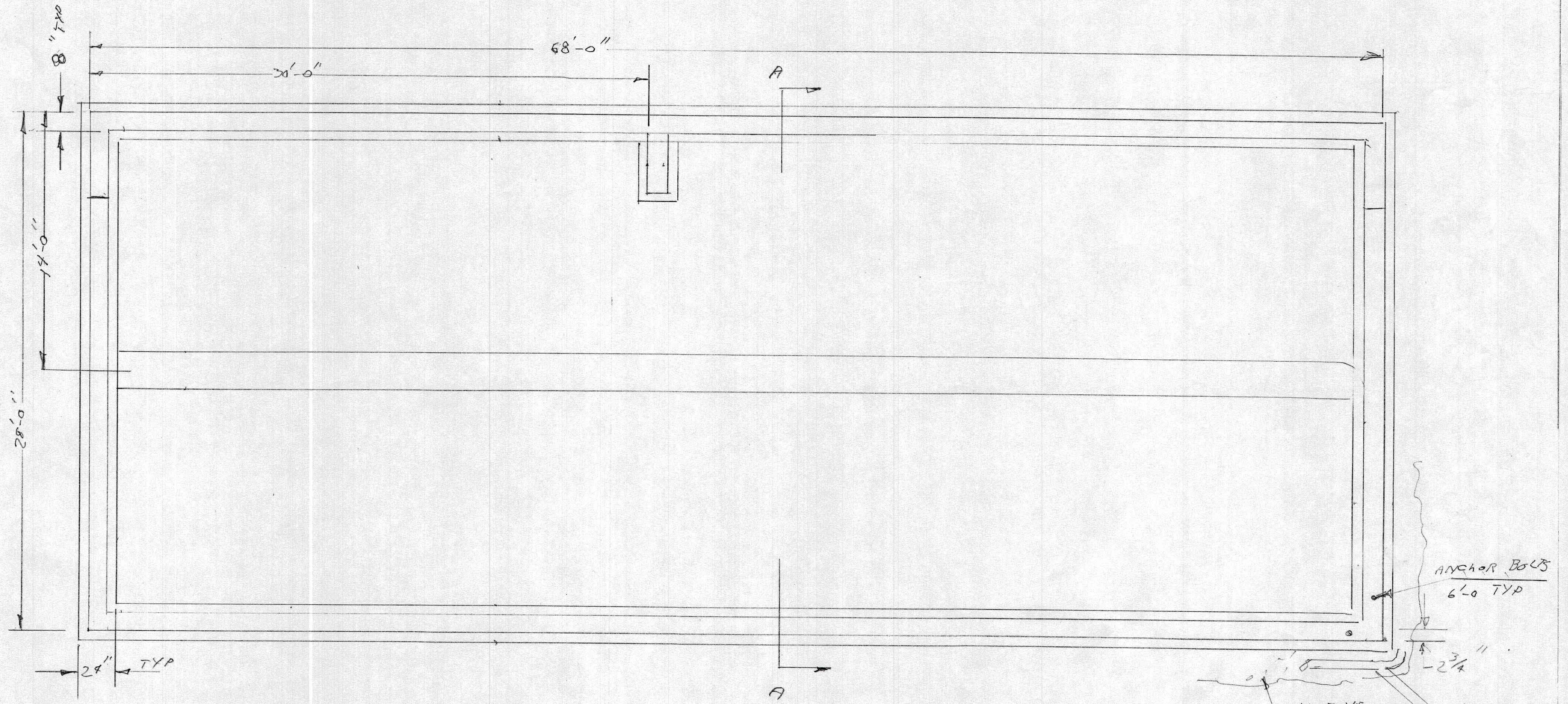
FRONT VIEW



FRONT VIEW
SCALE 1/4" = 1'-0"
LOT 10-8 LEE RD
JIMMY MOYER



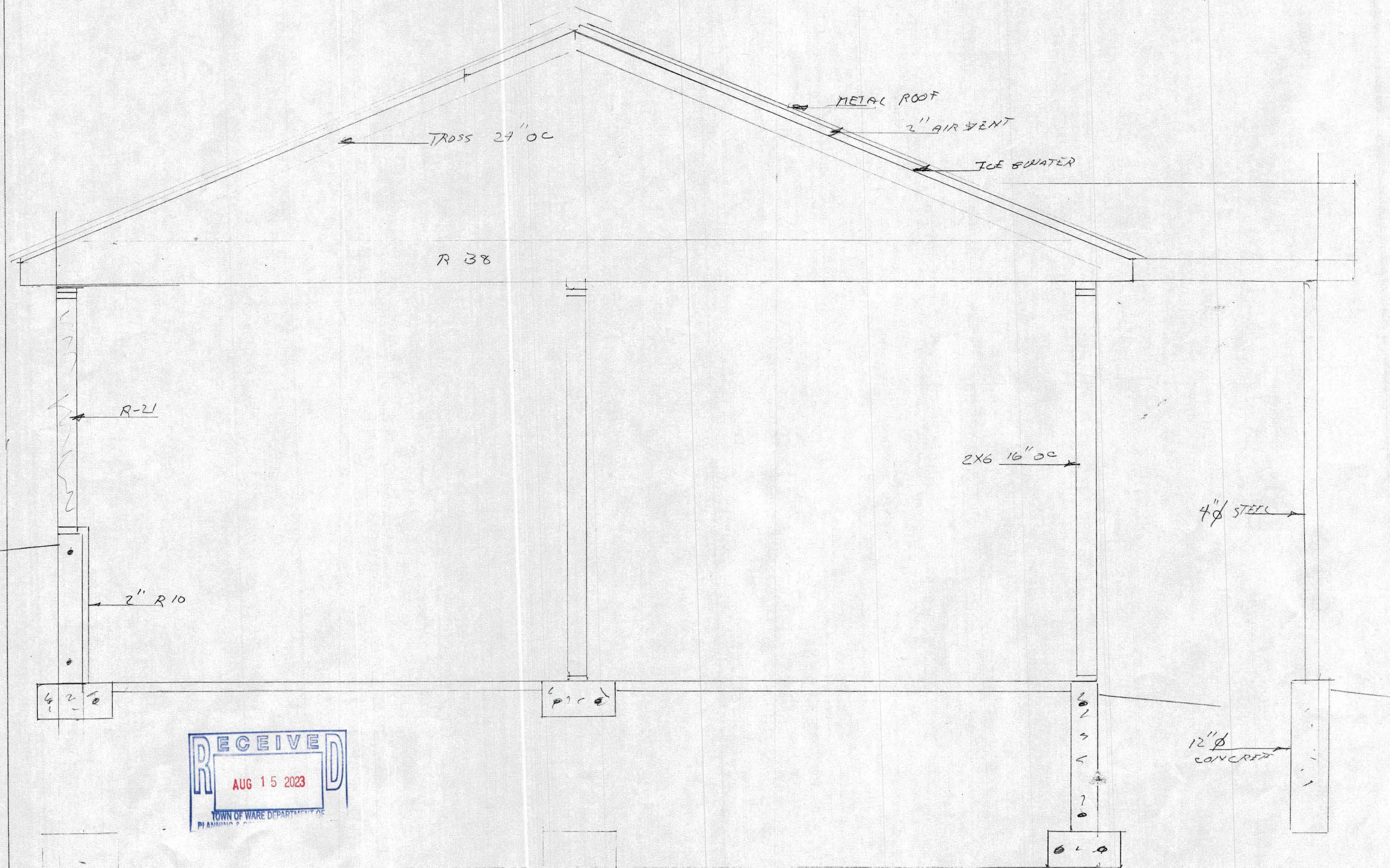
JIMMY MOSHER



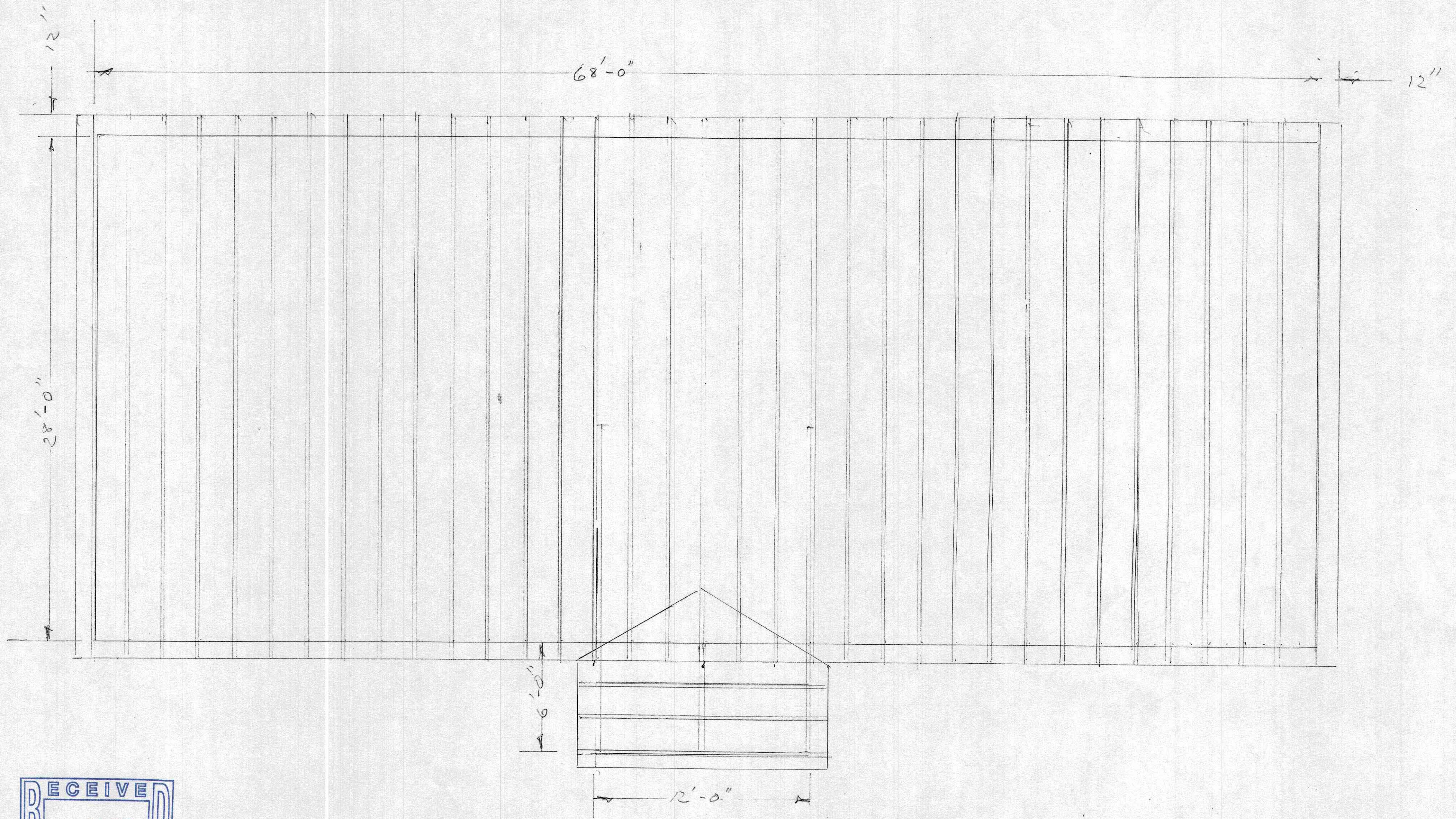
SECTION A-A

RECEIVED
 AUG 15 2023
 TOWN OF WARE DEPARTMENT OF
 PLANNING & COMMUNITY DEVELOPMENT

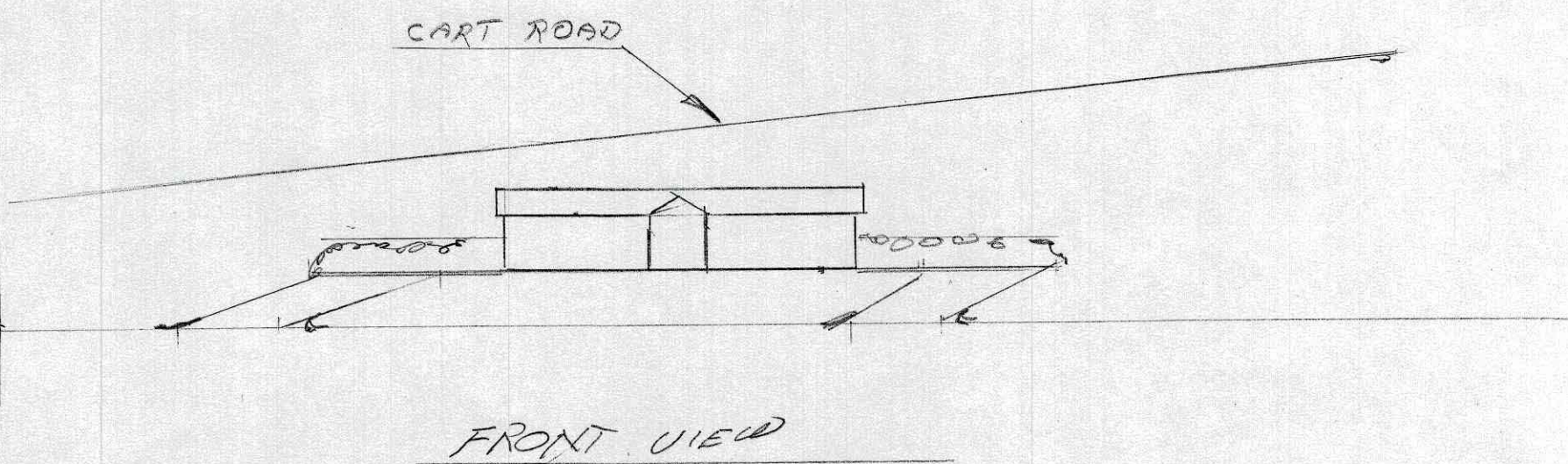
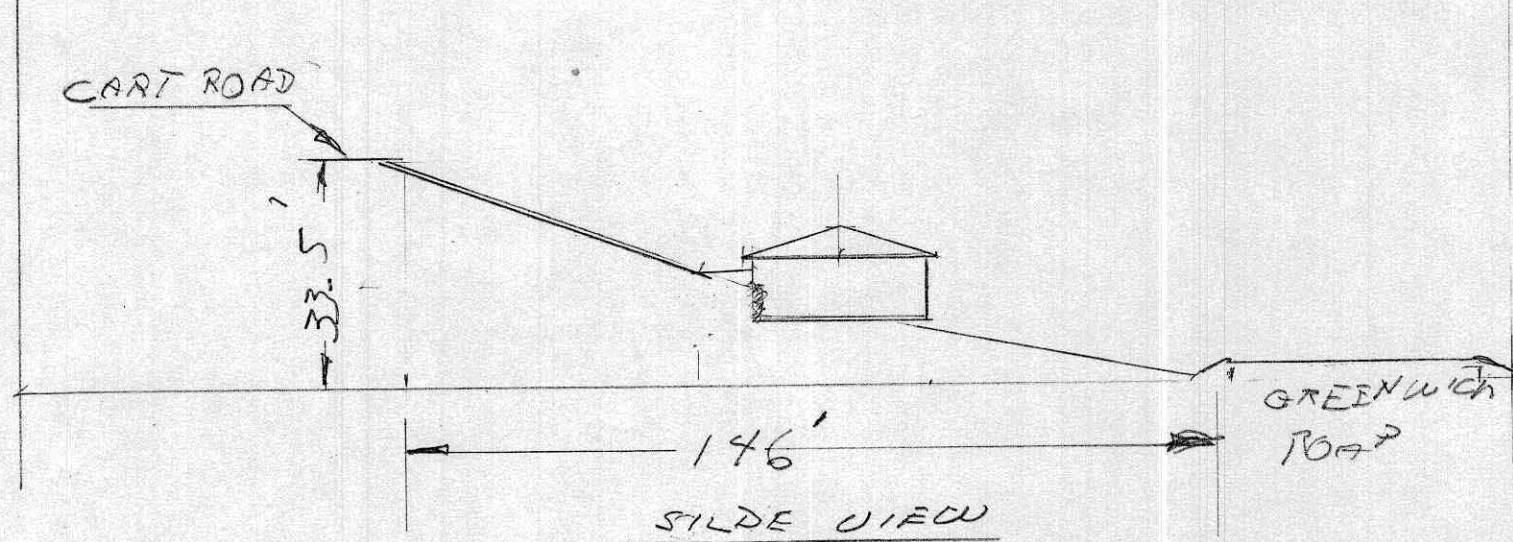
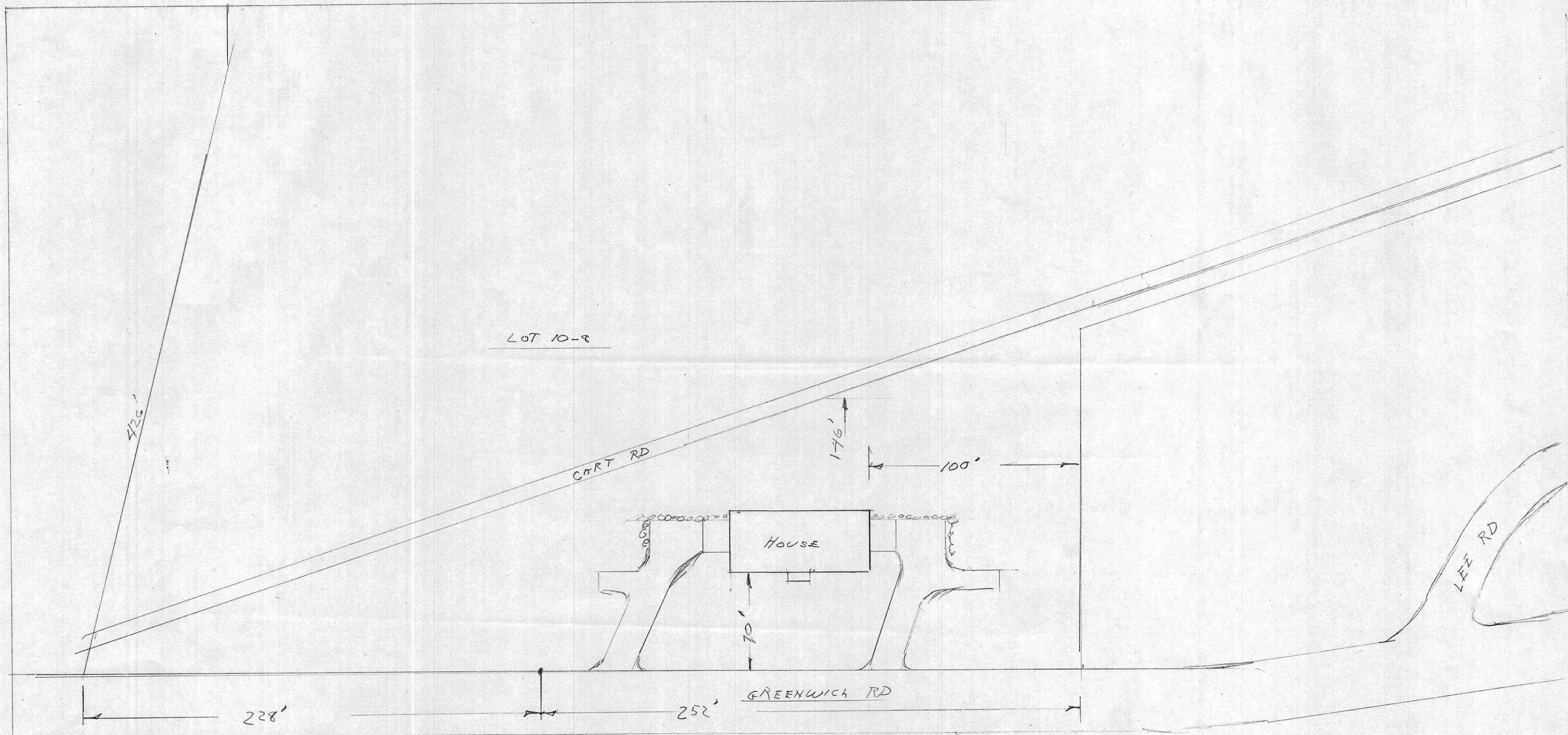
FOUNDATION PLAN
 SCALE 1/4" = 1'-0"
 LOT 10-8 LEE RD
 JIMMY MOSHER



SECTION UNFOLD
SCALE 1/2" = 1'-0"
LO 10-B LEFT RD
JIMMY MOSHER



TRUSS PLAN
SCALE 1/4" = 1'-0"
LOT NO. 8 LEE RD
JIMMY MOSHER



PLOT PLAN
LEE RD
LOT 10-8
JIMMY MOSHER

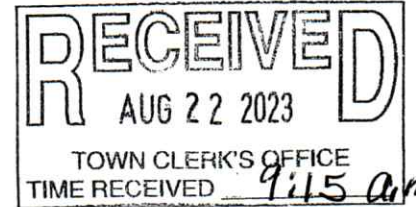


TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext.118 rwatchilla@townofware.com

Notice of Public Hearing Planning Board



LEGAL NOTICE

to be published in the Ware River News
issues 8/24/2023 and 8/31/2023

SP-2023- 06

NOTICE is hereby given that the Ware Planning Board, acting as the Special Permit Granting Authority, will hold a Public Hearing on **THURSDAY, September 7, 2023 at 7:30 PM** on the application of Melink Solar Development, for a Special Permit for annual renewal (SP-2022-08) of an approved large scale solar facility under Section 4.8.3, of the Zoning Bylaw, and pursuant to MGL Chapter 40A. Pursuant to Chapter 22 of the Acts of 2022, this hearing will be conducted in person and via remote means, in accordance with applicable law. This means that members of the Planning Board as well as members of the public may access this meeting in person, or via virtual means. In person attendance will be held in the Selectmen's Meeting Room, 126 Main Street, Town Hall, Ware, MA. It is possible that any or all members of the public body may attend remotely, with in-person attendance consisting of members of public. The meeting may be accessed remotely via zoom. Go to <https://zoom.us/join> or join by phone. Phone Number: 929-205-6099; Meeting ID: 784 604 1861; Password: 01082.

SITE LOCATION: 45 Greenwich Plains Road, Ware, MA. Said premises being further described in deeds recorded in the Hampshire County Registry of Deeds, Book 13457, Page 159. Property is also identified as Assessor's Parcel 22-0-12 & 22-12-1. Zoned: Rural Residential (RR).

A complete copy of the application can be found at the Town Clerk's office and on the Planning & Community Development Department website under Recent Filings. Anyone interested or wishing to be heard on the application should appear at the time and place designated.

WARE PLANNING BOARD
Ed Murphy, Chairman

**Town of Ware
Planning &
Community Development**



*Planning Board &
Zoning Board of Appeals*

*Robert A. Watchilla
Director of Planning &
Community Development*

**Request for Extension of
Site Plan / Special Permit / Variance /
Definitive Subdivision**

126 Main Street
Ware, MA 01082
413.967.9648 ext. 120
www.townofware.com

_____-20_____-____

Applicant

Name of Applicant (primary contact): Melink Solar Development (Jeremy Chapman)

Company: Ware Solar, LLC

Address: 276 N Forest Ave NE, Marietta, GA 30060

Phone: 513-432-4979

Cell: _____

Email Address: jchapman@melinksolardevelopment.com

Owner

Name of Owner: John C Soper

Address: 142 N Main St, South Deerfield, MA 01703

Phone: 617-312-4991

Cell: _____

Email: john.soper@verizonwireless.com

Proposal

The undersigned herewith resubmits the accompanying additional plan, materials, information, etc., relative to the previously filed Site Plan Application No. SPR-2019-03 and/or Special Permit Application No. SP-2019-04 and/or Variance Application No. _____ for property located on/at 45 Greenwich Plains Rd and decision recorded at the Hampshire Registry of Deeds, Deed Book 13457, Page 159, dated 9/19/2019 and/or Plan Book _____, Page _____.

With this submission of this form, and any other materials requested by the Planning and Community Development Department, I am hereby requesting a 12 month extension, to commence work on said project as described in the original Decision.

Signature

Original Owner's Signature (Blue Ink Only):

John C Soper

Date: 8/21/23

Mailing Address: 142 North Main Street

Town/State/Zip: South Deerfield MA 01373

Phone Number: 617-312-4991

Email: john.soper@verizonwireless.com

Office Use only

Official Use Only: Date Received: _____ Date of Public Hearing: _____
Fee: \$ _____ Check Dated: _____ Check #: _____
Check Name: _____
Decision of Board: Approved Approved with Conditions Denied
Date of Decision: _____ Expiration Date: _____

Town Clerk's stamp:



August 21, 2023

Town of Ware
126 Main St.
Ware, MA 01082

RE: Request for Extension, SPR-2019-03 and SP-2019-04

Dear Planning Board Members,

We understand that Robert Watchilla's former position as Director of Planning is currently vacant, so we ask that you route this request to the person or persons filling those duties in the interim.

Please accept the enclosed form, signed by John C. Soper as the owner of the real property located at 45 Greenwich Road, along with this narrative and accompanying Exhibits, in approval of a 12-month extension of time to start construction for the previously approved permits # SPR-2019-03 and SP-2019-04.

The Special Permit and Site Plan Review for the Ware Solar, LLC project were originally approved on September 19, 2019. Between 2019 until 2022, the project continuously underwent transmission and distribution studies administered by National Grid (NG) in coordination with ISO-NE as the Regional Transmission Operator. Impact Study results for the MPL-East Area were compiled by NG in Q4 2022 and, on December 19, 2022, NG filed docket # 22-170 with the Department of Public Utilities (DPU) detailing their Capital Investment Project (CIP) proposal for the Provisional Program under DPU 20-75-B. The CIP covers all grid-side improvements proposed by NG across the larger area, including those necessary for this project and all others studied in the region.

On April 10, 2023, the DPU published a procedural notice outlining the schedule of dates related to the NG CIP hearings across the state (the "Schedule"). On July 7, 2023, the Attorney General and Group Study Developers simultaneously submitted requests for evidentiary hearings to DPU (the "Evidentiary Hearing Requests"). On August 18, 2023, the DPU published its notice of intent (the "Notice") to incorporate the evidentiary record for each of the NG CIPs into one another for efficiency in the upcoming evidentiary hearings. The Notice allowed for written comments through August 21, 2023 but, as of the date of this request, none had been published in the DPU file room. As such, the evidentiary hearings remain scheduled for the week of September 7-13 as of the date of this request.



At this time, we presume that DPU will finish its review of the NG CIPs in Q4 2023 and issue their approval by year-end 2023. If so, NG would issue interconnection agreements in Q1 2024, followed by the project's final SMART qualification in 2024. However, NG's timeline for construction of the related utility-side upgrades will not be finalized until DPU's approval of the CIP later this year. As a result, it's possible that further extensions may be required to follow NG's timeline as ultimately approved by DPU. If so, we will submit a further request for extension in 2024 after those details are finalized.

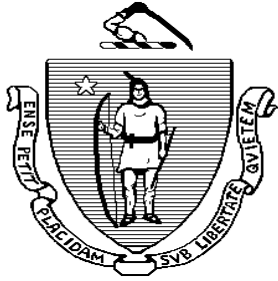
Your office can refer to Docket # 20-75-B created by DPU on November 24, 2021 detailing the Provisional Program and Docket # 22-170 created by DPU on December 19, 2022 detailing the proposed CIP for the MPL-E area that includes the Town of Ware. Also attached for supporting documentation are copies of the Schedule, Evidentiary Hearing Requests and Notice as Exhibits to this request.

The study process and CIP adjudication process as noted above are beyond the control of Ware Solar, LLC (the "Applicant") and affect all DG projects greater than 1MWac in size within the Central and Western Areas designated by NG. Such studies and related CIPs are required to ensure the integrity of the electric distribution grid as the Commonwealth works to achieve its clean energy goals and, since they are beyond the control of the Applicant, constitute "good cause" for a corresponding extension of time to the related permits.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna Jones", with a stylized flourish at the end.

Donna Jones
Manager
JCD Solar Consulting, LLC
d/b/a Melink Solar Development
Managing Member
Ware Solar, LLC



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

TO: Service Lists:
Massachusetts Electric Company and Nantucket Electric Company,
D.P.U. 22-170 (Monson-Palmer-Longmeadow (East));
Massachusetts Electric Company and Nantucket Electric Company,
D.P.U. 23-06 (Gardner Winchendon);
Massachusetts Electric Company and Nantucket Electric Company,
D.P.U. 23-09 (Barre-Athol);
Massachusetts Electric Company and Nantucket Electric Company,
D.P.U. 23-12 (Spencer-Rutland)

VIA: Electronic Mail

FROM: Andrew Strumfels, Hearing Officer

RE: Procedural Notice and Ground Rules

DATE: April 10, 2023

CC: Mark D. Marini, Department Secretary

PROCEDURAL NOTICE

I. PROCEDURAL SCHEDULE

On March 8, 2023, the Department of Public Utilities ("Department") conducted a consolidated Public Hearing and Procedural Conference in the referenced dockets involving Capital Investment Project proposals filed by Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid ("National Grid") ("Dockets").

In response to the Hearing Officer's request, the parties¹ submitted a jointly proposed procedural schedule ("Jointly Proposed Procedural Schedule"). Following the consolidated

¹ National Grid; the Monson-Palmer-Longmeadow (East) Group Study Coalition; Zero Point Development, Inc.; the Barre-Athol Group Study Coalition; the Spencer-Rutland

Public Hearing and Procedural Conference for the Dockets, the Hearing Officer contacted the parties and participants to the proceedings via email with alternative deadlines to the Jointly Proposed Procedural Schedule. None of the parties or participants expressed objections or concerns with the Department's proposed procedural schedule.

Therefore, pursuant to 220 CMR 1.06(5), the Department establishes the following consolidated schedule for the Dockets. In setting this schedule, the Department has given careful consideration to several important factors including: allowing the necessary time to develop a complete evidentiary record, affording all parties a reasonable time to conduct discovery and file testimony and exhibits, and reserving sufficient time for deliberation by the Commission. Finally, in establishing the schedule, the Department has considered its obligation to conduct its proceedings in an efficient and orderly manner.

DATE**ACTION**

May 12, 2023	Deadline for Intervenors to provide notice of intent to file testimony ²
June 16, 2023	Deadline for Intervenors to file direct testimony
July 7, 2023	Deadline to request evidentiary hearings
July 14, 2023	Deadline for issuing discovery ³
July 21, 2023	Deadline for Company to file rebuttal testimony

Group Study Coalition, and the Attorney General of the Commonwealth of Massachusetts ("Attorney General").

² For Intervenors that intend to file testimony, the notice of intent to file testimony must contain (1) the identity of each witness and (2) the subject matter on which each witness is expected to testify.

³ Parties shall provide responses to information requests within ten business days of receipt of the requests as calculated in accordance with 220 CMR 1.02(4). However, if at any point during the procedural schedule the Department determines a shorter response time is warranted to allow for additional discovery prior to the July 14, 2023 deadline, the Department may shorten the information request response time through Hearing Officer Memorandum.

August 4, 2023	Deadline to file responses to discovery
August 14, 2023	Deadline for Intervenors to file surrebuttal testimony ⁵
September 7, 8, 11, 12, 13, 2023 ⁴	Evidentiary Hearings (if necessary)
September 29, 2023	Deadline for simultaneous initial briefs
October 13, 2023	Deadline to file simultaneous reply briefs

II. SERVICE LIST

Due to certain ongoing safety measures and precautions put in place due to the COVID-19 pandemic, as outlined in the June 15, 2021 Commission Memorandum continuing modified filing requirements, and as outlined in further detail in the ground rules below, all filings should be submitted to the Department and parties by electronic means only, for the time being.

Mark D. Marini, Department Secretary
Massachusetts Department of Public Utilities
One South Station, 5th Floor
Boston, Massachusetts 02110
Email: dpu.efiling@mass.gov

⁴ If evidentiary hearings are requested, the Department will further clarify the schedule at that time. Evidentiary hearing participants should ensure their availability for September 7, 8, 11, 12, 13, 2023. Relevant National Grid personnel should plan to be available for the entirety of the dates identified for evidentiary hearings.

⁵ Surrebuttal testimony shall be limited in scope to new arguments and evidence presented by National Grid for the first time after June 16, 2023, that the Intervenors have not had the opportunity to address.

Katie Zilgme, Hearing Officer
Katherine Stock, Hearing Officer
Andrew Strumfels, Hearing Officer
Massachusetts Department of Public Utilities
One South Station, 5th Floor
Boston, Massachusetts 02110

Email: katie.zilgme@mass.gov
katherine.e.stock@mass.gov
andrew.w.strumfels@mass.gov

Nancy Israel, Esq.
Brooke Skulley, Esq.
National Grid
170 Data Drive
Waltham, Massachusetts 02451

Email: nancy.israel@nationalgrid.com
brooke.skulley@nationalgrid.com

For: MASSACHUSETTS ELECTRIC COMPANY
AND NANTUCKET ELECTRIC COMPANY
EACH D/B/A NATIONAL GRID
Petitioner

Andrea Joy Campbell, Attorney General
Commonwealth of Massachusetts

By: Jonathan F. Dinerstein
Christopher Modlish
Assistant Attorneys General and
Kelly Caiazzo
Special Assistant Attorney General

Office of Ratepayer Advocacy
One Ashburton Place
Boston, Massachusetts 02108

Email: jonathan.dinerstein@mass.gov
christopher.modlish@mass.gov
kelly.caiazzo@mass.gov
Intervenor

Ben Dobbs, Esq.

Sarah McDaniel, Esq.

Christopher McDonough, Esq.

Department of Energy Resources

100 Cambridge Street, Suite 1020

Boston, Massachusetts 02114

Email: ben.dobbs@mass.gov
sarah.mcdaniel@mass.gov
chris.g.mcdonough@mass.gov

For: MASSACHUSETTS DEPARTMENT OF ENERGY RESOURCES
Intervenor

John DeTore, Esq.

David Fixler, Esq.

Greenberg Traurig, LLP

One International Place, Suite 2000

Boston, Massachusetts 02110

Email: detorej@gtlaw.com
fixlerd@gtlaw.com

For: BARRE-ATHOL GROUP STUDY COALITION; MONSON-PALMER
LONGMEADOW (EAST) GROUP STUDY COALITION;
SPENCER-RUTLAND GROUP STUDY COALITION; ZERO-POINT
DEVELOPMENT, INC.; JCD SOLAR CONSULTING, LLC, D/B/A
MELINK SOLAR DEVELOPMENT; SWEB DEVELOPMENT USA, LLC;
SUNPIN HOLDINGS, LLC; AND NEXAMP, INC.
Intervenors

John Habib, Esq.

Michael Hershberg, Esq.

Ashley Marton, Esq.

Keegan Werlin LLP

99 High Street, 29th Floor

Boston, Massachusetts 02110

Email: jhabib@keeganwerlin.com
mhershberg@keeganwerlin.com
amarton@keeganwerlin.com

FOR: NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY
Limited Participant

Thomas Melone, Esq.
Allco Finance Limited, Allco Renewable Energy Limited
157 Church Street, 19th Floor
New Haven, Connecticut 06510
Email: thomas.melone@allcoUS.com
FOR: ALLCO FINANCE LIMITED AND ALLCO RENEWABLE ENERGY
LIMITED
Limited Participant

III. GROUND RULES

Please refer to the Standard Ground Rules, which can be found at the Department's website at <https://www.mass.gov/how-to/file-comments-or-pleadings-with-the-dpu>, and the following exceptions to the Standard Ground Rules applicable to this proceeding.

A. Exceptions to Standard Ground Rules

1. Filing

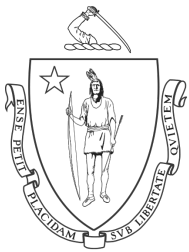
In all instances where the Standard Ground Rules reference paper filing or service, please disregard. At this time, parties must submit, serve and exchange all materials only in electronic format. Parties must retain the original paper version and the Department will later determine when the paper version must be filed with Mark D. Marini, Department Secretary, Department of Public Utilities. Further, parties shall submit all electronic files via email only to dpu.efiling@mass.gov. All materials shall be deemed to be filed or received on the date on which the email containing the material is received by the Department.

2. Protected Materials

As with all other filings, materials for which confidential protection is sought, or may constitute CEII, shall be submitted in electronic format only, marked and distributed via email appropriately according to the Standard Ground Rules, and the filing party must retain original paper versions to be filed at a later date determined by the Department.

3. Hearing Arrangements

The Department is not presently holding in-person evidentiary hearings at the Department's offices. Arrangements for evidentiary hearings will be decided by the Department and communicated to parties prior to the scheduled hearing.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

July 7, 2023

Mark D. Marini, Secretary
Department of Public Utilities
One South Station, 5th Floor
Boston, MA 02110

Re: *Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid*, D.P.U. 22-170, D.P.U. 23-06, D.P.U. 23-09, and D.P.U. 23-12

Dear Secretary Marini:

Pursuant to the procedural schedule in the above-captioned matters, the Attorney General submits her request for evidentiary hearings. Thank you for your attention to this matter.

Sincerely,

/s/ Kelly Caiazzo
Kelly Caiazzo
Assistant Attorney General

Enclosures

cc: Katie Zilgme, Hearing Officer
Katherine Stock, Hearing Officer
Andrew Strumfels, Hearing Officer
Service Lists

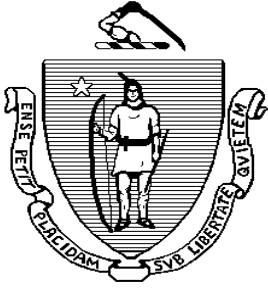
**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES**

Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid)))))	D.P.U. 22-170
Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid)))))	D.P.U. 23-06
Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid)))))	D.P.U. 23-09
Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid)))))	D.P.U. 23-12

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all parties of record in these proceedings in accordance with the requirements of 220 C.M.R. 1.05(1) (Department's Rules of Practice and Procedure). Dated at Boston this 7th day of July, 2023.

/s/ Kelly Caiazzo
Kelly Caiazzo
Assistant Attorney General
Massachusetts Attorney General
Office of Ratepayer Advocacy
One Ashburton Place
Boston, MA 02108
(617) 727-2200



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

TO: Service Lists
Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 22-61
(Shutesbury)
Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 22-170
(Monson-Palmer-Longmeadow (East))
Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 23-06
(Gardner-Winchendon)
Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 23-09
(Barre-Athol)
Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 23-12
(Spencer-Rutland)

FROM: Katherine Stock, Hearing Officer

RE: Evidentiary Record in Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 22-61; D.P.U. 22-170, D.P.U. 23-06, D.P.U. 23-09, and D.P.U. 23-12

DATE: August 18, 2023

CC: Mark D. Marini, Secretary

Notice of Intent to Incorporate By Reference

By this Notice of Intent to Incorporate by Reference ("Notice"), the Department of Public Utilities ("Department") states its intention, pursuant to 220 CMR 1.10(3) to incorporate the evidentiary record in each pending Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid ("National Grid") Capital Investment Project ("CIP") referenced above into the record of the other pending National Grid CIPs, namely:

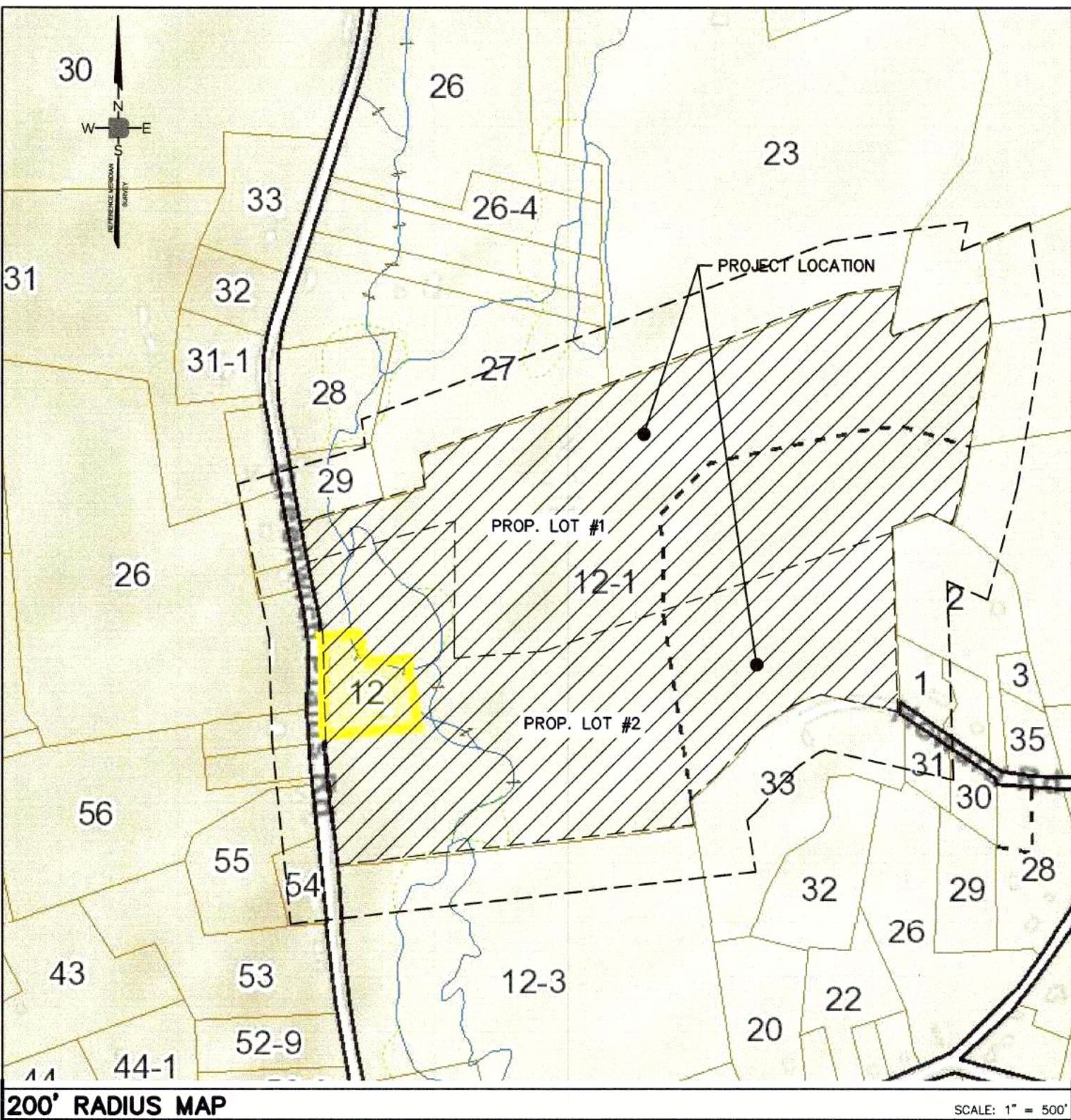
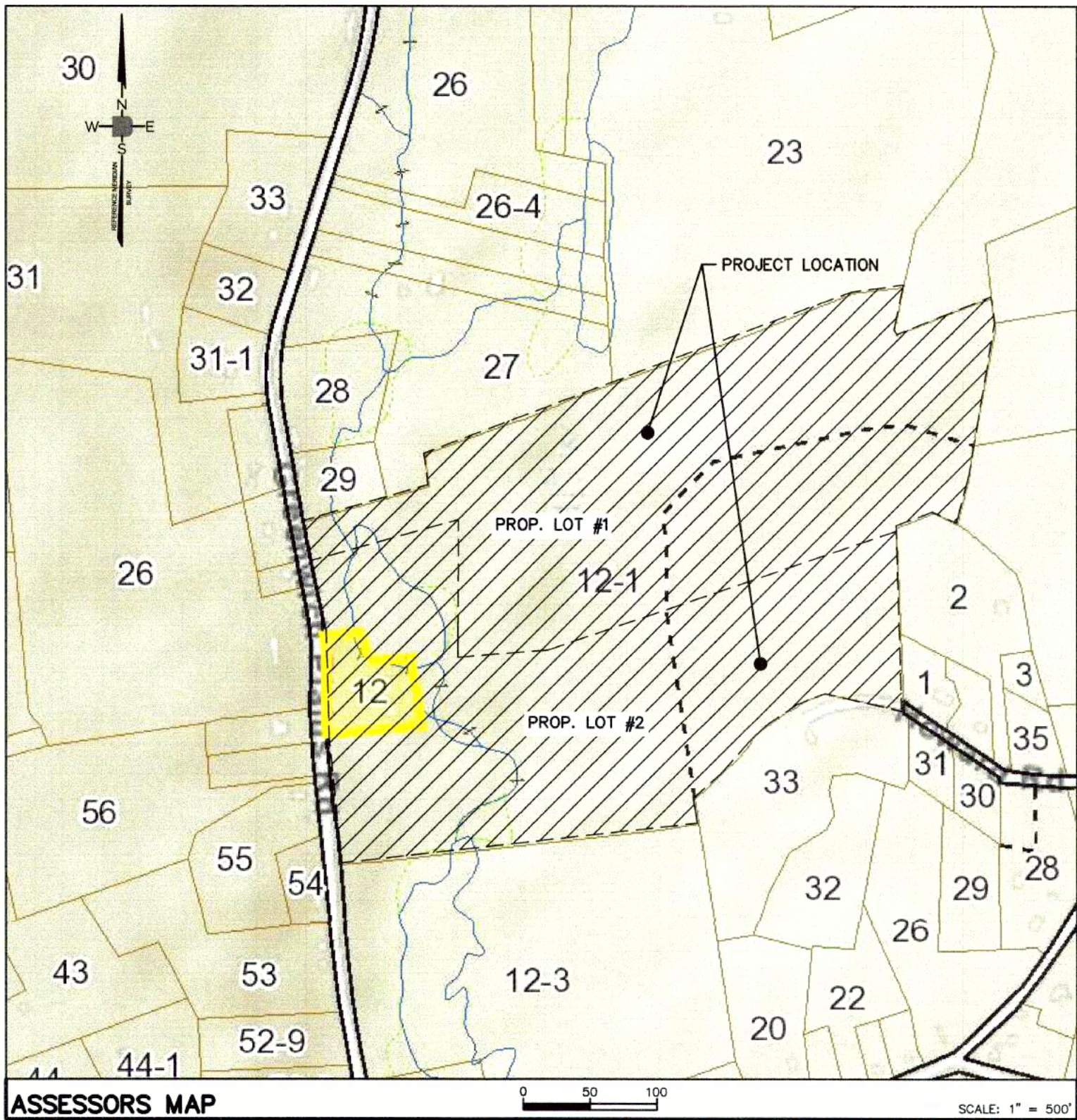
- Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 22-61
- Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 22-170
- Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 23-06
- Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 23-09
- Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 23-12

In stating this intention, the Department determines that all of these CIP proceedings have substantial common identity of parties, factual issues, and legal issues. Based on these common relationships, the Department finds that it is appropriate and efficient to incorporate the evidentiary record in each of the pending National Grid CIPs into one another. Any party to any of the listed proceedings may file written comments regarding this Notice no later than the close of business (5:00 pm) on **August 21, 2023**. The Departments' standard rules for electronic filing apply.

DEFINITIVE SUBDIVISION PLAN
FIELDSTONE COMMONS

TAX MAP 22, LOTS 0-12 & 12-1
45 GREENWICH PLAINS RD
TOWN OF WARE

HAMPSHIRE COUNTY, MASSACHUSETTS



DRAWING LIST			
DWG. #	DRAWING TITLE	DATED / LAST REVISED	REV. #
C1.0	COVER SHEET	05-24-22	0
C2.0	DEFINITIVE SUBDIVISION PLAN	05-24-22	0
C2.1	WETLAND RESOURCE AREA PLAN WITH SOLAR USE	05-24-22	0

ASSESSORS AND PROPERTY INFORMATION:

TOWN OF WARE - ZONING

ZONE - RR
AREA - 60,000 S.F.
FRONTAGE - 150'
FRONT - 30 FT. (100 FT. FOR SOLAR ENERGY FACILITIES)
SIDE - 30 FT. (100 FT. FOR SOLAR ENERGY FACILITIES)
REAR - 40 FT. (100 FT. FOR SOLAR ENERGY FACILITIES)

RECORD PARCELS (ASSESSORS)

TAX MAP 22-0-12, 45 GREENWICH PLAINS ROAD
TAX MAP 22-12-1, HOWARD ROAD

RECORD OWNERS/APPLICANT

JOHN C. SOPER
142 NORTH MAIN ST
SOUTH DEERFIELD, MA 01373
DB. 10506 PG.121

PLAN REFERENCES

(HAMPSHIRE COUNTY REGISTRY OF DEEDS)

PLAN BOOK 83 PLAN 25
PLAN BOOK 88 PLAN 85
PLAN BOOK 90 PLAN 38
PLAN BOOK 162 PLAN 24
PLAN BOOK 177 PLAN 52
PLAN BOOK 219 PLAN 86
PLAN BOOK 243 PLAN 92

WARE TOWN CLERK CERTIFICATION

I, NANCY J. TALBOT, CLERK OF THE TOWN OF WARE, HEREBY CERTIFY THAT NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD WAS RECEIVED AND RECORDED AT THIS OFFICE ON _____, NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT FOLLOWING SUCH RECEIPT AND RECORDED OF SAID NOTICE.

DATE: _____

PLANNING BOARD APPROVAL UNDER THE SUBDIVISION CONTROL LAW REQUIRED M.G.L. CHAPTER 4, SECTION 81U.

DATE: _____

"NO DETERMINATION OF COMPLIANCE WITH ZONING REQUIREMENTS HAS BEEN MADE OR INTENDED"

RESERVED FOR USE BY THE REGISTRY OF DEEDS

THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND ARE NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN.

I HEREBY CERTIFY THAT THIS IS A TRUE PLAN BASED ON FIELD SURVEYS AND THE LATEST DEEDS AND PLANS OF RECORD AND THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.

BRUCE A. FITZBACK
P.L.S. #37731
DATE: 5-25-2022



PROJECT
FIELDSTONE COMMONS

TAX MAP 22-0-12, 45 GREENWICH PLAINS ROAD
TAX MAP 22-12-01, HOWARD ROAD
TOWN OF WARE, MA

CLIENT

JOHN C. SOPER
142 NORTH MAIN STREET
SOUTH DEERFIELD, MA 01373

CERTIFICATE OF AUTHORIZATION
24GA28068900 / 21MH00002800

DRAWN BY: E.Q. CHECKED BY: C.J.B.
SCALE: AS STATED PROJECT NO: 20M-200
DATE: 05-24-22 REVISION NO: 0

DRAWING NO.

C1.0

CALISTO J. BERTIN, P.E.
PROFESSIONAL ENGINEER

CT LIC. NO. 12950 NJ LIC. NO. 28845
MA LIC. NO. 40595 NY LIC. NO. 60022
NH LIC. NO. 9368 RI LIC. NO. 6594

BRUCE A. FITZBACK, P.L.S.
PROFESSIONAL LAND SURVEYOR
MA LIC. NO. 37731
CT LIC. NO. 16970

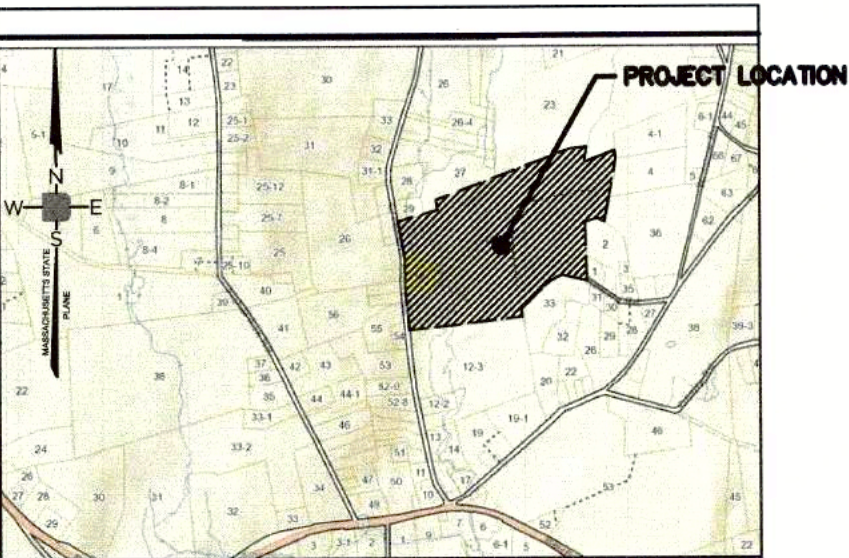
REVISION

REVISION

DATE

NO.

COVER SHEET



GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS: TO COMBINE LOTS 12 AND 12-1, AND CREATE LOT NO. 1 (41.25 AC) SOLAR AND LOT NO. 2 (39.30 AC) RR USE.
2. BOUNDARIES SHOWN ARE THE RESULTS OF AN ACTUAL FIELD SURVEY JANUARY 2 THRU JANUARY 22, 2019. SURVEY BASED ON AVAILABLE MAPS, DEEDS OF RECORD AND PHYSICAL EVIDENCE, BUT ARE SUBJECT TO ALL EASEMENTS, RIGHT OF WAYS, AGREEMENTS, AND RIGHTS AND ENCUMBRANCES OF RECORD THAT AN ACCURATE AND THOROUGH TITLE SEARCH MAY DISCLOSE.
3. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT, VISIBLE SIGNS OF THE LAND AND DEPICT THEM ON THE SURVEY; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
4. HORIZONTAL DATUM BASED ON NAD 83 MA11, VIA GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS).
5. VERTICAL DATUM BASED ON NAVD 88, GEOID 12B, VIA GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS).
6. BY GEOGRAPHICAL PLOTTING A PORTION OF THE SITE IS LOCATED WITHIN A FLOOD HAZARD ZONE A AS PER THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NO. # 250172 0010B WITH AN EFFECTIVE DATE OF AUGUST 17, 1981.
7. WETLANDS DELINEATED BY ECOTEC, INC JANUARY 9 THRU JANUARY 10, 2019.
8. TOPOGRAPHICS PROVIDED FROM EASTERN TOPOGRAPHICS WITH A PHOTO DATE OF APRIL 12, 1998, COMPIRATION DATE OF JANUARY 7, 2018 WITH A SCALE OF 1"=50' AND A CONTOUR INTERVAL OF 2FT.
9. ABUTTERS NAMES ARE IN RESPECT TO THE LATEST ASSESSORS RECORDS AVAILABLE.
10. GREENWICH PLAINS ROAD & HOWARD ROAD ARE NOT DESIGNATED AS SCENIC ROUTES.

BRUCE A. FITZBACK, P.L.S.
PROFESSIONAL LAND SURVEYOR
MA LIC. NO. 37731
CT LIC. NO. 16970

[illegible]

DRAWING TITLE

DEFINITIVE
SUBDIVISION
PLAN

PROJECT
**FIELDSTONE
COMMONS**

TAX MAP 22-0-12, 45 GREENWICH
PLAINS ROAD
TAX MAP 22-12-1, HOWARD ROAD
TOWN OF WARE, MA

CLIENT

JOHN C. SOPER
142 NORTH MAIN STREET
SOUTH DEERFIELD, MA 01373

CERTIFICATE OF AUTHORIZATION
24GA28068900 / 21MH00002800

DRAWN BY E.Q.	CHECKED BY C.J.B.
SCALE 1" = 30'	PROJECT NO. 30M 300

DATE	REVISION NO.
05-24-22	0

C2.0

DATE: _____

"NO DETERMINATION OF COMPLIANCE WITH ZONING
REQUIREMENTS HAS BEEN MADE OR INTENDED"

THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND ARE NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN.

I HEREBY CERTIFY THAT THIS IS A TRUE PLAN BASED ON FIELD SURVEYS AND THE LATEST DEEDS AND PLANS OF RECORD AND THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.



B. #44

COMMONWEALTH OF MASSACHUSETTS
JUL 1 1973
BRUCE A. FITZBACK
No. 37731

BRUCE A. FITZBACK, P.L.S.

5-25-2022

DATE PLS #37731

DATE	FILE #



RESERVED FOR USE BY
THE REGISTRY OF DEEDS

THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND ARE NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN.

I HEREBY CERTIFY THAT THIS IS A TRUE PLAN BASED ON FIELD SURVEYS AND THE LATEST DEEDS AND PLANS OF RECORD AND THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.

BRUCE A. FITZBACK

5-25-2022

DATE

P.L.S. #37731

LOT NO. 1
1,797,062 SQ. FT.
41.25 ACRES
FRONTAGE: 150.77'

LOT NO. 2
1,712,117 SQ. FT.
39.30 ACRES
FRONTAGE: 1,124.05'

GREENWICH PLAINS ROAD
(50' PUBLIC WAY)

HOWARD ROAD
(33' PUBLIC WAY)

WETLANDS
Wetlands are delineated with various symbols and labels, including "WETLANDS NOT DELINEATED" and "WETLANDS DELINEATED".

SETBACK LINES
Building setback lines are shown with various dimensions and bearings.

ENCROACHMENTS
Slight encroachment and Rotated Pin encroachment are noted.

ADJACENT PROPERTIES
N/F DAVID R. SULLOWAY, ET UX DB. 4509 PG. 0046 PB. 177, PG. 052 ASSESSOR'S MAP 28, LOT 023
N/F CLAUDIA M. KADRA, TRUSTEE DB. 6127, PG. 0310 PB. 0219, PG. 0086 ASSESSOR'S MAP 28, LOT 006
N/F CLAUDIA M. KADRA, TRUSTEE DB. 6127, PG. 0310 PB. 0219, PG. 0086 ASSESSOR'S MAP 28, LOT 006
N/F PETER HARDER DB. 9623, PG. 0186 PB. 0219, PG. 0086 ASSESSOR'S MAP 28, LOT 004
N/F JOSEPH S. SZCZEPANEK, JR ET UX DB. 7961, PG. 0341 ASSESSOR'S MAP 22, LOT 036
N/F PAUL R. CHARTIER, ET UX DB. 4472, PG. 085 ASSESSOR'S MAP 28, LOT 002
N/F MARIO L. NICOLIELLO, ET UX DB. 5329, PG. 0331 ASSESSOR'S MAP 28, LOT 001
N/F JOHN S. MAJOCKA, ET UX DB. 1639, PG. 0213 PB. 088, PL. 085 ASSESSOR'S MAP 22, B.L.O. LOT 033
N/F EVELYN BAIRD DB. 4171, PG. 0013 ASSESSOR'S MAP 22, B.L.O. LOT 03

ACCESS EASEMENT
Access easement is shown with dimensions and bearings.

ROTATED PIN
Rotated pin is noted near the Howard Road intersection.

ENCROACHMENT
Slight encroachment is noted near the Howard Road intersection.

WETLANDS
Wetlands are delineated with various symbols and labels, including "WETLANDS NOT DELINEATED" and "WETLANDS DELINEATED".

SETBACK LINES
Building setback lines are shown with various dimensions and bearings.

ENCROACHMENTS
Slight encroachment and Rotated Pin encroachment are noted.

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N/F EVELYN BAIRD DB. 4171, PG. 0013 ASSESSOR'S MAP 22, B.L.O. LOT 03

LOT LOCUS PLAN:
SCALE: 1" = 2,000'

TAX MAP REFERENCES:

WARE ASSESSORS
TAX MAP REF: 22-0-12 AND 22-12-1

RECORD OWNER:

JOHN C. SOPER
45 GREENWICH PLAINS ROAD
WARE, MA 01082
DEED BOOK 10506 PG.121

PLAN REFERENCES:

(HAMPSHIRE COUNTY REGISTRY OF DEEDS)
PLAN BOOK 83 PLAN 25
PLAN BOOK 88 PLAN 85
PLAN BOOK 90 PLAN 38
PLAN BOOK 162 PLAN 24
PLAN BOOK 177 PLAN 52
PLAN BOOK 219 PLAN 86
PLAN BOOK 243 PLAN 92

TOWN OF WARE ZONING:

ZONE - RR (RURAL RESIDENTIAL)
AREA - 60,000 S.F.
FRONTAGE - 150 FT., (150 FT SOLAR FACILITY)
FRONT - 30 FT., (100FT SOLAR FACILITY)
SIDE - 30 FT., (100 FT SOLAR FACILITY)
REAR - 40 FT., (100FT SOLAR FACILITY)

GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS: TO COMBINE LOTS 12 AND 12-1, AND CREATE LOT NO. 1 (41.25 AC) SOLAR AND LOT NO. 2 (39.30 AC) RR USE.
2. BOUNDARIES SHOWN ARE THE RESULTS OF AN ACTUAL FIELD SURVEY JANUARY 2 THRU JANUARY 22, 2019. SURVEY BASED ON AVAILABLE MAPS, DEEDS OF RECORD AND PHYSICAL EVIDENCE, BUT ARE SUBJECT TO ALL EASEMENTS, RIGHT OF WAYS, AGREEMENTS, AND RIGHTS AND ENCUMBRANCES OF RECORD THAT AN ACCURATE AND THOROUGH TITLE SEARCH MAY DISCLOSE.
3. THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT, VISIBLE USES OF THE LAND AND DEPICT THEM ON THE SURVEY; HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
4. HORIZONTAL DATUM BASED ON NAD 83 MA11, VIA GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS).
5. VERTICAL DATUM BASED ON NAVD 88, GEOID 12B, VIA GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS).
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9. ABUTTERS NAMES ARE IN RESPECT TO THE LATEST ASSESSORS RECORDS AVAILABLE.
10. GREENWICH PLAINS ROAD & HOWARD ROAD ARE NOT DESIGNATED AS SCENIC ROUTES.

WARE TOWN CLERK CERTIFICATION

I, NANCY J. TALBOT, CLERK OF THE TOWN OF WARE, HEREBY CERTIFY THAT NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD WAS RECEIVED AND RECORDED AT THIS OFFICE ON _____, NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT FOLLOWING SUCH RECEIPT AND RECORDED OF SAID NOTICE.

DATE: _____

PLANNING BOARD APPROVAL UNDER THE SUBDIVISION CONTROL LAW REQUIRED M.G.L. CHAPTER 4, SECTION 81U.

DATE: _____

"NO DETERMINATION OF COMPLIANCE WITH ZONING REQUIREMENTS HAS BEEN MADE OR INTENDED"

39 ELM STREET
SOUTHBRIDGE, MA 01550
P 508.765.0195
F 508.765.0193
www.bertinengineering.com

BERTIN ENGINEERING

CIVIL • SURVEYING • TRAFFIC • STRUCTURAL • ENVIRONMENTAL • MECHANICAL • LANDSCAPE

CALISTO J. BERTIN, P.E.
PROFESSIONAL ENGINEER
CT LIC. NO. 12950 NJ LIC. NO. 28845
MA LIC. NO. 40595 NY LIC. NO. 60022
NH LIC. NO. 9368 RI LIC. NO. 6694

BRUCE A. FITZBACK, P.L.S.
PROFESSIONAL LAND SURVEYOR
MA LIC. NO. 37731
CT LIC. NO. 16970

NO.	DATE	REVISION

DRAWING TITLE
WETLAND RESOURCE AREA PLAN WITH SOLAR USE

PROJECT
FILEDSTONE COMMONS
TAX MAP 22-0-12, 45 GREENWICH PLAINS ROAD
TAX MAP 22-12-1, HOWARD ROAD
TOWN OF WARE, MA

CLIENT
JOHN C. SOPER
142 NORTH MAIN STREET
SOUTH DEERFIELD, MA 01373

CERTIFICATE OF AUTHORIZATION
24GA28068900 / 21MH0002800

DRAWN BY	CHECKED BY
E.Q.	CJB

SCALE	PROJECT NO.
1" = 120'	20M-200

DATE	REVISION NO.
05-24-22	0

DRAWING NO.

C2.1

Planning Board

Robert A. Watchilla
Director of Planning &
Community Development

Town of Ware
Planning & Community Development
Application for ANR

(Approval Not Required under the Subdivision Control Law)

ANR 2023 - 04



126 Main Street
Ware, MA 01082
413.967.9648 ext. 120
www.townofware.com

Applicant
Name of Applicant (primary contact): DEBORAH A. JACKSON
Address: 82 OSBORNE ROAD, WARE, MA 01082
Phone: _____ Cell: 774-262-2131
Email Address: dajackson2017@comcast.net

Owner
Parcel ID MAP 28 PARCELS 66 & 67 Parcel ID _____
Name SAME AS APPLICANT Name _____
Address _____ Address _____

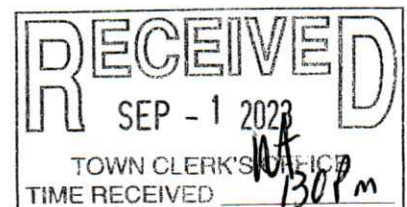
Surveyor
Name of Surveyor: RICHARD D. PARA, PLS #33002
Company: R.L. COOK SURVEYORS
Address: 69 NIPMUCK STREET, PALMER, MA 01069
Phone: 413-283-7238 Email: RALC2@CS.COM

Request
Check one: ☒ Boundary Line Adjustment ☐ Create new lot(s); indicate total number including original parcel: 2
Description of proposal: TAKING 12,234 SQ FROM PARCEL 66 AND ADDING IT TO PARCEL 67 TO CREATE NEW LOTS
F-1REV 1.8567ACRES AND F-2REV 2.1644 ACRES

Property
Location of Property: ON THE EASTERLY SIDE OF WINSLOW ROAD AND SOUTHERLY OF OSBORNE ROAD
Assessor's Tax Map/Lot Number Affected: MAP 28, PARCELS 66 & 67
Deed References – Hampshire District Registry of Deeds Book/Page Number: 12821-161
Plan References – Hampshire District Registry of Deeds Book/Plan Number: 120-19
Zoning District: RR

Sign
Note: All affected owners must sign the application.
Applicant's signature: Deborah A Jackson Date: 9-1-2023
Owner's Signature (s): Deborah A Jackson Date: 9-1-2023
Date: _____

Town Clerk's Stamp:



Official Use Only:

Fee: \$50.00 Date Paid: 9/1/23 Check #: 111
Meeting Date: 9/21/2023
Date of Decision: _____
Planning Board Decision: _____
Submitted to Assessors' Office on: _____

APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED:
WARE PLANNING BOARD
DATE: _____

OWNER/APPLICANT
DEBORAH A. JACKSON
82 OSBORNE ROAD
WARE, MA 01082
LAND SHOWN ON ASSESSORS MAP 28
PARCELS 66 AND 67
NO WETLANDS OBSERVED AT THIS TIME

R.L. COOK
SURVEYORS
69 NIPMUCK STREET
PALMER, MA 01069
1-413-283-7238
RALC2@CS.COM

CLAUDIA M. KADRA &
JAMES V. KARA
TRUSTEES
BK. 6127 PG. 310

THE PUBLIC WAY HAS BEEN
DETERMINED UNDER CHAPTER
86 SECTION 2 OF THE MASS.
GENERAL LAWS.

CLAUDIA M. KADRA &
JAMES V. KARA
BK. 3803 PG. 80

KEVIN M. BLAIR &
KAREN J. BLAIR
BK. 4245 PG. 208

THE PUBLIC WAY HAS BEEN
DETERMINED UNDER CHAPTER
86 SECTION 2 OF THE MASS.
GENERAL LAWS.

DONALD G. DUNBAR
&
MEAGAN E. BLODGETT
BK. 12007 PG. 11

ANDREW & CECILIA
DEECHER
BK. 9686 PG. 247

JASON P. CHEVALIER
&
ANREA L. CHEVALIER
BK. 7440 PG. 277

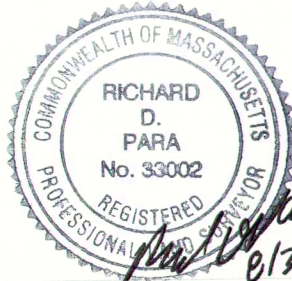
PETER HARDER
BK. 7612 PG. 273

SHANNON M. JUDA
BK. 14715 PG. 314
PB. 197 PG. 92

THIS SURVEY AND PLAN CONFORM TO THE
TECHNICAL AND PROCEDURAL STANDARDS
FOR THE PRACTICE OF LAND SURVEYING IN
THE COMMONWEALTH OF MASSACHUSETTS.

I HAVE CONFORMED TO THE RULES AND
REGULATIONS OF THE REGISTERS OF DEEDS
IN PREPARING THIS PLAN.

Richard D. Para 8/31/23
RICHARD D. PARA, PLS #33002



Location: 82 OSBORNE ROAD	File: KAMIENSKI
WARE, MA	Surveyed By: R.L. Cook
Scale: 1" = 50' ft. Date: August 31, 2020	Drawn By: R.L. Cook
Plan Ref: 120-19	Checked By: R.D. PARA PLS.
Deed Ref: 12821-161	E: \AAAMTGS2023\MPP-3RD-2023
Assessors Map/Par: 28-0-67 & 68-0-66	Dwg Name:
County: HAMPSHIRE	Zoning: RR
	Year Built: 2000

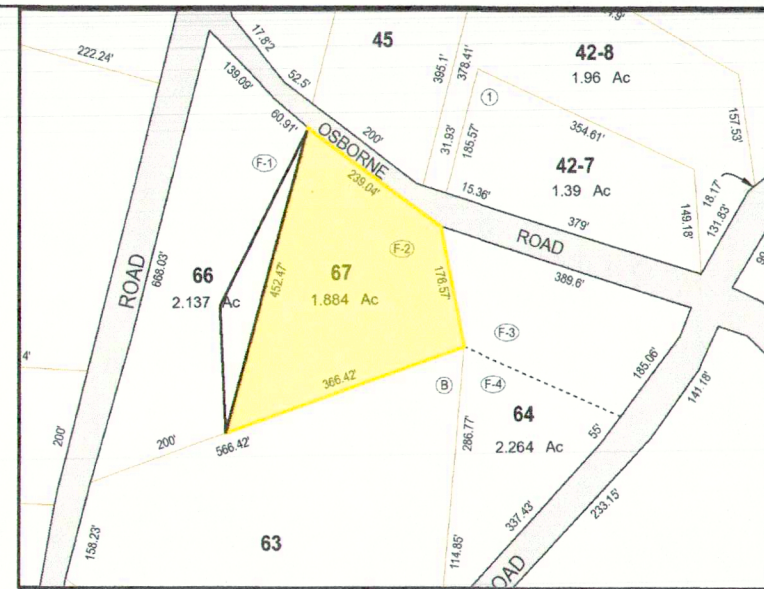
ANR
PLAN OF LAND
IN
WARE, MA
SURVEYED FOR
DEBORAH A. JACKSON

R.L. COOK SURVEYORS
LAND SURVEYORS & CONSULTANTS
69 NIPMUCK ST., PALMER, MA 01069
EMAIL RALC2@CS.COM TEL. 413-283-7238

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



LOCUS MAP NTS

- LEGEND
- IRON PIPE FOUND
 - ⊙ IRON PIPE TO BE SET
 - BOUND FOUND
 - ☆ DRILL HOLE FOUND
 - STONE WALL
 - △ ANGLE POINT
 - ⊕ UTILITY POLE
 - WETLAND

Town Manager

Memo

To: PCD Dept – Planning Board
From: Stuart Beckley
cc:
Date: August 23, 2023
Re: Proposed Zoning Amendments

Members of the Planning Board:

At a regular scheduled Selectboard meeting held on August 22, 2023, the Board voted in favor to forward the proposed zoning amendments for the creation of a Rural Business Overlay District along Route 9 to the Planning Board to schedule a Public Hearing. The map and language amendments are attached for reference.

Thank you,



Stuart Beckley
Town Manager

3.3.2 *Parcels transected by one or more zoning district boundaries.*

- A. The use regulations for the less restricted portion of such parcel may extend not more than 30 feet into the more restricted portion, or, by special permit, not more than 100 feet into the more restricted portion. In such applications, the Special Permit Granting Authority shall first determine that the proposed use will have no detrimental impact on abutting properties and uses. This provision does not apply to overlay districts.
- B. The area, frontage, and setback requirements of §5.1 shall be determined based on the requirements of the district where at least 50% of the proposed structure will be located.

3.4 **Overlay Districts**

3.4.1 *FP – Floodplain.* The purposes of the floodplain district are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics and the flood storage capacity of the floodplain, and to preserve and maintain the groundwater table and water recharge areas within the floodplain.

3.4.2 *AP – Aquifer Protection.* The purposes of the aquifer protection district are to protect, preserve and maintain present and potential sources of public and private water supplies including their recharge areas, conserve the natural resources of the town, and prevent temporary and permanent contamination of the environment due to adverse land use practices.

3.4.3 *RRB – Rural Business.* The purpose of the rural business overlay district is to preserve the scenic rural character of the route 9 corridor, while allowing for commercial development that is in keeping with adjoining uses and in harmony with the natural environment. This district allows for the potential of economic development while minimizing the impacts to the rural character of the corridor.

4.9 Overlay District Regulations

4.9.1 Floodplain

4.9.2 Aquifer Protection

4.9.3 Rural Business

A. Purpose. The purposes of the Rural Business District are to:

1. Allow for commercial development that is in keeping with adjoining uses and in harmony with the natural environment.
2. Preserve the scenic rural character of the route 9 corridor.
3. Promote economic development along a heavily traveled state highway.

B. District Delineation

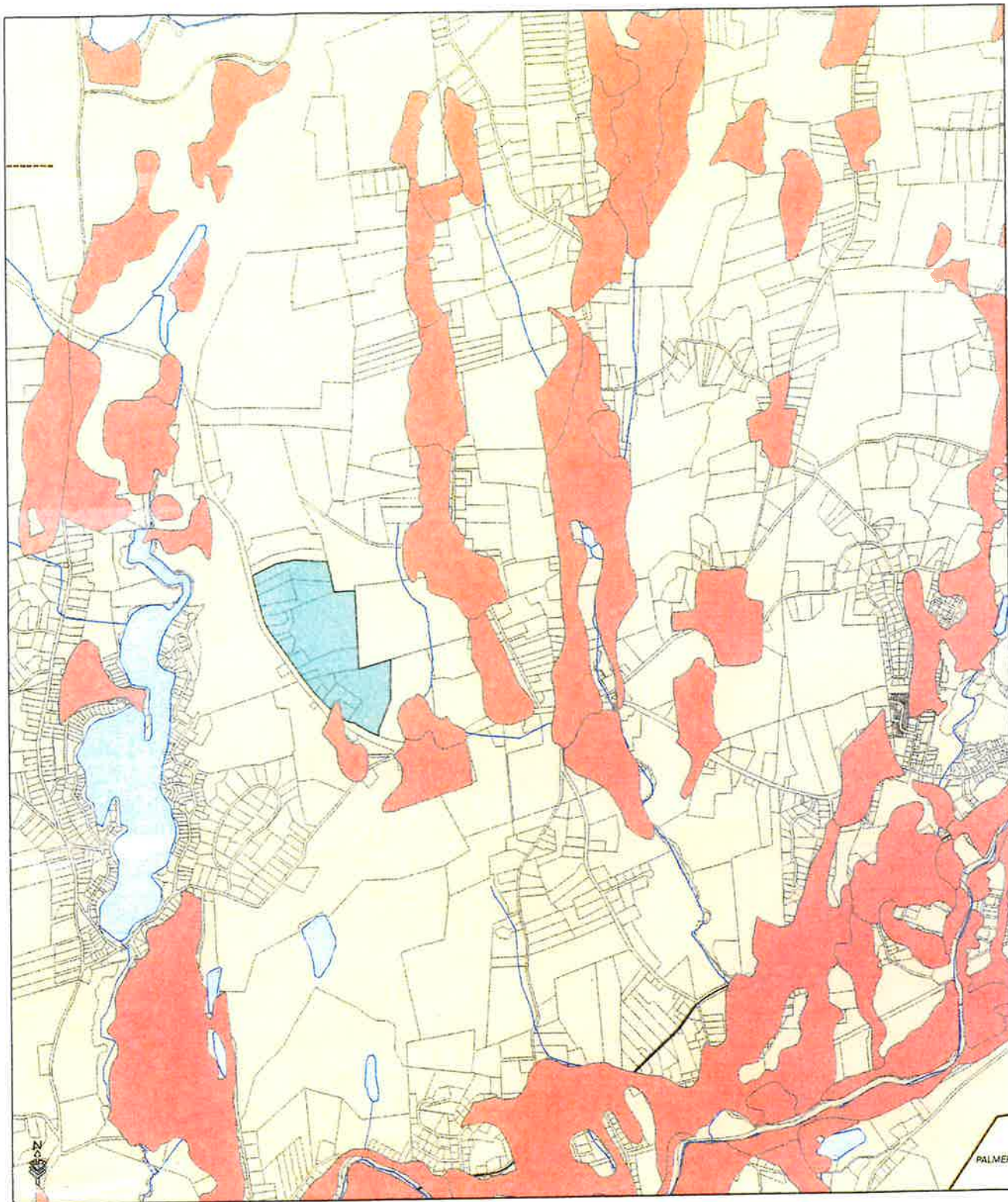
1. The general boundaries of the Rural Business Overlay District are shown on the "Rural Business Overlay District" Map dated (Month of STM Approval), 2022.

C. Use Regulations

1. The Rural Business District is established as an overlay district over the Rural Residential (RR) district. Any uses permitted in the RR district by right or by special permit shall continue to be permitted by right or by special permit.
2. Reference to Existing Regulations. All development in the Rural Business Overlay District, including structural and non-structural activities, must be in compliance with the dimensional and parking requirements as required in the RR district, unless otherwise specified for each permitted use in this section.
3. Permitted Uses. The following uses are allowed by right in the Rural Business Overlay District:
 - a) All uses allowed by right (Y) in the Rural Residential (RR) District. (refer to section 4.2 Use Table)
4. Uses Permitted by Special Permit and Site Plan Review. The following uses are allowed by Special Permit and Site Plan Review (see section 7.4.2) in the Rural Business District:
 - a) All uses allowed by special permit (SP) in the Rural Residential (RR) District. (see section 4.2 Use Table)
 - b) Business, Finance, or Other Professional Offices
 - c) Office or clinic for health services
 - d) Self-service Storage Facility
 - e) Light Industry (see section 2.2 Definitions)
 - f) Tank Farm
 - Limited only to the storage of gases including natural gases, propane, methane, butane, and ethane.
 - Tank farms shall adhere to a setback requirement of 125 feet from the nearest residential property line and 200 feet from the nearest residential structure in order to protect the welfare and safety of abutting neighbors.
5. Prohibited Uses. The following uses are prohibited in the Rural Business Overlay District:
 - a) Auto Salvage Yards (see section 2.2)
 - b) Junkyards/Automobile Graveyards (as defined in MGL c. 140B section 1)
6. All uses permitted by Special Permit in the Rural Business Overlay District shall have a 50-

foot buffer and shall include a 20-foot vegetated buffer that screens the use

- D. Special Permit Approval Criteria. The SPGA may grant a special permit after a duly noticed public hearing in accordance with §7.2 of this Zoning Bylaw provided it finds that the proposed use:
1. Will be designed to avoid substantial disturbance to the natural environment to include (but not limited to) soils, topography, drainage, vegetation, and ground water;
 2. Is in harmony with the purpose and intent of this ordinance and will promote the purposes of
 3. the Rural Business Overlay District; and
 4. Is consistent with the existing and probable future development of surrounding area.



Legend

- Proposed Rural Business District
- Parcels 2021
- Rt 9
- Local Roads
- Prime Farmland

The Rural Business Overlay District encompasses areas along the Route 9 Corridor that makes up half of the former "Residential Business 2 (RB2)" Zoning District (prior to 2012), as well as areas that have current commercial and mixed-uses. The underlying reason for creating the overlay district are to allow for economic development along this historic commercial corridor by limiting the size and type of commercial/industrial uses allowed. This will help to preserve the open space that exists within the Rural Residential (RR) district. (See Section 4. **** of the Zoning Bylaw.)

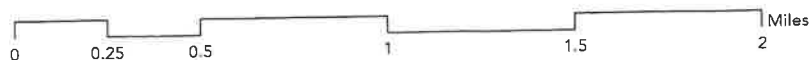
Town of Ware
Proposed Rural Business Overlay District
District Approved TBD



Planning Department
126 Main Street, Suite G
Ware, MA 01082

413-967-9648
www.townofware.com

Sources:
MA DOT: Roads.
Data downloaded from MassGIS February 2012
and August 2022.





TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082
t. 413.967.9648 ext. 118

Notice of Public Hearing

Planning Board

LEGAL NOTICE

to be published in the *Ware River News*
issues 9/21/2023 and 9/28/2023

Pursuant to MGL Ch. 40A, Sec. 5, the Ware Planning Board will hold a public hearing on **Thursday, October 5th**, during their normally scheduled meeting starting at 7pm in the Town Hall meeting room, 126 Main Street, Ware, MA. The purpose of this hearing is to consider amendments to sections 3.4 (Overlay Districts) and 4.9 (Overlay District Regulations) of the Town of Ware Zoning Bylaws to include language and a map on a proposed overlay district known as the "Rural Business Overlay District" along the route 9 corridor.

Pursuant to Chapter 22 of the Acts of 2022, this hearing will be conducted in person and via remote means, in accordance with applicable law. This means that members of the Planning Board as well as members of the public may access this meeting in person, or via virtual means. In person attendance will be held in Town Hall Meeting Room, 126 Main Street, Ware, MA. It is possible that any or all members of the public body may attend remotely, with in-person attendance consisting of members of public. The meeting may be accessed remotely via zoom. Go to <https://zoom.us/join> or join by phone. Phone Number: 929-205-6099; Meeting ID: 784 604 1861; Password: 01082.

A complete copy of the proposed changes can be found at the Planning & Community Development Department Office and on the department web page at www.townofware.com. Anyone interested or wishing to be heard should appear at the time and place designated. All interested parties are invited to attend.

WARE PLANNING BOARD

Edward Murphy, Chairman



TOWN OF WARE
Planning & Community Development
126 Main Street, Ware, MA 01082
t. 413.967.9648 ext. 120

MEMORANDUM

To: Selectboard
From: Planning Board
Date: September 21, 2023
Subject: Recommendations for Plowing and Sanding Unfinished Subdivision Roads –
Winter 2023/24

Dear Members of the Selectboard:

The Planning Board wishes to provide the following recommendations regarding plowing and sanding of the Town's privately owned roadways:

BELAIR DRIVE (Belair Estates):

- It appears that no repairs have been made to this road for some time
- Road condition has gotten worse since last year
- Owner used concrete on exposed manholes to smooth the road
- **We recommend that Belair Drive NOT be plowed nor sanded this winter**

HIGH MEADOW LANE

- The road serves as someone's driveway and has not been plowed in the past
- **We recommend that High Meadow Lane NOT plowed and sanded by the Town this winter.**

COLDBROOK DRIVE (Penny brook Estates):

- The road is in good condition.
- **We recommend that Coldbrook Drive be plowed and sanded by the Town this winter.**

KING GEORGE DRIVE

- The DPW has plowed this private road in the past
- Road is still in good condition but is starting to show signs of deterioration.
- **We recommend that King George Drive be plowed and sanded this winter.**

LEE ROAD

- The DPW has plowed this private road in the past
- There are two easements placed on Lee Road for the purposes of plowing, drainage and general road maintenance.
- Road conditions are showing signs of deterioration.
- **We recommend that Lee Road be plowed and sanded this winter.**

WALTER DRIVE (Edgewood Estates):

- The basecoat continues to deteriorate but still in good condition.
- There appear to be no problems for either the Town or the owner if the Town plowed and sanded this winter.
- **We recommend that Walter Drive be plowed and sanded by the Town this winter**

WILDFLOWER DRIVE & BRIAR CIRCLE (Isabella Ridge):

- Roads are showing early signs of deteriorating.
- **We recommend that Wildflower Drive and Briar Circle be plowed and sanded by the Town this winter.**

WILLISTON DRIVE

- Only the eastern section of Williston Drive has been accepted by the Town (see photo)
- The DPW has historically plowed and sanded the entire length of this road so that the trucks could turn around easily.
- Roads are showing early signs of deterioration.
- Potholes are in need of repair prior to paving.
- **We recommend that the entirety of Williston Drive be plowed and sanded this winter.**



SUMMARY

The Planning Board recommends directing the DPW to manage sanding and snow and ice removal on the private section of Williston Drive and on the private roads Coldbrook Drive, King George Drive, Lee Road, Walter Drive, Wildflower Drive, Briar Circle, and Williston Drive during the Winter of 2023-2024 (FY24). The Planning Board is recommending the potholes on Williston Drive be repaired prior to snow and ice removal.

Thank you.

9-19-23

To the Members of the Ware Planning Board,

I am writing to you today to request your assistance and due diligence with respect to Tractor Supply.

The location, 256 West Street is an area that is next door to the town schools and is significantly congested with traffic. Heading north on Rt. 32 toward Main Street, the curvature and pitch of the road enables traffic to exceed the speed limit. With that in mind I plead with you to have the Massachusetts DOT conduct a traffic survey. This survey will provide the number of vehicles that use this roadway daily and assess the impact a retail store, Tractor Supply, will have on traffic and a potential increase in accidents and personal injuries. I also ask that you protect the area designated as "wetland", located on this property. The establishment of a retail store will certainly and most negatively impact the environment and neighborhood. I ask that the area of wetlands be left undisturbed which benefits all of us.

Thank you for your attention and assistance.

Janet Ceyka
JANET CEYKA
278 PALMER RD
WARE, MA. 01082

