



TOWN OF WARE

Planning & Community Development

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Planning Board Minutes

July 16, 2014

Planning Board members present: Chris DiMarzio (arrived 7:05), Joe Knight, Rick Starodoj, Fred Urban

Planning Board members absent: Dave Kopacz, John Chabot (Alternate)

Staff present: Karen Cullen, Director of Planning & Community Development
Judi Mosso, Administrative Assistant

Public: Thaddeus Chrabasz, Maureen Chrabasz, Dylan Lask, Gary Buelow, Corie Croke, Catherine Buelow-Cascio, Peter Sawosik (Kanzaki), Page Czepiga (Tighe & Bond), Chad Sherwood (Kanzaki), Fred Paris (Kanzaki), Betsy Calvert (Turley Publications)

Chairman Rick Starodoj called the meeting to order at 7:03 p.m.

7:00 – Administrative

Approval of June 18, 2014 minutes – Motion by J. Knight to accept the June 18 minutes as presented. Seconded by F. Urban. So voted 4-0-0.

Mission statement – Now that we are one department, Karen would like to see one mission statement. The Board brainstormed ideas and buzzwords. Karen will speak with other boards to help create an all-encompassing mission statement.

Roach Gravel Pit Tipping Fees and Agreement – We recently received a check for \$1,208.60 for tipping fee. However there was no report to support the number. The Board believes an annual report is required. Rick feels we should re-examine all gravel pit agreements and require reports which reconcile with check amounts. We will invite the owners of the Roach pit to a meeting in September or October. We should review the Kulas pit too.

7:05 - ANR-2014-05, Boundary Line Adjustment, Chrabasz, 148 & 150 Gilbertville Road; BLA modifying the line between two existing lots with single family homes (same owner). There was brief discussion of the plan. **Motion** by F. Urban to approve the Boundary Line Adjustment between 148 & 150 Gilbertville Road, and have Karen endorse the plan. Seconded by C. DiMarzio. So voted

7:10 – ABC&D/Tri-County Recycling, Compliance with special permit conditions – All of the required vegetation has been planted. The applicant has met the conditions and is in compliance.

7:15 - Public Hearing SPA-2014-002 Kanzaki Paper - Major site plan review for the construction of a pre-treatment wastewater facility on parcel 53-0-36 at corner of Bond and Bishop Streets. R. Starodoj opened the public hearing at 7:15; 7:17 Fred Urban recused himself.

Page Czepiga presented plan which is very similar to what was approved in the 2011 special permit. (Note, since the zoning changed in 2012, this application does not require a special permit, just a major site plan review.) Applicant is seeking waiver of traffic analysis. There was discussion about building size, tank being above ground with secondary containment, the areas being paved, bollards, garage doors, traffic circulation on the site, and project timeline.

Motion by C. DiMarzio to approve SPA-2014-002 with the following conditions:

1. That construction of the facility will be completed and the facility will be fully operational by June 30, 2015.
2. That Best Construction Practices will be used with regard to dust, noise, vibration, and dirt on public roads;
3. That the hours of construction shall be between 7:00 am and 7:00 pm, with no construction on Sundays or standard Holidays;
4. That the hours for pickup of the roll-off containing the solid waste shall be between 7:00 am and 7:00 pm;
5. That there shall be no outside storage of any solid waste produced in the pre-treatment process; and
6. That there shall be annual inspection of the tanks.

Seconded by J. Knight. So voted 3-0-1 (Urban).

R. Starodoj commented that as a government official and citizen of Ware, he was extremely disappointed that Kanzaki Specialty Papers did not offer to share the costs of the design for the wastewater treatment plant in the partnership (MassWorks grant which was lost due to disagreement between Town and Kanzaki). C. DiMarzio echoed his sentiments and stated that Kanzaki and the Town have always had a good working relationship and that this came as quite a sting.

R. Starodoj closed the hearing at 7:33. F. Urban returned at 7:33.

7:37 - 56 Pulaksi, LLC Public Hearing re-opened - There was discussion about parking, property lines, and an outside smoking area not currently in the plan. There was extensive discussion about noise limits and that the permit would not extend to future owners. **Motion** by C. DiMarzio to approve SP-2014-003 including the conceptual site plan with the following conditions:

1. The site plan is hereby approved as part of this special permit. Compliance with the conceptual site plan is required.
2. The hours of operation for this business shall be limited to Sunday through Thursday 10:00 am to 1:00 am the following day, and Friday and Saturday 10:00 am to 2:00 am the following day, and may be open for business every day of the year. Additional hours may be allowed by special dispensation by the proper liquor and/or entertainment licensing authority.

These times shall be reviewed by the Planning Board six months from opening the establishment.

3. The interior of the windows on the upper floor shall be closed and covered with material sufficient to prevent light penetration whenever any event held on the upper floor is in progress after 10:00 pm which has flashing (including strobe) lights.
4. Sound:
 - a. No sound may be created between the hours of 9:00 pm (10:00 pm on Friday and Saturday) and 7:00 am that is louder than 50 decibels in any measurement scale, as measured with a commonly available sound meter at any point along the closest property line of the nearest residential dwelling.
 - b. At all other times the sound level may not exceed 65 decibels (measured as above).
 - c. If there is no calibration standard or method for the meter used to take the measurement, the acceptable sound level may be up to 52 or 67 decibels, as the time frame dictates.
 - d. When bands, music, or other forms of amplified entertainment are playing or occurring, all exterior doors shall remain closed but not locked until closing time.
 - e. Excessive noise outside the building is prohibited. The property owner and/or his designee shall be responsible for warning patrons that no excessive noise is allowed outside the building in smoking areas or while arriving at or leaving the premises. This includes but is not limited to shouting and vehicular sources such as radios or loud exhaust systems and revving of engines.
 - f. The Zoning Enforcement Officer, their designee, or any law enforcement official may make sound level measurements at any time and advise the operator to lower the sound level to acceptable levels within five minutes. If, after adjustment of the sound level is made, the level is determined to continue to exceed the limits stated above, all sound generation causing the limit exceedance may be ordered shut down for not less than twelve hours at the discretion of the enforcement official. Any shutdown order must be immediately reported to the Police Department and recorded in their call log or other appropriate log.
5. All deliveries are to be made on the site, at the loading area at the rear of the building. Trucks making deliveries to this site are not permitted to park on Pulaski Street.
6. The legal rights-of-way and easements on the property which benefit abutting properties, the flood wall, and utilities, shall remain accessible when needed; the access for the abutting properties shall remain open and passable at all times.
7. There shall be no parking at any time along the side of the building.
8. Smoking areas shall be restricted to the rear of the building, a minimum of 20 feet from any property line and 50 feet from any residential building. No smoking is permitted on the public sidewalk in front of the building or within 100 feet of the property along Pulaski Street.
9. All waste disposal facilities shall be maintained and waste removed from the site as frequently as necessary to avoid becoming a nuisance to abutters due to odors; this may require more frequent disposal during summer months.

10. Snow storage shall be on the parking spaces designated as numbers 22 through 25 on the conceptual site plan; excess snow shall be removed from the site. These spaces shall be available for parking at all other times of the year.
11. The upper floor of the building cannot be used for any purpose without all necessary approvals from the Fire Department and the Building Department.
12. Opening up the balcony area to the upper floor shall have no impact on this special permit.
13. Outdoor consumption of alcoholic beverages is prohibited. Any future plans to establish an outdoor dining/drinking area requires an amendment to this special permit.
14. Occupancy levels as established by the Building and Fire Departments, or by the MA Alcoholic Beverages Control Commission, shall govern all uses on the site.
15. The applicant shall remain in compliance with the Agreement between the property owner and the Town Tax Collector dated June 18, 2014 for payment of all property taxes owed, in compliance with MGL c.40 §57 and under the town’s bylaw regarding Revocation or Suspension for Nonpayment of Taxes. Failure to remain in compliance with this Agreement may result in the Planning Board revoking this special permit, after a duly noticed hearing under said laws.
16. All other applicable permits and approvals must be obtained prior to opening.
17. This Special Permit shall be valid only as long as the applicant owns the property.

Seconded by J. Knight. Role call vote:

DiMarzio	Yes	
Knight	Yes	
Starodoj	Yes	
Urban	Yes	Motion carried.

R. Starodoj closed the hearing at 8:50pm.

Additional Announcements

The Master Plan Steering Committee (MPSC) will complete a SOAR (Strengths, Opportunities, Aspirations & Results) analysis. An RFP has been solicited for a consultant to help with visioning, identification and way-finding; all part of the Master Plan. Master Plan outreach efforts will continue throughout 2014 and the plan written next year.

No update on Isabella Ridge (formerly Wildflower) subdivision.

No activity on Cumberland Farms new site.

Motion by F. Urban to adjourn at 9:00 p.m. Seconded by J. Knight.