



# TOWN OF WARE

Planning & Community Development

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## Planning Board Minutes November 5, 2014

<b>Planning Board members present:</b>	John Chabot (Alternate), Chris DiMarzio (7:04 p.m.), Rick Starodoj, Joe Knight, Fred Urban
<b>Planning Board members absent:</b>	David P. Kopacz
<b>Staff present:</b>	Karen Cullen, Director of Planning & Community Development Judi Mosso, Assistant to the Director
<b>Public:</b>	Dan O'Brien (Smith Associates Surveyors), Dan Ogoley, Deborah Ogoley, Tom Reidy (Bacon Wilson), Lou Eyster (TM Crowley & Assoc.), Jim Bernardino (Bohler Engineering)

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

Approval of October 15, 2014 Minutes - Motion by F. Urban to accept the meeting minutes as presented. Seconded by J. Knight. So voted unanimously.

7:05 ANR-2014-6 Mackinac Savings Bank; 164 Greenwich Plains Road, subdivision into 3 lots - Mr. O'Brien described the project. One hours has been razed; all lots meet frontage and area requirements for current zoning. **Motion** by C. DiMarzio to approve the proposed plan and direct K. Cullen to endorse it. Seconded by J. Chabot. So voted unanimously.

Karen reported that the Attorney General's Office approved our zoning amendments.

7:15 SP-2014-04 Ogoley; 291 Palmer Road; Special Permit to allow occupancy of an existing SF dwelling during construction of new SF dwelling (§4.5.3) - J. Knight read the public hearing notice into the record. R. Starodoj appointed John Chabot to fill in for D. Kopacz in his absence. Dan Ogoley described the project, plan was reviewed, property has been perc'd for septic system. **Motion** by C. DiMarzio to approve the Special Permit based on the following findings (below). Seconded by J. Chabot.

1. That the proposed temporary use of the parcel for two separate houses is in harmony with the general purpose and intent of the zoning bylaw;
2. That the proposed temporary use is compatible with existing uses and development patterns in the neighborhood, and that it is harmonious with the visual character of the neighborhood, given that it is a temporary use;

3. That the proposed temporary use will not constitute a nuisance due to noise, dust, vibration, or lights, given that it is construction of a single family house;
4. That the proposal provides convenient and safe vehicular and pedestrian movement within the site and in relation to adjacent streets, property, or improvements, given the temporary nature of the proposal and the fact that there is no increase in permanent traffic volumes at the site;
5. That the proposal ensures adequate space for the onsite loading and unloading of materials and equipment incidental to the construction of the new single family dwelling and demolition of the old house once construction is completed, including taking into consideration the allowed use of the site for the previously approved heating fuel business;
6. That the proposal will not overload any public water, drainage, or sewer system, given there will be no increase in loading of these systems since only one house will be occupied at any given time; and
7. That the proposal minimizes environmental impacts by utilizing previously developed portions of the site for the construction of the new house, and the site of the old house will be loamed and seeded, thus returning it to a permeable condition.

Based on these findings, the Ware Planning Board, as Special Permit Granting Authority pursuant to Section 7.2 of the Ware Zoning Bylaw, voted 5/0/0 to approve the Special Permit for Daniel and Deborah Ogoley to construct a second dwelling on the subject parcel as previously described.

Conditions:

1. That within 60 days of the issuance of a Certificate of Occupancy for the new single family house, the old house shall be removed in its entirety and the site graded, loamed, and seeded;
2. That all construction and demolition shall be completed within two years of the date of issuance of this special permit.

*7:29 p.m. Rick Starodaj turned the meeting over to C. DiMarzio to chair and then recused himself.*

7:30 SPR-2014-01 Amendment - Cumberland Farms, Inc.; West Street & Fourth Avenue; Modification to approved site plan; hearing required per condition of previous approval - C.

DiMarzio opened the public hearing. Tom Reidy briefly explained the project and described the reason for the amendment. The four significant changes are:

1. Removed retaining wall; will re-grade hill
2. Loading zone size has changed
3. One parking space added
4. Rotated underground storage tanks

Project timeframe is affected by the acquisition of the abutting lot (currently under a Purchase & Sale Agreement). Owner intends to join the 3 lots after the project is completed.

Jim Bernardino from Bohler Engineering stated that they do not intend on removing any ledge. There was discussion about storm water and drainage; following best practices with regard to earth removal; house demolition; maintaining slope; southeastern corner ownership; combining lots; eliminate condition #1.

**Motion** by F. Urban to accept the plan with the following conditions (below) based on the modified site plan. Seconded by J. Knight. So voted unanimously.

1. That the existing house on parcel 52-0-19 (7 Fourth Avenue) shall be demolished within 90 days of the issuance of the certificate of occupancy for the new Cumberland Farms facility (store and fuel pumping stations).
2. That Best Practices regarding the removal of earth materials shall be followed, including installation and maintenance of tire cleaning pads at the entrances to prevent material from being tracked onto the street, and erosion and sedimentation control to protect the site and prevent off-site impacts.
3. That all landscaping at the entrances shall be maintained to ensure visibility of the adjacent roadways for all drivers exiting the site.
4. That all landscaping on the site be maintained and plantings that die are to be replaced within six months.
5. That if the grassed areas on the site are insufficient for storage of snow, that excess snow be removed from the paved areas of site at the owner's expense in order to maintain accessibility to all parking spaces shown on the plan.
6. That the drainage system be maintained and operated in accordance with the Storm water Operation and Maintenance Plan.
7. That the crosswalks on West Street at the site entrances shall be maintained on an annual basis to remain visible to drivers and pedestrians.
8. That all pavement markings shall be maintained to be clearly visible to drivers using the site (i.e. re-painting as necessary).
9. That the hillside shall be maintained at all times to prevent erosion, and that in the event any gullies or rills develop, that the slope shall be restored to prevent further erosion within 30 days of discovering the erosion.
10. That trucks delivering fuel or goods to the store shall be prohibited from using the access from Fourth Avenue. All delivery services are to receive a copy of the truck routing plan submitted to the Planning Board on March 5, 2014.
11. Hours of construction shall be limited to Monday through Friday from 7:00 am to 7:00 pm, and Saturday from 7:00 am to 4:00 pm. No work shall take place on the site on Sundays or Holidays.

12. That with regard to the property boundaries at the corner of West Street and Forth Avenue, if an agreement can be worked out between the owner and the Town of Ware to improve the intersection via an easement, donation, or other acquisition, that modification of the site plan is not necessary (i.e. there is no requirement to submit an amended site plan for review and approval).
13. All other approvals, including local, state, and federal, shall be obtained prior to the issuance of the certificate of occupancy.

PVPC Commissioner – Currently, there is no PB representative for the PVPC. F. Urban volunteered to be appointed. **Motion** by C. DiMarzio to appoint Fred Urban as the PVPC liaison. Seconded by J. Knight. So voted unanimously.

K. Cullen read hearing notices from abutting towns.  
There was brief discussion about solar projects and trends.

Master Plan progress – we’ve wrapped up the MindMixer site; Judi is editing and revising the appendix; Karen’s efforts are turning toward producing maps and she anticipates writing the Plan beginning in January.

Visioning/Wayfinding Project – One of the products from this project will be a mission statement. The week of November 17, the consultants will work with focus groups of different demographics and a community image roundtable.

Adjourn – **Motion** by C. DiMarzio to adjourn at 8:30. Seconded by J. Knight.

**Minutes Approved on:** \_\_\_\_\_

Starodoj \_\_\_\_\_

DiMarzio \_\_\_\_\_

Urban \_\_\_\_\_

Kopacz \_\_\_\_\_

Knight \_\_\_\_\_

*Prepared by Judi Mosso  
Planning & Community Development*