



TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 186 f. 413.967.9642

pcd@townofware.com

Planning Board Minutes

May 18, 2016

Planning Board members present: John Chabot (Alternate), Chris DiMarzio (7:03), David P. Kopacz, Sr., Rick Starodoj (Chairman), Fred Urban

Planning Board members absent: Joe Knight

Staff present: Judi Mosso, Assistant to the Director

Public: As taken from sign-in sheet: Olivia G. K. Mosso, Don Frydryk, Jim Bachand, Stu Longman

Chairman R. Starodoj called the meeting to order at 7:02 p.m.

1. Administrative
 - a. Approve minutes from May 4, 2016 - Motion by D. Kopacz to approve the minutes as submitted; F. Urban seconded; so voted 3/0/0.
 - b. Master Plan Draft – a draft of the Master Plan was distributed. The Board will provide comments at the next meeting.
 - c. Other – mail and public hearing notices from abutting towns were reviewed.
2. SP-2016-03 O&B Investments, LLC, Jim Bachand, Lots 5 and 6 Shady Path, common driveway Chairman R. Starodoj opened the public hearing at 7:05 and read the legal notice into record.
 - Don Frydryk of Sherman & Frydryk and Jim Bachand presented the project. Parcels were clarified: lot 139-4 is Lot 5 and lot 139-5 is Lot 6.
 - Applicant is seeking a waiver to the requirement of §6.6.3.B for an 18 foot width of the common driveway with a 3 foot gravel shoulder on one side. The

proposal is to provide an 18 foot width for the first 75 feet from Shady Path, and then a 12 foot width for the remainder of the driveway (approximately 255 feet for the common portion).

- Abutter Linda Tremblay (33 Shady Path) inquired about how the common driveway would affect access to her property. D. Frydryk pointed out that access to the rear of her property is via a different access road and not the proposed common driveway.

Motion by D. Kopacz to grant the Special Permit for SP-2016-03 as presented with the following condition:

1. That the Common Driveway Easement and Maintenance Agreement be recorded at the Hampshire District Registry of Deeds prior to completion of the common driveway construction

And, pursuant to Section 7.2 of the Zoning Bylaw, to grant the requested waiver for the width of the common driveway, allowing a minimum width of 12 feet except for that portion within 75 feet of the intersection with Shady Path, in order to minimize impacts to the resource areas consistent with Conservation Commission approvals

Seconded by C. DiMarzio. Roll call vote:

Rick Starodoj - Aye
David P. Kopacz, Sr. - Aye
Fred Urban - Aye
Chris DiMarzio – Aye

So voted 4/0/0.

The public hearing closed at 7:31 PM. The applicant was reminded of decision and appeal timeline and recording requirement.

3. Seaboard Solar, Continued discussion about progress and surety

Stu Longman reported that he is waiting for Mrs. Dudula (property owner) to decide whether she wants to take some of her land out of Ch. 61 and pay the property taxes on it or to pay commercial insurance. Until that is resolved, the deed issue cannot be resolved. The Board also discussed that although they have received a surety check, the title company has not released the money to cover the check. The title company found the deed discrepancy and the current recorded lease is incorrect.

R. Starodoj stated that the Board may consider rescinding the Special Permit and that Seaboard Solar is losing credibility.

Motion by D. Kopacz to continue this matter for “final disposition and no further continuances” to the June 1 meeting. Seconded by C. DiMarzio. So voted 4/0/0.

4. Other

- a. There was brief discussion about the 17 River Road and Belchertown Road issue.

5. Adjourn – **Motion** by D. Kopacz to adjourn at 7:43 pm; seconded by F. Urban.

Documents reviewed at meeting:

Minutes for May 4, 2016

Master Plan draft

Miscellaneous public hearing notices from abutting towns

Draft Decision for SP-2016-03

Documents received at meeting:

Seaboard Solar land title survey (6 pages)

*Respectfully submitted by Judi Mosso
Assistant to the Director*

Minutes Approved on: _____	
Starodoj	_____
DiMarzio	_____
Urban	_____
Kopacz	_____
Knight	_____