



TOWN OF WARE

Planning & Community Development

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Planning Board

Meeting Minutes from
Wednesday, May 3, 2017

Board of Selectmen's Conference Room

Planning Board members present: Rick Starodoj (Chairman), David P. Kopacz, Sr.,
Josh Kusnierz, Chris DiMarzio (7:10 pm)

Planning Board members absent: none

Staff present: Rubén Flores-Marzán, Director of Planning &
Community Development
Judi Mosso, Assistant to the Director

Public: none

Chairman R. Starodoj Called the meeting to order at 7:08 p.m. Some items were taken out of order.

1. Administrative

Approve minutes from April 5, 2017– **Motion** by D. Kopacz to accept the minutes as presented. Second by J. Kusnierz. So voted 4/0/0.

Reorganization of Board –

C. DiMarzio nominated Rick Starodoj for Chairman. Seconded by J. Kusnierz. So voted 4/0/0.

D. Kopacz, Sr. nominated Christopher DiMarzio for Vice Chairman. Seconded by J. Kusnierz. So voted 4/0/0.

D. Kopacz, Sr. nominated Josh Kusnierz for Clerk. Seconded by C. DiMarzio. So voted 4/0/0.

Director to sign on behalf of Board – **Motion** by J. Kusnierz to name Rubén Flores-Marzán as authorized signatory for the Planning Board under the Subdivision Control Bylaw. Seconded by D, Kopacz, Sr. So voted 4/0/0.

Town notices – The Board reviewed legal notices from abutting towns.

2. **Special Permit hearing, SP-2017-01, Baystate Health, Inc., 40 Chestnut Street**

The Chairman opened the hearing at 7:12; the Clerk read the legal ad into record.

Shane Newell of Baystate Health presented the project.

- Former adult daycare use last about 10-12 years and closed in 2015.
- The Visiting Nurses Association working model has changed and they now have drop in hours.
- Property was gifted with use restriction of health care only; no plans to divest at this time
- Baystate is exploring other ideas for their main campus
- No change in parking and would be less impactful than pervious use

Discussion

- SP-2009-01 was for daycare expansion; SP runs with property; should rescind SP-2009-01 to close out that permit and make that a condition of the new SP.
- Dumpster enclosure should be buffered, reduced, or eliminated; applicant agreeable

Motion by C. DiMarzio to grant the Special Permit for SP-2017-01 with the following findings:

1. After the public hearing duly noticed and held, the Ware Planning Board found, as required by MGL Chapter 40 A., Sec. 9, that the proposal is consistent with the conditions of section 7.2.3.F of the Ware, Massachusetts Zoning Bylaws.
2. The proposal is compatible with existing uses and other uses permitted by right in the same district.
3. The proposal is suitably located in the neighborhood in which it is proposed.
4. The Planning Board finds that the proposed use is in harmony with the general purposes and intent of the bylaw, meets the regulations for the zoning district in which the use is located and complies with all applicable regulations listed therein.

5. The proposal will not constitute a substantial inconvenience or hazard to abutters, vehicles or pedestrians.
6. The proposal will not constitute a nuisance due to air and water pollution, flood, noise, dust, vibration, lights, or visually offensive structures and accessories.

And with the following conditions:

1. Hours of operation will be 7:00 a.m. to 5:00 p.m.
2. Deliveries will be between 8:00 a.m. to 4:00 p.m.
3. No patients will be seen at this location
4. Dumpster area shall be appropriately screened, reduced or removed

The public hearing closed at 7:30 pm.

3. Discussion & Updates

- a. Zoning standards for medical & recreational marijuana dispensaries (parking requirements) – R. Flores-Marzán reported that current zoning for parking for retail sales is more motor vehicle focused and less focused on pedestrian traffic.
 - He has researched which zones are most feasible for a more hybrid solution, and suggested that parking standards be reduced in the Downtown Commercial and Mill Yard zones because of the potential for greater foot traffic.
 - Offsite parking would be considered as part of the total number of parking spaces for a retail business; make parking less of a hassle by not requiring it.
 - He stated that vitality on Main Street can be achieved by reducing, not increasing, the number of parking spaces; that business owners find a way to fit in parking around other uses.
 - Non-conforming lots could receive a waiver at the discretion of the Board
 - There was discussion about the distance of a marijuana facility from other community and civic uses such as schools, churches, playgrounds, etc. There is no specific data about distances .However, in those cities that have been dealing with marijuana facilities for years

now, the buffer areas are decreasing due to experience vs. perceptions.

- Discussion about distances being from building to building, frontage, or property line (most likely); suggested: 500', 250', 200'
- Board would like to see a map showing radius of distances in zones that may allow marijuana facilities. The Department no longer has GIS access but we will see what we can do.
- D. Kopacz commented that there are home schools, home churches and other libraries. Suggested that we treat it like retail and not to legislate it for the future that has happened yet.

- b. Required Site Plan Review application for All Parts Racing (APR) – J. Mosso reviewed timeline of events and deadlines. Board's most recent memo dated April 18, 2017 was received April 19 by Mr. Buelow; deadline for filing formal Site Plan Review application is May 9, 2017 at close of business. The Board will consider rescinding Mr. Buelow's Special Permit as the SPR was a condition of the SP. *[NB: no application has been received as of June 1, 2017].*
- c. Review as-built plan received for Coldbrook Drive, Pennybrook Estates – There was discussion about some outstanding items:
- Fence at retaining wall
 - Guardrail
 - Streetlights
 - Homeowner's Association timeline
- d. MA Department of Fisheries and Wildlife New Priority Habitat Map – the Board was given the opportunity to comment of revised map. Chairman entered some comments online and suggested that it was up to individual members to do the same. In general, the Board recognizes the importance of protecting the natural habitat and resources. However, they were concerned about the additional restrictions, increased cost and difficulty of proposed projects when more state and federal mandates are imposed.

4. Other

- Board briefly discussed recent Selectmen meeting; Board has long recommended that Tri-County Recycling apply for a zoning change before the site assessment hearings. Brief discussion of tipping fees.
- A resident is interested in creating a dog park at the former Mt. Carmel lot on Pleasant Street. The Board and P&CD staff had expected her here this evening but she was not in attendance. The Board briefly discussed:
 1. Other sites
 2. Courtesy of coming to the Board to discuss project
 3. Proposed grant for park
 4. Lack of sketch or narrative
 5. Neighbor impacts
 6. Current uses

5. Adjourn – **Motion** by J. Kusnierz to adjourn at 9:00 p.m., seconded by C. DiMarzio.

Documents reviewed:

- April 5, 2017 meeting minutes
- Town notices
- MA DCR letter re Priority Habitat map
- Mosso report on APR Towing, SP-2016-02
- Coldbrook Drive as-built plan

Documents received:

none

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

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