



TOWN OF WARE

Planning & Community Development

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Planning Board Minutes

June 1, 2016

Planning Board members present: Rick Starodoj (Chairman), Chris DiMarzio, David P. Kopacz, Sr., Joe Knight

Planning Board members absent: Fred Urban, John Chabot (Alternate)

Staff present: Karen Cullen, Director of Planning & Community Development

Public: As taken from sign-in sheet: Virginia Sue Reed, Michael Barbiasz, Stu Longman

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

1. Administrative

- a. Approve minutes from May 18, 2016 - **Motion** by C. DiMarzio to approve the minutes as submitted; D. Kopacz seconded; so voted 4/0/0.
 - b. Master Plan Draft – the Board commented the plan looks good and they did not see anything blatant that needed to be reconsidered; they agreed to have the steering committee move forward with public outreach on the plan. Karen suggested the timeframe for adoption should be public education over the summer with a public hearing before the Planning Board late summer or early fall, after which the Board will vote on adoption.
 - c. Other – mail and public hearing notices from abutting towns were reviewed.
2. SP-2016-04 Virginia Reed, B&B at 59 Eagle Street Chairman R. Starodoj opened the public hearing at 7:07 and Clerk Joe Knight read the legal notice into record. Chris DiMarzio stated that he is an abutter to this property and added that he has no financial interest in the property, doesn't believe this will impact his property or value in any way, but will recuse himself if anyone present believes there to be an

impropriety if he sits on this case. No one raised any objection and Chris remained to sit on the case.

- Virginia Reed presented her proposal: to operate a B&B through the Air BnB website, with only one single occupancy room to let for 1 to 2 nights at a time, once or twice a month during the months of April through November. She stated there are people associated with the Palmer Motorsports Track who are seeking a place to stay from time to time, and that is her primary audience.
- Questions and discussion points:
 - There will be no food service associated with this proposal
 - Only one room we be let out
 - There will be no changes to the inside of the house
 - There will be no changes outside of the house, either to the parking (there is sufficient space for residents and patrons) or to the yard area (there will be no entertainment space created outside)
 - There will be no signage at this time
 - It was suggested that Ms. Reed contact the Fire Department to ensure the property is in compliance with applicable regulations; we do not believe there will be any requirement for installing a sprinkler system in the building but there may be other requirements such as "Exit" signs
 - The Board discussed the pros and cons of limiting this special permit to the current owner as opposed to allowing it to run with the land.
- No abutters were present and no other public had any comments.

C. DiMarzio reviewed the findings in the draft decision; the Board concurred with all of them as written.

Motion by C. DiMarzio to grant the Special Permit for SP-2016-04 as presented with the following conditions:

1. That any signage comply with the Zoning Bylaw without variance, and that any freestanding sign be placed such that it does not block the view of the roadway for people exiting the site.
2. That the issuance of this Special Permit does not relieve the applicant of the responsibility to comply with all applicable local, state, and federal regulations.
3. That this Special Permit shall terminate and become null and void upon the transfer of the property to a party other than the current owner (i.e. the Special

Permit remains in effect as long as the current owner, Virginia Sue Reed, retains all or partial ownership of the property).

Seconded by J. Knight. Roll call vote:

Rick Starodoj - Aye

David P. Kopacz, Sr. - Aye

Chris DiMarzio – Aye

Joe Knight - Aye

So voted 4/0/0.

The public hearing closed at 7:30 PM. The applicant was reminded of decision and appeal timeline and recording requirement.

3. Williston Drive, Informal Discussion about the status of the road

Michael Barbiasz was present to discuss the status of the road and to provide the Board with a history. See map titled Williston Drive Subdivision History, prepared by K. Cullen.

- Michael purchased 20 acres from Bowen, at the end of Williston Drive (Block 7 on the map).
- A condition of the sale was that Michael take ownership of the private road already built, which constitutes the “middle section” of the road, which was built in three phases; see map, road section labeled “Private”.
- Michael subdivided the land into 6 lots, he noted it could have been more but he wanted to create a “premier” subdivision.
- He did not note any problems with the construction of the middle section of the private road when he purchased it.
- Shortly after road construction on the new (upper) portion of the road was completed, a major storm event took place and washed a significant amount of material down the hill and deposited it on the road and front lawn of a house where a catch basin was located.
- Gibby Sorel, then DPW Director, examined the situation and discovered there was an error in the construction of the drainage system which prevented the stormwater runoff from flowing through the system as it should have.
- Michael had wanted to have the Town accept the entire road, and while the PB at the time indicated they would agree to acceptance, Gibby Sorel indicated he’d have a hard time supporting the request due to the known problem with the drainage system. Michael decided to wait.
- K. Cullen stated this issue was recently raised when she and the Town Accountant were reviewing old, inactive accounts. This account was found to have been created when the PB (in 1988?) required that M. Barbiasz provide a \$1,000 surety to the Town, presumably for the purpose of allowing the Town to

fix the drainage problem if Michael did not. She further stated that the intention now is to either determine if the funds can be returned to Michael. That depends on whether the road is accepted by the Town.

- The Board reviewed the acceptance process with Michael, who said he wants to pursue Town acceptance at this point. He added that he has recently talked to the affected property owners about drainage problems and none indicated they had seen any problems for many years.
- K. Cullen said she had spoken with DPW Director Dick Kilhart earlier in the day about this and he mentioned there might be issues with the MS4 permit in regards to the drainage system. She suggested Michael make an appointment to meet with Dick and Dave Tworek (DPW Deputy Director) to review the road, the drainage, and what would need to be done to bring the road into compliance with the subdivision standards (which she noted have not changed since the road was built) and the approved subdivision plan. She said DPW can provide much more information on the potential MS4 issues.
- The Board noted that this road will be added to the annual inspection list and will go before the Board of Selectmen each fall (along with the others) for approval of the expenditure of town funds to have the DPW perform snow and ice removal on the private section of Williston Drive. Karen explained the process, noting that we have required owners to make repairs at times in the past, to avoid damage to plows or to the road, as the Town cannot assume liability for damage to either on private roads.

4. Seaboard Solar, Continued discussion about progress and surety

Stu Longman reported that the title issues on the West Brookfield side of the project are moving along, and also that the Chapter 61 issues appear to have been resolved. He suggested the Board could amend the Special Permit to add a condition that the bond must be established before the Special Permit becomes valid. The Board stated that would not be prudent since this bond is needed to reclaim the site in the event the array is never built.

After discussion as to what documentation Seaboard Solar might have showing forward progress, the Board decided by consensus to allow this situation to continue and for Seaboard Solar to provide written documentation that they are moving forward with the project; specifically documentation from the title company which is holding up the funds that the \$60,000 check currently being held by the Planning & Community Development Department would draw on. K. Cullen asked Mr. Longman if that check is still subject to being returned for insufficient funds, and he replied yes.

5. Adjourn – **Motion** by D. Kopacz to adjourn at 8:08 pm; seconded by J. Knight. So voted 4/0/0.

Documents reviewed at meeting:

- Minutes for May 18, 2016
- Master Plan draft
- Miscellaneous public hearing notices from abutting towns
- Draft Decision for SP-2016-04
- Williston Drive Subdivision History map

Documents received at meeting:

None

*Respectfully submitted by Karen Cullen
Director of Planning & Community Development*

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