



# TOWN OF WARE

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## Zoning Board of Appeals

Meeting Minutes from

**October 21, 2020**

Select Board Room, Town Hall

**Board Members Present:** Chairman Lewis Iadarola, Jodi Chartier, Phillip Hamel, Greg Eaton, George Staiti, David Skoczylas

**Staff Present:** Rebekah Cornell- Director; Jack Carolan- Assistant; Anna Marques- Building Inspector, Stuart Beckley; Town Manager

**Public in Attendance:** Keith & Kim Goudreau, Jim Young, Bob & Anna Krasnecky

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### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF MINUTES

**Motion** by J. Chartier to approve the minutes from September 30, 2020. Seconded by G. Eaton all in favor. Approved 5-0

**Motion** by L. Iadarola to appoint D. Skoczylas as the alternate. Seconded G. Eaton. All in favor. Approved 5-0.

### Public Hearing – Administrative Appeal

Appeal of Keith Goudreau under Section 7.1.3 of the Zoning Bylaw for the August 31, 2020 decision by the Building Inspector to deny the permit request to relocate a mobile home to #13 3rd Ave.

J. Chartier read the legal notice.

K. Goudreau introduced the proposed project and how he had hoped to move a trailer onto the property of 13 3<sup>rd</sup> Ave. He stated at the time of his application he was unaware that according to the town bylaws the replacement of a mobile home cannot occur after two years of the property sitting vacant. In this particular case the property has been vacant for 4 years. He said he is willing to pay the back taxes on the property and hopes to be able to replace the existing uninhabitable trailer with a mobile home currently located on another property in Town.

Chairman asked K. Goudreau if he currently owns the trailer which he hopes to move onto the property. K. Goudreau responded by saying that he does not yet officially own the trailer.

L. Iadarola then asked if K. Goudreau had anything in writing giving him the authority to act on a property that he does not currently own. K. Goudreau said that he can definitely get that documentation as he has been in correspondence with the current property owner – the heir of the estate. L. Iadarola claimed that without authorization from the actual property owner for K. Goudreau to act as agent for the property, the ZBA cannot legally work with K. Goudreau on this issue. L.

ladarola also asked K. Goudreau if he had any proof or purchase regarding the sale of the mobile home. K. Goudreau said that he had negotiated a price with the current mobile home owner and would pay him and then receive a bill of sale.

L. ladarola asked what the size was of the existing mobile home. He also stated that any new mobile home on the lot would have to meet all of the setback requirements or he would need to apply for a variance.

L. ladarola asked R. Cornell to read section 4.8.7 of the Zoning Bylaw pertaining to mobile homes. Regarding this particular appeal it is the two-year period of inactivity which is most significant.

G. Staiti disagreed with the point that L. ladarola made stating that the new mobile home would have to meet the current setbacks. G. Staiti claimed that additions put on the new mobile home would be allowed to meet the same setbacks as the existing additions. L. ladarola made the claim that property owners frequently put additions on the homes without following the proper procedures. L. ladarola indicated that the replacement home may be larger than the existing mobile home but must meet the setbacks as referenced in section 5.1.1 of the Zoning Bylaw or receive a special permit or variance. It was not by right that someone could increase the size.

J. Chartier asked if it matters whether or not the additions were put on legally. R. Cornell stated that they are considered pre-existing so whether or not they were done legally is not relevant. J. Chartier also asked K. Goudreau if he was planning to put any additions on the mobile home.

P. Hamel asked K. Goudreau about his home on Oak Ridge. He said that his plan is to sell it because it is too big for him.

L. ladarola asked for A. Marques opinion on the matter. A. Marques noted that there have been problems with getting this site cleaned up for a long time. The current property owner has not paid taxes and does have the means to clean up the property. She also mentioned that another issue is the fact that the mobile home K. Goudreau wants to move needs to be removed from its current location on Osborne Road regardless of the outcome of the Appeal.

P. Hamel asked if they would need to put in a foundation. A. Marques responded by saying that a slab foundation would be required, particularly as a form of fire prevention. K. Goudreau said that his plan was to put a slab down regardless of if it was required or not.

L. ladarola stated that he is very uncomfortable making a decision regarding this Appeal without having proof that the property belongs to K. Goudreau or at least proof that the current property owner is allowing K. Goudreau to act as the agent for the property. He suggested a continuance of the hearing until K. Goudreau could provide the Board with proof of ownership/control of the property. P. Hamel asked if K. Goudreau would be required to show proof of ownership of the trailer. L. ladarola answered saying that only proof of ownership of the property is required. The question was raised as to whether or not the document showing proof of ownership/control would need to be notarized. L. ladarola deferred to the Building Department on this matter and A. Marques said she would look into it further regarding what type of documentation is legally acceptable. R.

Cornell stated that the PCD Department has a Land Owner Authorization form, used most commonly with large scale solar array projects and she will prepare one for the property.

**Motion** by J. Chartier to continue the hearing until proof of ownership/control is obtained by K. Goudreau. Seconded by G. Eaton. All in favor. Approved 5-0

The continuance of the hearing is scheduled for Wednesday 11/4/2020 at 7 p.m.

B. Krasnecky asked if the 25,000 square ft. minimum is true for all trailers/mobile homes. L. Iadarola said that's the case in the Rural Residential zoning district. The minimum in the Suburban Residential zoning district is 5,000 square ft.

## **NEW/OLD BUSINESS**

The issue of feather flags was raised. They are technically not allowed under the zoning by-law but the Board of Selectmen have requested that they be allowed during the current state of emergency due to Covid-19 in order to support the businesses in town. Enforcement of this issue is through the Building Department. The question came up regarding whether or not the Select Board could vote to violate the zoning bylaw. S. Beckley stated it was the Town Manager's recommendation to allow them as "business relief" and is something that has been happening in other towns in regards to relaxing certain bylaws to promote businesses during these times. L. Iadarola commented that he is ok with the feather flags as long as they are not placed in such a location as to become a safety hazard for traffic. S. Beckley noted that the "site triangles" still have to be met.

L. Iadarola brought up the topic of "glamping." He stated that in his opinion, yurts, or other similar glamping structures, would require access to plumbing and water. R. Cornell read the proposed zoning amendment definition of "campground" a potential definition that covers tents, cabins, and camp sites. In regards to a particular proposal, A. Marques noted that she is seeking a written proposal outlining what specifically this person is hoping to do on their property in regards to glamping and yurts and how it is an agricultural use. J. Chartier asked what the property owner was currently claiming to be agricultural about her proposed plan. R. Cornell said that she has visited the site and the intention is to do overnights along with the "animal therapy" the resident will be doing at the property.

There was a discussion as to what the primary and secondary uses of the property would be. R. Cornell made the point that the primary use would be the barn and riding ring for the horses and the overnight glamping would be the secondary use.

R. Cornell provided the board with a brief update on the plan at Shady Path Road and said the property owner, Pete Martowski, has come up with a plan to acquire the required amount of land from the neighboring property in order to move his project for an addition forward.

## **ADJOURN**

**Motion** by P. Hamel to adjourn the meeting at 8:10 pm. Seconded by J. Chartier. All in favor. Approved 5-0

Next meeting is scheduled for Wednesday November 4, 2020 at 7:00 P.M.

Minutes from October 21, 2020

Respectfully submitted by,

Jack Carolan

Department Assistant

<b>Minutes Approved on:</b>	_____
L. Iadarola	_____
P. Hamel	_____
G. Staiti	_____
G. Eaton	_____
D. Skoczylas	_____
J. Chartier	_____
C. Dowd	_____
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