



TOWN OF WARE

Planning Department
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Planning Board Minutes

June 18, 2014

Planning Board Members present: Rick Starodoj, Chris DiMarzio (arrived at 7:01), Fred Urban, Joe Knight, Dave Kopacz
Planning Board Members absent: John Chabot (Alternate)
Staff present: Karen Cullen, Director of Planning & Community Development
Maggie Sorel, Administrative Assistant
Public: Robert Provencal, J. Demers, Jack Cascio, Paul Harper, Cathy Cascio, Gary Buelow, Dylan Lask, Doanld Pulchtopek, Corie Croke, Charlie Lask

7:00 Meeting opened

MINUTES

FU Motion to approve the minutes of June 4, 2014 as submitted.

DK Second

Action All in favor (4/0/0)

MPSC

Tim Churchill submitted a letter of interest to serve on the Master Plan Steering Committee; Dorrinda O'Keefe-Shea has resigned due to business time commitments.

CD Motion to appoint Tim Churchill to MPSC

FU Second

Action All in favor (5/0/0)

ANR

Robert Provencal: Walker and Greenwich Road, to create two estate lots.
Proper area and frontage provided for estate lots.

CD Motion to approve and have K. Cullen endorse

JK Second

Action All in favor (5/0/0)

ANNOUNCEMENTS

Warren, MA: SP on Forest Avenue to convert mixed use to business use.

7:15 SP-2014-003 56 PULASKI STREET – EATING ESTABLISHMENT SERVING ALCOHOL

Hearing opened at 7:18 pm

Legal Notice read into the record

Applicants Gary Buelow and Dylan Lask present, made the following points:

- Requesting hours of operation to be 10:00 am to 2:00 pm, 7 days/week.
- All deliveries will be in the back of the building.

- Dumpster will be fenced in with vegetative fence.
- Occupancy is 99.
- We plan to run a tight business, revitalize the neighborhood and the building.
- Aiming for a younger clientele but want to have things like line dancing and different bands to attract a variety of customers.
- Propose to only use the downstairs for bar and pool hall; would like to use upstairs for some events, but will keep total occupancy of building at 99.
- Do not plan to use the kitchen at this time for any meal preparation or cooking; all food will be pre-packaged.
- Plan to keep the same floor plan to maintain occupancy at 99.
- Plan to do facelift type renovations now, with new flooring and new drywall.
- There will be a designated smoking area in back of the building.
- May want to add a patio area eventually.
- Will install signage to inform patrons this is a residential area and they need to be quiet when outdoors and when leaving.
- Will have security personnel when they have events they expect to attract large crowds.
- Dylan Lask will be the Manager in charge of the day to day operations.

Chris DiMarzio noted that the White Eagles was classified as a Membership Club, not an Eating Establishment specializing in serving alcohol. He would like to know the potential impact on the neighborhood, expect more business at this establishment than there was before when it was White Eagles. The Board needs a more detailed understanding of your business model.

After discussion, the Board had the following comments or concerns:

- There is insufficient space along the side of the building to allow any parking there.
- The Board is concerned about noise and vibrations (from bass, etc.) becoming a nuisance to abutting properties. They are sensitive to the fact that this building is in a residential neighborhood.
- If a live band is in the downstairs, which is partially below grade, the noise will be somewhat muffled and should not pose a nuisance for abutters. If a live band is upstairs, then both noise and lights could be a nuisance. The Board might impose a condition that windows be shaded after 10:00 pm to prevent flashing lights from creating a nuisance.
- A scaled Site Plan is required, prepared by a surveyor or other professional (e.g. engineer), that is a true representation of the proposed business showing the building, smoking area, delivery area, trash containment, all parking spaces including handicapped parking, the legal limits of the ROW/access to properties in back (this may require deed research for those properties), sewer access easements, flood wall easements, and existing and proposed lighting. This plan will be a part of the special permit decision and needs to be in a format such that it can be recorded at the Registry of Deeds as an attachment to the decision.
- Hours of Operation: 10:00 am to 1:00 or 2:00 am; the Board could not agree on a time at this point. Karen Cullen will research closing times for similar establishments here in Ware as well as in other towns, and will research how other Planning Boards handle this issue. The BOS will set this in the Liquor License too; the stricter of the two will govern.
- Based on the Fire Department report, the upstairs cannot be used until a sprinkler system is installed throughout the building.

- It was also noted that before a Certificate of Occupancy can be issued by the Building Commissioner, the elevator must be in working order and be certified by the state inspector.

The Board reviewed the findings for this special permit:

- The proposal is in harmony with the general purpose and intent of the zoning bylaw and will not be detrimental to the health, safety, or welfare of the neighborhood or town – the Board noted that this is within the Downtown Commercial (DTC) district which is a mixed use district; we had purposely extended the DTC to the river to encourage more walkability between Pulaski Street and Main Street. They generally felt this use, if run well and without creating nuisance issues, will be one type of use desired in the DTC.
- The proposal is compatible with existing uses and development patterns in the neighborhood and will be harmonious with the visual character of the neighborhood – see above point; in addition the exterior of the building is not proposed to be modified and it has been a part of this neighborhood for decades. It was also noted that this building has a long history of a similar use.
- The proposal will not create a nuisance to the neighborhood due to impacts such as noise, dust, vibration, or lights – this will be okay if conditions are imposed to deal with flashing lights and excessive noise and vibration. The Board discussed ways to handle this, ideas included closing all doors and windows after 9:00 pm, imposing a maximum decibel level, and seeing if other towns have other ways to address this concern.
- The proposal will not create undue traffic congestion nor unduly impair pedestrian safety, and provides safe vehicular and pedestrian circulation within the site – as long as all delivery trucks make their deliveries on the site and not in Pulaski Street, this should not pose a problem.
- The proposal ensures adequate on-site loading facilities – same as point above.
- The proposal will not overload any public water, drainage, or sewage system – this should not be an issue.
- The proposal minimizes environmental impacts – since there are no modifications to the site proposed, this should not be an issue.

The PB reiterated that a site plan, prepared by a professional, needs to be submitted for the continued hearing.

JK Motion to continue the Public Hearing to Monday, July 14, 2014 at 7:00 PM
 CD Second
 Action All in favor (5/0/0)

SP-2014-003 CONTINUED TO MONDAY, JULY 14, 2014 AT 7:00 PM

9:15 MASTER PLAN

Karen gave a brief update on progress; an intern has been hired and Karen has been working with the Edward Urban Foundation which will be providing funding for a consultant to help the town develop a vision and figure out a community identity (both part of the master plan) and then will help design a wayfinding system.

JK Motion to adjourn at 9:35 PM
 CD Second
 Action All in favor (5/0/0)

<p>Minutes Approved on: _____</p> <p>Starodoj _____</p> <p>DiMarzio _____</p> <p>Urban _____</p> <p>Kopacz _____</p> <p>Knight _____</p>
