



TOWN OF WARE

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Zoning Board of Appeals

Meeting Minutes from

November 4, 2020

Select Board Room, Town Hall

Draft

Board Members Present:	Chairman Lewis Iadarola, Jodi Chartier, Chuck Dowd, Phillip Hamel, George Staiti (Alternate), David Skoczylas (Alternate)
Board Member Absent:	Greg Eaton
Staff Present:	Rebekah Cornell- PCD Director, Jack Carolan- PCD Assistant, Anna Marques- Building Inspector, Stuart Beckley- Town Manager
Public in Attendance:	Keith & Kim Goudreau, Jim Young, Bob & Anne Krasnecky

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 October 21, 2020

Motion by P. Hamel to approve the minutes from October 21, 2020. Seconded by D. Skoczylas. All in favor. Approved 4-0

R. Cornell proposed discussing the definition of structure. D. Skoczylas had looked into the definition used in Monson which included language on foundations. This definition will be presented during the public forum on Zoning Bylaw updates.

*J. Chartier arrived to the meeting at 7:05 pm.

PUBLIC HEARING – Administrative Appeal (Continued)

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.

D. Skoczylas was appointed as an alternate and G. Staiti recused himself.

L. Iadarola started the public hearing by providing an update on what has progressed since the last hearing on October 21, 2020. He stated that the issue before them is to determine if

the Building Inspector acted and interpreted the Zoning Bylaw appropriately when she denied the applicants building permit. After the Board makes that determination, then the applicant would be able to go back and apply for a Variance or Special Permit.

J. Chartier asked what was being determined at this particular hearing. L. Iadarola stated that the purpose of this hearing is to make a decision on the appeal of the Building Inspectors denial of the building permit.

K. Goudreau asked why this wasn't discussed at the previous hearing given that the Board knew exactly what the applicant was looking for and hoping to do. L. Iadarola said that there is still more information that needs to be obtained and a process that needs to be followed before the Board can make a determination on whether or not the applicant can proceed with moving their mobile home onto the lot at 13 3rd Ave. He also attempted to ensure the applicant that the Board is working with them and not against them.

R. Cornell stated that part of the reason this process is taking so long is because it is a difficult issue and that they had to consult with Town Counsel. She also said that the short answer is that applicant cannot do what they are asking to do but that the Town is working towards a way it may possible. She emphasized that the first step is coming to a decision on the appeal.

J. Chartier asked R. Cornell if the process is the same for the Planning Board in terms of having to notify abutters and holding a public hearing. R. Cornell confirmed that it is the same process.

B. Krasnecky asked about a trailer that has also been abandoned for close to 4 years at the intersection of River Road and Route 9 and asked why the Building Inspector at the time did something different. G. Staiti said that possibly what occurred was that the applicant referred to the trailer as a storage shed instead of a mobile home. L. Iadarola said that was something that should be followed up on with the current Building Inspector to get more details.

Kim Goudreau asked what the purpose of the two year time limit in the Zoning Bylaw was for. L. Iadarola made the point that according to the Bylaw, mobile homes are not allowed in Ware unless they are in a mobile home park or are pre-existing on a single lot. As mobile homes get older and need to be replaced, the ones that are available now are much bigger than what used to be available and this affects the setback requirements of the bylaw. When the bylaw was conceived in 2016, the 2 year time limit was meant to encourage mobile homes to be placed in mobile home parks.

G. Staiti discussed how he was the one who pushed for this Bylaw and his intention was to come up with a way to make it possible for mobile homes to be replaced with other mobile homes. This area in particular was reason for his intentions. The two year time limit was part of a compromise in order to get the Bylaw approved. At the time, L. Iadarola wanted to encourage stick-built homes instead of mobile homes.

D. Skoczylas asked the applicant if he was comfortable and understands what the Board is asking of them and what needs to be done after this hearing.

Motion by P. Hamel to close the open portion of the public hearing. Seconded by C. Dowd. All in favor. Approved 5-0

L. Iadarola read a sentence from the guidance that had been received by Town Counsel in terms of how the Board should proceed with the Building Inspectors decision.

Motion by P. Hamel to back the Building Inspectors decision to deny the replacement of a mobile home that had been vacant for more than 2 years. Seconded by J. Chartier. All in favor. Approved 4-0-2 (C. Dowd & G. Staiti abstained)

R. Cornell asked to the Board now discuss with the applicant what particular sections of the Bylaw they would be requesting a Variance relief from. G. Staiti was in favor to discuss the details of the Variance and/or Special Permit they may need to put any additions on the mobile home. That way the applicant would only need to come in one more time with a complete application. G. Staiti did not understand why L. Iadarola did not want R. Cornell to discuss this. R. Cornell brought up that at a recent meeting, the Board went into detail discussing the options for a property owner on Shady Path to follow. L. Iadarola felt it would prematurely draw conclusions. G. Staiti disagreed with that position and wanted to hear what R. Cornell had to say. L. Iadarola objected.

R. Cornell then told the applicant that she has a Variance and Special Permit application ready for them and will discuss the details with them tomorrow.

There was a discussion on the existing setbacks and the proposed dimensions of the mobile home. It was advised that the applicant include all relevant information in their application as a way of making their case for approval and it not be discussed any further tonight.

R. Cornell told the Board that there is an open Order of Conditions from the Conservation Commission that says the mobile home has to be removed from its site on Osborne Road before they will close those conditions and allow the proposed solar project on that site to move forward.

REORGANIZATION OF THE BOARD

Motion by P. Hamel to appoint J. Chartier to Vice Chair of the ZBA. Seconded by L. Iadarola. Approved 5-0-1 (J. Chartier abstained)

J. Chartier was appointed as the Vice Chair of the Zoning Board of Appeals

ADJOURN

Motion by P. Hamel to adjourn the meeting. Seconded by J. Chartier. All in favor. Approved 5-0

Next meeting is scheduled for Wednesday December 9, 2020 at 7:00 P.M.

Minutes from November 4, 2020

Respectfully submitted by,

Jack Carolan
Department Assistant

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