



TOWN OF WARE

Planning & Community Development

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Planning Board

Meeting Minutes from
Wednesday, November 1, 2017
Board of Selectmen's Conference Room

Planning Board members present:	Rick Starodoj (Chairman), Josh Kusnierz, Fred Urban, Edward Murphy (Alternate)
Planning Board members absent:	Chris DiMarzio, David Kopacz, Sr.
Staff present:	Rubén Flores-Marzán, Director of Planning & Community Development Judi Mosso, Assistant to the Director
Public:	(as taken from the sign in sheet and observation): Jeremy Chapman (Melink Solar Dev.), Michael Barbiasz, Martha Klassanos, Melina Bourdeau (Press: <i>Ware River News</i>), Joseph S. Vecchione, Joel Harder, Peter Engle (Bertin Eng.), Beatrice Barlow, William Barlow

Chairman R. Starodoj called the meeting to order at 7:00 p.m. Attendees said the Pledge of Allegiance. Some agenda items were taken out of order.

1. **Proposed Zoning Bylaw amendments (Use Table, Marijuana dispensary and cultivation facilities)** – There was brief discussion about the bylaw; Board confirmed that the 300' setback distance was from front entrances. **Motion** by F. Urban to recommend to the Board of Selectmen the bylaw changes and recommend that the Town Meeting approve Warrant Article 21 to amend the zoning bylaw to regulate Registered Marijuana Dispensaries and Marijuana Cultivation sites, and Article 22 to amend the Zoning bylaw by modifying the Use Table. Seconded by J. Kusnierz. So voted 4/0/0.
2. **7:10 PM SP-2017-04 and SPR-2017-02 - Melink Solar Development**, proposed ground-mounted solar facility at ***Upper Church Street***. This hearing was continued

from October 4 and October 18. The Chairman opened the hearing at 7:10 and assigned Alternate Ed Murphy to the case. P. Engle from Bertin Engineering summarized the latest changes including moving the driveway. Grading and wetlands prevented him from moving it farther north. There was discussion about how to best align utility poles.

The Board read into minutes the November 1, 2017 letter from abutter Pat Monette. Her main requests were to:

- Have complete screening
- Have hedge in deed to never be removed
- Have hedge maintained in perpetuity
- Have access road closer to the northern property (Frohloff Farm)
- Have the Board consider all solar farms for their combined impact on the town

The Board discussed each of the concerns in Ms. Monette's letter; some items are beyond the scope and purview of the Board. Mr. Vecchione, an abutter to the Gilbertville Road project, stated that he agreed that solar projects should be considered by the Board in a cumulative sense because individually, the areas impact a small number of abutters. The Chairman recognized stated that the Town cannot limit the number of solar projects at this time because of state regulations; and the Board could not prevent development based upon how views are affected.

There was discussion about proposed plants; easterly plantings along the fence will go back toward the rail trial. Board discussed location of panels, poles, future development of the parcel, National Grid's involvement.

At 7:30, the Board paused this public hearing to open SP-2017-05 and SPR-2017-03. Then paused that hearing.

The public hearing portion of this application closed at 7:37 p.m. (the Board now has 60 days to render a decision).

There was continued discussion about plantings, screenings; establishing a 25' easement. The Board reviewed draft conditions. Project expected to begin late spring 2018. The Board commended the applicant and property owner for their willingness to work with abutters.

Motion by J. Kusnierz to continue the decision to the November 15 meeting.
Seconded by F. Urban. So voted 4/0/0.

The Board took a brief recess from 8:32 to 8:29 p.m.

3. **7:30 PM** SP-2017-05 and SPR-2017-03 - Melink Solar Development, proposed ground-mounted solar facility at **Gilbertville Road**. This hearing was continued from October 4 and October 18. The Chairman opened the hearing at 7:30. The hearing was then paused to finish the hearing for SP-2017-04 and SPR-2017-02. The Chairman assigned Alternate Ed Murphy to the case. P. Engle from Bertin Engineering described the revisions. The proposed retaining wall is a design from the MA Department of Transportation and is approved for up to 26 ½', the wall proposed for this project is 25' maximum. Based upon this information, the Board will not seek a per review. The wall has a concrete footing and is mortared, there are no tiebacks, fill material is gravel. Plantings should be at least 5-8' away from wall footing.

There was discussion about modern "low-impact blasting" techniques; setbacks from Mr. Vecchione's property; Mr. Vecchione was advised to establish documentation and a well log on his current water condition prior to the start of the project.

The West Brookfield ZBA will meet about this project on November 14.

The public hearing portion of this application closed at 8:48 p.m. (the Board now has 60 days to render a decision).

The Board reviewed draft conditions.

Motion by J. Kusnierz to continue the decision to the November 15 meeting.
Seconded by F. Urban. So voted 4/0/0.

4. **Administrative**
 - a. Approve minutes from October 18, 2017 – **Motion** by J. Kusnierz to accept the minutes from October 18, 2017 as presented. Seconded by F. Urban. So voted 4/0/0.
 - b. Review notices from abutting towns – none.

5. Discussion & Updates

- a. Site Plan Review application for All Parts Racing (APR) – J. Mosso reported that she has been in touch with Jack Cascio twice, and there is forward progress on the application.

- b. Subdivisions; winter plowing; recommendations to BOS
 - i. Williston Drive – Michael Barbiasz, owner of the western portion of Williston Drive, inquired about why the Board does not recommend plowing this year. J. Kusnierz stated that the cul-de-sac is torn up with many holes, diseased trees must be removed, and that the pavement has a great deal of “alligatoring”. Mr. Barbiasz was referred to the DPW Director for recommendations on how to improve the road.

 - ii. Wildflower Drive / Briar Circle – The Board confirmed that they recommend plowing with the 2 caveats mentioned in the memo to the BOS. J. Mosso reported finding a document dated June 2, 2010 in which Hampden Bank agreed to *“be responsible for all repairs, maintenance and snowplowing of Wildflower Road [sic] and all utilities in the subdivision until such time as the road is accepted by the Ware Town Meeting”*, among other conditions. The Board would like to follow up with bank re road ownership sometime this spring. **Motion** by J. Kusnierz to have the Town Manager contact Town Counsel (copying Belco Construction, Hampden Bank, the PB, DPW and FD) regarding the busted fire hydrant on Wildflower Drive. Seconded by E. Murphy. So voted 4/0/0.

Motion by F. Urban to recommend to the Board of Selectmen the following regarding plowing unfinished subdivisions for the 2017/2018 winter:

- approve the expenditure of Town funds and to direct the DPW to manage sanding and snow and ice removal on the private section of Walter Drive and on the private roads Coldbrook Drive, King George Drive, Hillside Terrace, and during the winter of 2017/18; and

- approve the expenditure of Town funds and to direct the DPW to manage sanding and snow and ice removal on the private roads within the Isabella Ridge subdivision (Wildflower Drive and Briar Circle) during the winter of 2017/18, provided that in the

event that icing on the roadway occurs, then the DPW is directed to stop snow and ice removal operations at which point the owner of the private road shall be fully responsible for all snow and ice removal operations; and furthermore that the Town accepts no responsibility or liability with regard to the modified drainage structure at 12 Wildflower Drive; and

- to direct the DPW to **NOT** perform any sanding, snow, or ice removal operations on Belair Drive and Williston Drive during the winter of 2017/18 unless sufficient repairs are made to the satisfaction of the DPW Director

6. **Other** – none.

7. **Adjourn** – **Motion** by F. Urban to adjourn at 9:12 pm. Seconded by E. Murphy.

Documents reviewed:

- Zoning Bylaw amendments
- SP-2017-04 and SPR-2017-02, Melink Solar Development (Upper Church St)
- SP-2017-05 and SPR-2017-03, Melink Solar Development (Gilbertville Rd)
- October 18, 2017 minutes
- Letter from Pat Monette
- Draft memo to BOS re winter plowing

Documents received:

- none

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

*Respectfully submitted by
Judith P. B. Mosso, MPA
Assistant to the Director*