



TOWN OF WARE

126 Main Street, Ware, Massachusetts 01082

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Zoning Board of Appeals

Meeting Minutes from

April 21, 2021

Select Board Room, Town Hall

Draft

Board Members Present:

Chairman Lewis Iadarola, Jodi Chartier, Chuck Dowd,
Phillip Hamel, George Staiti, David Skoczylas

Staff Present:

Rebekah Cornell- PCD Director

Public in Attendance:

Rick Starodoj

PLEDGE OF ALLEGIANCE

Chairman L. Iadarola called the meeting to order at 7:00 pm and led the Pledge of Allegiance.

ADMINISTRATIVE

Approval of meeting minutes from November 4, 2020 & December 9, 2020 was postponed until the next ZBA meeting.

OLD/NEW BUSINESS

- Zoning Bylaw Revisions
 - Earth Removal

The criteria of projects meeting the threshold of a Special Permit for earth removal process of applying were discussed. The language regarding structure was proposed to be better defined under earth removal under section 4.8.5 and could be extended to include the language "any structure footings, piling, or foundation for support".

In regard to excavation and grading of newly constructed streets, the Board discussed that it may be done within 100 feet of the proposed principle structure and any roadway necessary to access the structure by right.

Discussion of requiring a Host Community Agreements (HCA) for earth removal. May be modified to include tracking long term operations for earth removal. Fees calculated in previous earth removal operations, either for previous tipping fees or in an HCA were felt to be too low and the Town should be asking for more money. The Board decided it may be wise to reach out to other communities such as Hardwick to see if they require HCA's for earth removal.

The issue of accurately tracking earth removal was further discussed. In annual renewals, the Board discussed making it a requirement to submit a topographic map with updated earth removal every few years.

- o Accessory Dwelling Units

The discussion of accessory dwelling units was briefly touched upon and tabled for the next ZBA meeting.

- o Primary, Secondary, and Accessory Structures

The definition of the term accessory structure was discussed by the Board. Clarification may be needed on the difference between principal, secondary, and accessory structures. The question of whether or not one can put a detached accessory structure on a building lot was discussed.

- o Retail Cannabis Establishments

In regard to retail cannabis, the Board discussed the possibility of requiring an HCA for cannabis licensing. The Board decided it may be wise to reach out to other communities such as Hardwick to see if they do HCA's for retail cannabis.

- o Other – Mobile Homes

Current zoning regulations only allow for the replacement of a mobile home with a two year time period. The Director discussed how there are some properties, specifically ones that are abandoned and owe back taxes, which have had interest from potential buyers. However, the bylaw does not currently allow for the replacement of these mobile homes because they are not in a mobile home park. If there was a way to revise the language in a way that would still manage development and allow for clean up of these blighted properties, it could possibly allow some of these properties to change hands, and reallocate the tax revenue back to the Town.

In section 4.8.7, it was suggested that a clause indicating that replacement of existing mobile homes not in a Mobile Park can also be carried out by "applying for relief with the Zoning Board of Appeals." Depending on the situation, this would allow someone to come forward and request a Special Permit or Variance – as was done for #13 3rd Avenue last year.

FAÇADE IMPROVEMENT PROGRAM

The Director updated the Board on the interest from commercial property owners on the proposed Façade Improvement Program for the FY21 CDBG application. Feedback from property owners expressed needs for new signs, lighting, replacing awnings, and overall painting and refreshing of facades. Windows and doors hopefully will be included as well.

ADJOURN

Motion by J. Chartier to adjourn the meeting. Seconded by P. Hamel. All in favor. Approved
6-0

Minutes from April 21, 2021
Respectfully submitted by,

Robert Watchilla,
Department Assistant

C. Dowd

David P. Boyd

Jodi Chartier

L. J. Sobush

George Storto

Philip Hamel