



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, October 5, 2023 @ 7:00 PM

Zoom Link: <https://us02web.zoom.us/j/7846041861?pwd=bldFR0tscStPMWhScHFwRlFWbHRRdz09>
Phone number: 1-929-205-6099
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.

Pledge of Allegiance

Administrative

Public Hearings

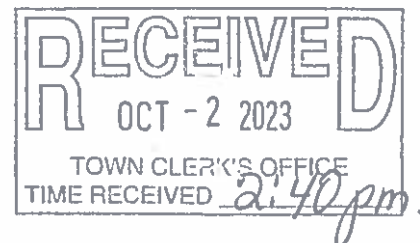
- **7:05pm:** The purpose of this hearing is to consider amendments to sections 3.4 (Overlay Districts) and 4.9 (Overlay District Regulations) of the Town of Ware Zoning Bylaws to include language and a map on a proposed overlay district known as the "Rural Business Overlay District" along the Route 9 corridor.

New Business

- Road Acceptance Recommendation of King George Drive

Old Business

- 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 19, 2023.



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 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.

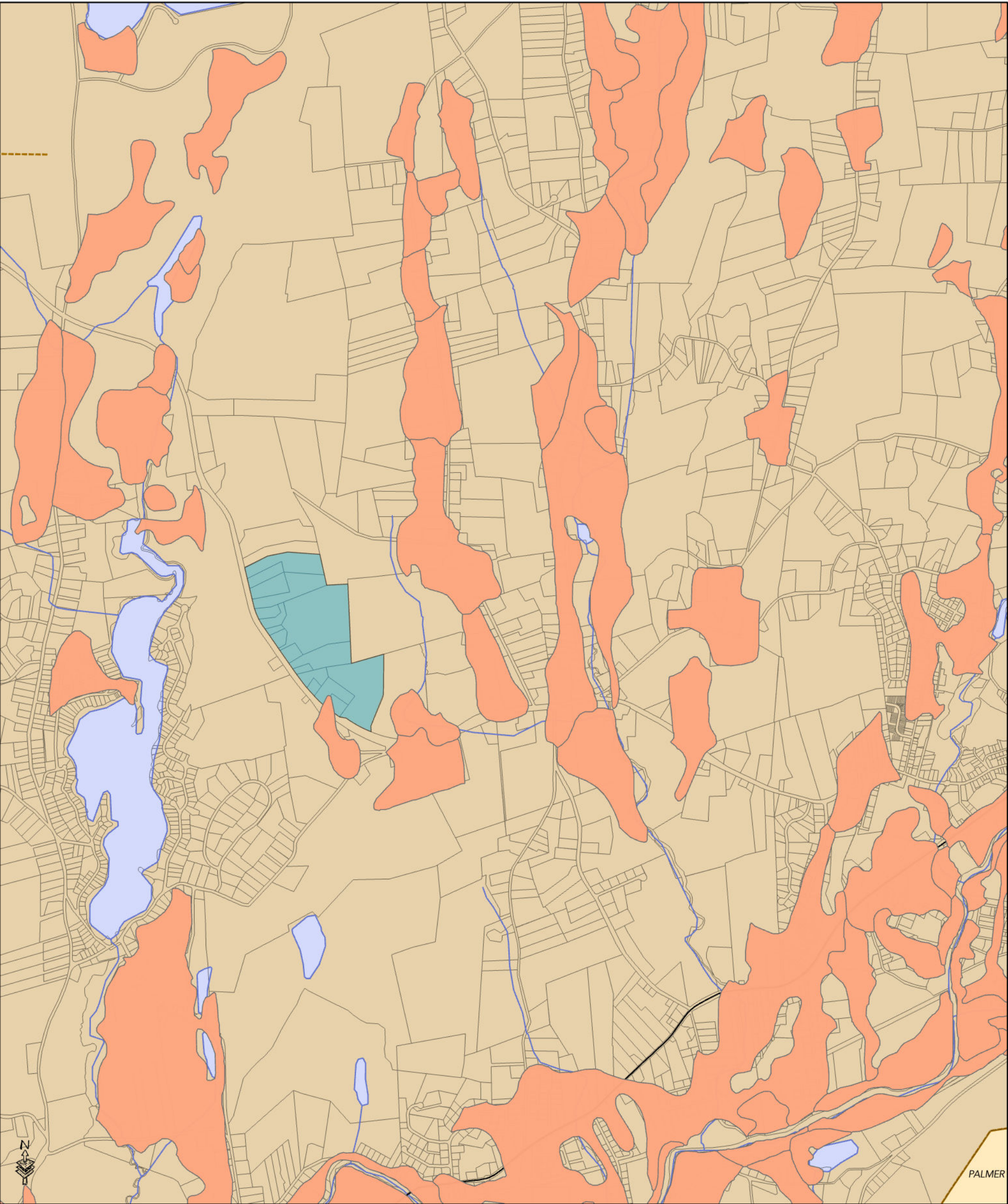
C. Use Regulations

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

Town of Ware

Proposed Rural Business Overlay District

District Approved TBD

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

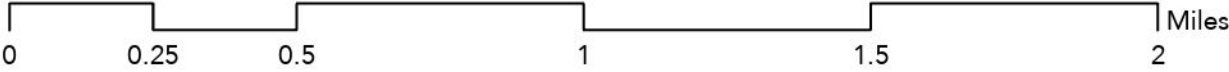
The Rural Business Overlay District encompasses areas along the Route 9 Corridor that makes up half of the former "Residential Business 2 (RB2)" Zoning District (prior to 2012), as well as areas that have current commercial and mixed-uses. The underlying reason for creating the overlay district are to 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.)



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.



-Copy-

**Rosemary Robidoux
2 Old Poor Farm Road
Ware, MA 01082
413-967-4986**

September 19, 2023

Board of Selectmen
Main Street
Ware, MA 01082

Re: Acceptance of King George Drive as a Town Public Way

Dear Mr. Beckley,

Please accept this letter of request for the subdivision identified as King George Drive, located in the Town of Ware to be accepted as a town public way at the upcoming Special Town Meeting scheduled for November 27, 2023.

The following documents have been secured in preparation of its release, as follows:

1. As-Builts, prepared by R.H. LeMaitre, PE, PLS, dated August 10, 2023.
2. Deed, prepared by Atty. Richard Maynard
3. Petition to accept with required signatures.

In addition, we will be present at the Planning Board Meeting of October 5 and the Selectboard Meeting of October 17 to address any questions, if any.

Thank you for your assistance with this matter, and should you have any questions, please contact me at 413-967-4986.

Sincerely,

Rosemary Robidoux

cc: Planning Board – Richard Starodoj, Chair ✓
Attachments

Premises:

King George Drive
Ware, MA 01082

QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, That we, **JAMES ROBIDOUX**, of 18 Old Poor Farm Road, Ware, Hampshire County, Massachusetts, and **ROSEMARY C. ROBIDOUX**, of 18 Old Poor Farm Road, Ware, Hampshire County, Massachusetts,

For consideration paid in the amount of **LESS THAN ONE HUNDRED DOLLARS**,

Grant to the **INHABITANTS OF THE TOWN OF WARE**, with an address of 126 Main Street, Ware, Hampshire County, Massachusetts,

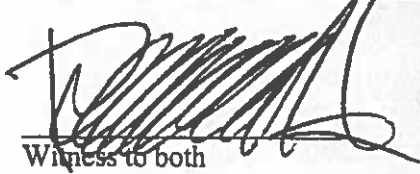
With **QUITCLAIM COVENANTS**,

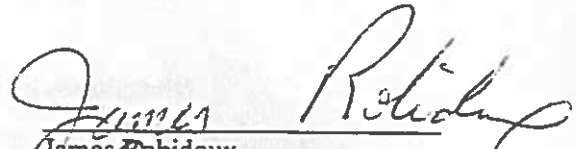
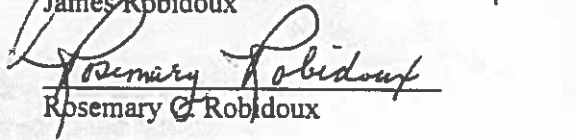
The land in Ware, Hampshire County, Massachusetts, being the way known as King George Drive, Ware, as further described as follows:

See EXHIBIT "A" attached hereto and made a part hereof.

Being a portion of the premises conveyed to James Robidoux, by deed of Rosemary Robidoux, dated March 14, 2012, and recorded with the Hampshire County Registry of Deeds at Book 10929, Page 107 and being the remaining premises conveyed to Rosemary Robidoux and George Robidoux by deed dated July 1, 1969, and recorded with the Hampshire Registry of Deeds at Book 1554, Page 225.

Executed as a sealed instrument this 24 day of September, 2023.

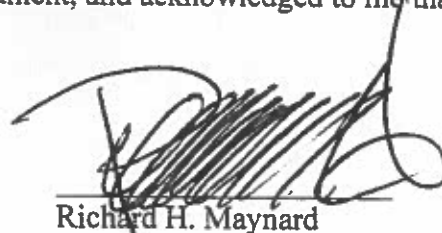

Witness to both


James Robidoux

Rosemary Robidoux

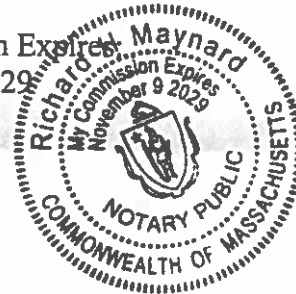
Commonwealth of Massachusetts

Hampshire, ss.

On this 24 day of September, 2023, before me, the undersigned notary public, personally appeared James Robidoux, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.




Richard H. Maynard
Notary Public
My Commission Expires
November 9, 2029



Commonwealth of Massachusetts

Hampshire, ss.

On this 22nd day of September, 2023, before me, the undersigned notary public, personally appeared Rosemary C. Robidoux, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



Richard H. Maynard

Notary Public

My Commission Expires:

November 9, 2029



EXHIBIT "A"

Property Address: King George Drive, Ware, MA

A certain parcel of land situated off Greenwich Plains Road in Ware, Hampshire County, Massachusetts, known and designated as "KING GEORGE DRIVE" on a Plan of Land entitled "Definitive Subdivision of King George Drive in Ware prepared for George L. Robidoux", dated April 28, 1989, by R.H. LeMaitre, and recorded in the Hampshire County Registry of Deeds in Plan Book 165 at Page 42, to which plan reference is made for a complete description thereof.

**King George Drive
Ware MA**

Description

Beginning at an iron pin in the northeasterly sideline of Greenwich Plains Road, said pin being at the northwesterly corner of land now or formerly of John Conn.

Thence N 80-37-22 E along land now or formerly of John Conn for a distance of 64.58 feet to a point;

Thence on a curve to the left having a radius of 200.00 feet along lot 3 and land now or formerly of George L. and Rosemary C. Robidoux for an arc length of 69.81 feet to a point;

Thence N 60-37-22 E along lot 3 and land of said Robidoux for a distance of 124.36 feet to a point;

Thence on a curve to the right having a radius of 30.00 feet along said lot 3 and land of Robidoux for an arc length of 28.60 feet to a point;

Thence on a curve to the left having a radius of 65.00 feet along land of Robidoux known as lots 2 and 3 for an arc length of 328.14 feet a point at the southwesterly corner of lot 2;

Thence on a curve to the right having a radius of 30.00 feet along lot 1 and land of Robidoux for an arc length of 28.60 feet to a point;

Thence S 60-37-22 W along lot 1 and land of George L. and Rosemary C. Robidoux for a distance of 124.36 feet to a point;

Thence on a curve to the right having a radius of 150.00 feet along lot 1 and land now or formerly of George L. and Rosemary C. Robidoux for an arc length of 52.36 feet to a point at the southeasterly corner of land now or formerly of James and Mary C. Robidoux;

Thence S 80-37-22 W along land of James and Mary C. Robidoux for a distance of 84.54 feet to a point;

Thence on a curve to the right having a radius of 30.00 feet along land of James and Mary C. Robidoux for an arc length of 28.62 feet to a point in the sideline of Greenwich Plains Road: said point being S 44-43-21 E and 70.80 feet from the southeast corner of land now or formerly of David and Dorothy Walker.

The above street is shown on a plan by R. H. LeMaitre, PLS, titled "Definitive Subdivision of King George Drive in Ware prepared for George L. Robidoux" and dated April 28, 1989 and recorded at Hampshire County Registry of Deeds in Plan Book 165 Page 42.

Also including a 20 foot wide drainage easement as shown on said plan lying 10 feet on either side of the common sideline of lots 2 and 3 and running northeasterly along said sideline for a distance of 355.74 feet.

N/F
ROGER SAGENDOPH
BK.11735-PG.183
LOT 2
PB.170-PG.96

N/F
PETER DAVID LUND
LEANNE LUND
BK.13839-PG.258

N/F
ANTHONY J. HARVE
ROSEMARY F. WHEELER
BK.6672-PG.341
LOT 1
PB.170-PG.96

N/F
THOMAS F. PEACEY
DENISE A. DUPUIS
BK.8279-PG.348

N/F
CHRISTINE A. ROBIDOUX
BK.6560-PG.49
LOT 1
PB.165-PG.42

N/F
JAMES ROBIDOUX
BK.10929-PG.107
LOT 2
PB.165-PG.42

N/F
JAMES ROBIDOUX
BK.10929-PG.111
PB.165-PG.42

N/F
ERIC ADAMS
KATHERINE N. ADAMS
BK.4155-PG.340
LOT 3
PB.165-PG.42

N/F
JACEY M. CEMBURA
SHERRI L. CEMBURA
BK.12267-PG.77

N/F
DANIEL C. WITT, JR.
THERESA S. DeSANTIS
BK.14164-PG.48

N/F
KIMBERLY A. HOYLE
BK.10341-PG.244

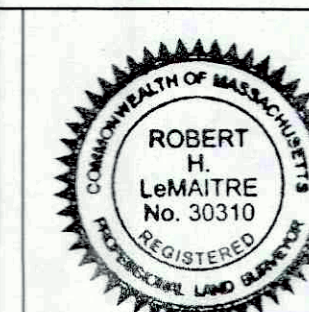
LEGEND
● IRON PIN FOUND
○ IRON PIN TO BE SET
△ POINT
■ CATCH BASIN
○ UTILITY POLE
----- EDGE OF PAVEMENT
----- BIT CONC. BERM
----- O'HEAD WIRES
----- EXISTING CONTOUR
----- HDPE PIPE
----- STONE WALL

I HEREBY REPORT THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

30 0 30 60 90
GRAPHIC SCALE - FEET

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

THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.



Robert H. LeMaitre

AS BUILT PLAN
OF
KING GEORGE DRIVE IN WARE, MA
PREPARED FOR
ROSEMARY C. ROBIDOUX

1" = 30' AUGUST 10, 2023
R. H. LeMAITRE, PE, PLS
4 SKYVIEW DRIVE
WARE, MA 01082
413-967-7878

Plan not recorded but submitted with letter 09/19/2023

Plan Referenced in Exhibit "A"

PB 165, PG 42 C

