



# TOWN OF WARE

Planning & Community Development  
126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 120

## Zoning Board of Appeals

Meeting Minutes from

October 26<sup>th</sup>, 2022

Select Board Room, Town Hall

### Zoning Board Members Present:

Lewis Iadarola	Chair
Jodi Chartier	Vice Chair
Charles Dowd	
Gregory Eaton	
Phil Hamel	
Dave Skoczylas	Alternate
SK Robinson	Alternate

### Staff Present:

Rob Watchilla	PCD Department Director
Anna Marques	Building Commissioner/Zoning Officer
Kristen Jacobsen	PCD Dept. Admin. Assistant
Nancy Talbot	Town Clerk
Stuart Beckley	Town Manager

### Public in Attendance:

Zachary Parent	Julie Burton
Alexandra Parent	Debra Denits
Antroy Cleghorn	Keith Krukus
Anne Krasnecky	Atty. Damien Berthiaume
Robert Krasnecky	Bill Moryl Paul Moryl

\*Requested corrections are **highlighted** as per the 2/23/2023 ZBA meeting

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## PLEDGE OF ALLEGIANCE

Chairman L. Iadarola called the meeting to order at 7:00pm and, at the Chairman's request, P. Hamel led the Pledge of Allegiance.

## Administrative

### Approval of Minutes

- i. August 24, 2022
- ii. September 28, 2022

**Motion** made by G. Eaton to approve the minutes as submitted from August 24, 2022, and September 28, 2022. **Seconded** by J. Chartier. No additional discussion

L. Iadarola	Aye
J. Chartier	Aye
C. Dowd	Aye
G. Eaton	Aye
P. Hamel	Aye
D. Skoczylas, Alternate	Did not vote*
SK Robinson, Alternate	Absent
<b>All in favor. Approved 5/0/1.</b>	

**Public Hearings:**

**7:05pm SP-2022-09 & V-2022-02 [Continued] (Antroy Cleghorn – 14 Prospect Street)**

- Applicant is requesting a Variance & Special Permit relief from a density requirement in order to allow for three dwelling units when the maximum is 2 units. Site Location: 14 Prospect Street. Deed recorded in the Hampshire County Registry of Deeds, Book 14466, Page 262. Assessor’s Parcel 61-0-229. Zoned: Downtown Residential (DTR).

(S. Robinson arrived at 7:04)

L. Iadarola opened the Public Hearing at 7:05pm and J. Chartier read the legal notice.

A. Cleghorn presented the updated plans for the building featuring updated layout of 3-units and parking plans. The Zoning Board of Appeals, audience members, and A. Cleghorn discussed the options for the building (3 units or 5 units) and the surrounding property.

At 7:35pm L. Iadarola paused the public hearing for **SP-2022-09 & V-2022-02** and opened the public hearing for **A-2022-01 (Paul & Gail Moryl – 40 Fisherdick Road)**.

J. Chartier read the legal notice.

**Motion** by J. Chartier to defer the Public Hearing for **A-2022-01** until the previous Public Hearing for **SP-2022-09 & V-2022-02** is finished. **Seconded** by P. Hamel. No additional discussion

L. Iadarola	Aye
J. Chartier	Aye
C. Dowd	Aye
G. Eaton	Aye
P. Hamel	Aye
D. Skoczylas, Alternate	Aye
SK Robinson, Alternate	Aye
<b>All in favor. Approved 7/0/0.</b>	

The board continued with the Public Hearing for **SP-2022-09 & V-2022-02**.

The Ware Zoning Board of Appeals, as the Variance and Special Permit Granting Authority pursuant to Section 7.2 and 7.3 of the Ware Zoning Bylaws, to grant the Variance and Special Permit to exceed the 1.8 dwelling unit density maximum to allow for 3 dwelling units at 14 Prospect Street, as previously described, with the following conditions:

1. There shall be a 3-foot buffer surrounding the proposed parking areas and the entrance to said parking area shall be 15 feet.
2. Privacy fencing shall be installed on all exterior porches and decks and shall comply with the Massachusetts Building Code at the discretion of the Building Commissioner.
3. Prior to occupancy of the proposed dwelling units, the Applicant shall establish a condominium association subject to approval as to form by Town Counsel.
4. All State and Local Zoning Bylaws, Building Codes and Regulations must be adhered to and all necessary permits be obtained;
5. The Applicant will comply with all laws, regulations and requirements of the Town of Ware, Commonwealth of Massachusetts, and the United States of America, the strictest of which shall prevail.

**Motion** made by J. Chartier to approve 3- dwelling units for V-2022-02 (Antroy Cleghorn – 14 Prospect St) on October 26, 2022, with the above conditions. **Seconded** by P. Hamel. No additional discussion.

L. Iadarola	Aye
J. Chartier	Aye
C. Dowd	Aye
G. Eaton	Aye
P. Hamel	Aye
D. Skoczylas, Alternate	Aye
SK Robinson, Alternate	Aye
<b>All in favor. Approved</b> <b>7/0/0.</b>	

**7:35pm A-2022-01 (Paul & Gail Moryl – 40 Fisherdict Road)**

- Administrative appeal filed against a “cease-and-desist” order from July 28, 2022, issued by the Zoning Enforcement Officer regarding an Earth Processing Operation. Site Location: 40 Fisherdict Road. Deed recorded in the Hampshire County Registry of Deeds, Book 13857, Page 62. Assessor’s Parcel 21-0-38. Zone: Rural Residential (RR).

A. Marques read the cease-and-desist and the report. The Zoning Board of Appeals viewed materials provided by A. Marques. Atty. Berthiaume and the board discussed the pending changes to the Zoning Bylaws and whether the cease-and-desist should stand under a pending bylaw change and discussed aspects of\* the preexisting nonconforming uses\* of the property. The Zoning Board of Appeals discussed the possibility of seeking a Special Permit to continue operations. The board requested to see receipts/sales slips from previous years showing the continuous use of the property. When asked if they would seek a continuance to obtain the requested materials Atty. Berthiaume declined.

**Motion** made by J. Chartier to close the public portion of the hearing. **Seconded** by P. G. Eaton. No additional discussion.

L. Iadarola	Aye
J. Chartier	Aye
C. Dowd	Aye
G. Eaton	Aye
P. Hamel	Aye
D. Skoczylas, Alternate	Aye
SK Robinson, Alternate	Aye
<b>All in favor. Approved</b> <b>7/0/0.</b>	

The board discussed whether a Special Permit would apply to this situation and if conditions could be imposed. It was noted that a Special Permit could apply but would need a Public Hearing and conditions could only be discussed then.

**Motion** made by J. Chartier to uphold the cease-and-desist order from July 28, 2022, issued by the Zoning Enforcement Officer and require a Special Permit. **Seconded** by P. Hamel. No additional discussion.

L. Iadarola	Nay
J. Chartier	Aye
C. Dowd	Aye
G. Eaton	Aye
P. Hamel	Aye
D. Skoczylas, Alternate	Aye
SK Robinson, Alternate	Aye
<b>All in favor. Approved</b> <b>6/1/0.</b>	

**ADJOURN**

**Motion** made by J. Chartier to adjourn at 9:10pm. **Seconded** by P. Hamel. No additional discussion.

L. Iadarola	Aye
J. Chartier	Aye
C. Dowd	Aye
G. Eaton	Aye
P. Hamel	Aye
D. Skoczylas, Alternate	Aye
SK Robinson, Alternate	Aye
<b>All in favor. Approved</b> <b>7/0/0.</b>	

SK Robinson, Alternate	Aye
All in favor. Approved 6/1/0.	

**ADJOURN**

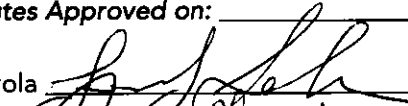
Motion made by J. Chartier to adjourn at 9:10pm. Seconded by P. Hamel. No additional discussion.

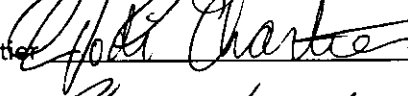
L. Iadarola	Aye
J. Chartier	Aye
C. Dowd	Aye
G. Eaton	Aye
P. Hamel	Aye
D. Skoczylas, Alternate	Aye
SK Robinson, Alternate	Aye
All in favor. Approved 7/0/0.	

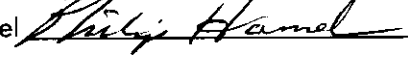
Minutes from October 26<sup>th</sup>, 2022  
Respectfully submitted by,

Kristen Jacobsen  
Administrative Assistant  
Planning & Community Development

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

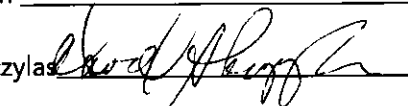
Iadarola 

Chartier 

Hamel 

Dowd \_\_\_\_\_

Eaton \_\_\_\_\_

Skoczylas 

Robinson \_\_\_\_\_