



# TOWN OF WARE

## Planning & Community Development

126 Main Street, Ware, Massachusetts 01082  
t. 413.967.9648 ext. 186      pcd@townofware.com

### Planning Board

Meeting Minutes from

**Wednesday, November 7, 2018**

Board of Selectmen's Conference Room

**Planning Board members present:**

*Rick Starodoj (Chairman), Josh Kusnierz (Vice Chairman), Chris DiMarzio, Joe Knight, Ed Murphy*

**Planning Board members absent:**

*F. Urban*

**Staff present:**

*Rubén Flores-Marzán, Director of Planning & Community Development  
Judi Barnard Mosso, Assistant to the Director*

**Public:**

*(as taken from the sign in sheet and observation): Karen Brodeur, Jennifer Muche, Eric Dane, Joann Supczak, Michael Supczak, Jerry Gagliardicci, Brad Wilson, Keith Kruckas, Aaron Sawabi, Kathleen Cronin, Joann Carney, Wendy Gewinner, Debra Keegan, Gerrett Keegan, Randy Neubauer, Rodney Neubauer, Kamyar Raoufi, Sam Boduch, Pam Lukasik, Trevfor Bleau, Deborah Morrin, Tim St. George, Jen St. George, Larry Rusiecki, Bena Brayson, Jerry Brayson, David Lukasik, Terrance Smith, Anna Marques, William St. Croix, Stuart Beckley, Kristin Rosenbeck, Dennis Cote, Devin Peterson, Patrick Elliott, Sandy James, Paul James, Natasha Sawabi; MEDIA: Jim Russell (The Republican)*

Chairman R. Starodoj called the meeting to order at 7:02 p.m. Attendees said the Pledge of Allegiance.

1. **Administrative**

- a. **Approve minutes from October 17, 2018** – **Motion** by J. Kusnierz to approve the minutes from October 17, 2018. Seconded by J. Knight. So voted 4/0/0.

2. **7:05 p.m. Public Hearing on SP-2018-06, St. George Construct a Single Family Home (SFH) in the Rural Quabbin District (Belchertown Road via Fisk Rd, Hardwick)** – Chairman opened the public hearing at 7:05 pm and appointed Board Alternate Ed Murphy to hear the case. Clerk J. Knight read the legal notice into record. Applicant described project; property used to be Quail World but they have cleaned it up. There was discussion about comments from the fire department; due to height, FD would need to use the ladder truck; will require driveway to be increased from 12' to 14' in order to accommodate the ladder truck. Chairman read through findings.

**Motion** by E. Murphy to grant the special permit for St. George, Belchertown Road for a SFH in the RQ district with the condition that the driveway width be increased to 14' per the FD. Seconded by J. Kusnierz.

Roll call vote:

Rick Starodoj	AYE
Josh Kusnierz	AYE
Chris DiMarzio	AYE
Joe Knight	AYE
Ed Murphy	AYE

So voted 5/0/0.

3. **ANR-2018-03-A, Greenwich Rd / Lee Road; create 2 easements** – The actual ANR was approved earlier this year. Since the property owner is working with the Town on easements for snow removal, drainage, and easier access the Board reviewed a revised ANR with the easements marked. **Motion** by J. Kusnierz to approve the revised ANR as presented and noted that there were no actual changes to lot lines, and for the Director to sign on the Board' behalf. Seconded by J. Knight. So voted 4/0/0.

4. **Discussion re proposed zoning amendments**

Public hearing for zoning amendments will be Wednesday, December 5 at 7:00. Copies of proposed zoning amendments are available on the Town's website, Senior Center, and library.

5. **Discussion with T. Reidy and J. Gagliarducci re earth removal at Greenwich Road** - T. Reidy and J. Gagliarducci provided an update on the Greenwich Rd Realty earth removal project on Greenwich Road (35-12-1); formerly owned by Palmer Paving, now solely owned by Mr. Gagliarducci dba Greenwich Rd Realty. Atty. Reidy stated that as gravel becomes more scarce, they increase operations. J. Mosso informed Atty. Reidy and Mr. Gagliarducci that the special permit had expired and they must apply with a new special permit application. There was brief discussion about the need to stabilize and seed a portion of the site.
  
6. **Additional discussion – Ecos Energy, solar on subdivision (SP-2018-04 & SPR-2018-06)** – In response to a question from the audience, Chairman R. Starodoj stated that it was solely his decision to place additional discussion of the Ecos application on tonight's Planning Board agenda. He updated the Board that on October 18, 2018, the day after the Board voted on the special permit, Brad Wilson inquired about a procedural question about the vote and the possibility to reconsider the vote. case law supports not revisiting the vote and that he did not want to set any precedent. He consulted with the Town Manager and Town Counsel and they agreed that it was reasonable that the Planning Board could reconsider the vote as long as the request to reconsider came from one of the 2 members who voted no, and that Decision had not been filed with the Town Clerk [as of tonight the Decision has not yet been filed]. Member F. Urban is not in attendance tonight so the Board cannot take the matter up. J. Knight sated that as a no vote, he "100% does not want to reconsider the vote". No other members made a motion to reconsider the vote.

Selectman K. Kruckas asked whether there was a party at which were present the land owners, Ecos representatives, and Planning Board members. He stated that there were possible ethics violations that should be investigated.

Mr. A. Sawabi inquired about appeals and the Decision. Town Counsel has advised that the Decision can be filed within the 90-day deadline (by January 15, 2019).

K. Brodeur stated that the Board already voted on October 17 and that they should not reconsider.

The Board will not discuss the matter nor entertain comments from the public because Mr. Urban is not present tonight; we should wait for the full Board.

C. DiMarzio state that he tried to ask for a reconsideration at the October 17 meeting.

R. Starodoj stated that there is no guarantee that the Board will revisit the matter; he stated that if there was a question of procedure, it's best to seek the advice of Town Counsel which is what he did.

K. Kruckas stated that some Board members were upset that the permit was not granted. C. DiMarzio stated that that was inaccurate; he has been on the Board for a long time and is stepping down but will follow through with any matters related to the Ecos application to ease any transitions. He stated that he made a comprehensive motion at the October 17 meeting. He initially wanted the subdivision rescinded. His motion received a second but there was no further discussion which may have indicated which way some members would vote. He believes that the applicant should know why some members voted no.

T. Smith stated that he has been following the meetings; disagrees with vote.

R. Starodoj stated that the meeting tonight is NOT to rehash the procedure or take public comment. The SP was to be conditional on peer review.

C. DiMarzio stated that it is not uncommon for votes to be taken contingent upon other actions like a successful peer review.

R. Starodoj stated that any further discussion must take place when all 5 voting members are present.

K. Brodeur stated that since Ecos is not getting their permit, the abutters have to go through more meetings. R. Starodoj stated that he wants to be sure the procedure is correct.

C. DiMarzio stated that the applicant wants to know why they were denied.

Someone asked if the property was currently being worked. C. DiMarzio stated that there are several lots that can be developed. K. Cronin of Beaver lake stated that their big concern was water runoff.

R. Starodoj confirmed that the public hearing for this case has closed. Additional public comments may be taken only if the public hearing reopens.

7. **Discussion re Scenic Road designations** – J. Kusnierz spoke about scenic road and making appropriate designations. DPW would not be able to perform tree removal or remove stone walls on designated roads. There was discussion of trees and that, as Tree Warden, he would recuse himself from any Planning Board matter if he needed to decide on tree-related and scenic road matters. Suggested that roads such as Webster Road should have this designation; applies only to public property. Trees along Church Street are in poor condition; related to public safety. Members inquired about advantage of scenic road designation; what other towns have it; as long as land is not devalued. T. Smith stated that he owns a lot of land in Ware and would not want to see his land restricted. Related MGL: Chapter 40, Section 15C. Suggested that it be a town bylaw and not a zoning bylaw. J. Kusnierz will follow up and report back to Board at 1/16 meeting.

8. **Discussion & Updates**

- a. PVPC Delegate update – will report in January

b. Scenic Roads – see Item 7.

c. Unfinished subdivisions – Rosemary Robideaux, owner of King George Drive, inquired about the Board’s recommendation to not plow the road. The Board believed that this road was not plowed by DPW. The Board is willing to assist Ms. Robideaux in moving forward with placing King George Drive for road acceptance at the next town meeting. **Motion** by J. Kusnierz to change the recommendation from no to yes. *Seconded by J. Knight. So voted 4/0/0.*

d. Beaver Lake Spillway bridge, weight limit sign – According to the Building Inspector, DOT is in the process of rating the bridge; weight limit signs should be installed in the next few weeks. Board noted that this is not their jurisdiction.

9. Other - T. Smith requested that C. DiMarzio rescind his resignation from the Planning Board and recognized him for his dedication and service to Ware. C. DiMarzio stated that he does intent to resign; he has reasons other than the Ecos decision for resigning; shared his view on solar. There was brief discussion about the attention that the Ecos decision is receiving. R. Starodoj thanked C. DiMarzio for his service and said he learned a lot from him.

10. Adjourn – **Motion** by C. DiMarzio to adjourn at 8:52 p.m. *Seconded by J. Kusnierz.*

**Documents reviewed:**

- Minutes from October 17, 2018
- SP-2018-06, St. George application and related documents
- ANR-2018-03-A, Greenwich Rd / Lee Road

**Documents received:**

- none

<b>Minutes Approved on:</b> _____
Starodoj _____
Kusnierz _____
DiMarzio _____
Urban _____
Knight _____

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