



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

February 23rd, 2023

Select Board Room, Town Hall

Zoning Board Members Present:

Lewis Iadarola	Chair
Jodi Chartier	Vice Chair
Phil Hamel	
Dave Skoczylas	Alternate

Staff Present:

Rob Watchilla	PCD Department Director
Anna Marques	Building Commissioner/Zoning Officer
Kristen Jacobsen	PCD Dept. Admin. Assistant

Public in Attendance:

Keith Krukas	Peter Mlaguzi
Brianna Boudreau	Jessica Rohan
Antroy Cleghorn	Keith Krukas

D. Skoczylas read the legal notice.

L. Iadarola nominated alternate D. Skoczylas a voting member for the public hearing.

L. Iadarola	Aye
J. Chartier	Aye
C. Dowd	Absent
G. Eaton	Absent
P. Hamel	Aye
D. Skoczylas, Alternate	Aye
SK Robinson, Alternate	Absent
Four in favor. Three Absent. Approved 4/0/3.	

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

Public Hearings - 7:05pm SP-2023-02 (M&A Real Estate)

Applicant is requesting a Special Permit to exceed the density maximum to allow for an additional **four*** residential first floor units. Site Location: 135 Main Street. Deed recorded in the Hampshire County Registry of Deeds, Book 14778, Page 20. Assessor's Parcel 60-0-219. Zoned: Downtown Commercial (DTC)

P. Mlaguzi presented his request.

The board and P. Mlaguzi discussed the history of the building. The building had a fire 3/23/21 and has not had any repairs made to the two fire damaged units (third floor left side unit kitchen and the abutting apartments living room) Currently the building is empty except for the one commercial business occupying space on the ground floor.

The board and A. Marques discussed the numerical assignments. A. Marques stated the building would remain 135 Main St. and the apartments would have alphabetic assignments.

R. Watchilla stated that the parcel is 0.09 acres which would allow for 1.8 units under the current zoning bylaws. There is a 2-year statute of limitations during which a fire damaged building may be repaired and not altered to meet current zoning standards. L. Iadarola and the board discussed the size of the proposed first floor units and the exits of the 2nd floor.

The board discussed the parking regulations in the zoning bylaw which allots 1.5 per unit and a building with more than 7 units requires additional spaces. Also, the bylaw states 50% of parking is to be on premises. Currently, the building only has 2 designated parking spaces. P. Mlaguzi added that he had planned for the residents to use the parking at Veterans Park and street parking. L. Iadarola sighted that the street parking is limited to 2-hours, there is no overnight parking allowed at Veterans Park, and the spots on Parker Street are allowed with Selectmen approval.

J. Chartier inquired about the sprinkler systems. P. Mlaguzi stated a commercial system would cost them \$160,000.00 whereas a residential system would cost \$57,000.00 - \$60,000.00.

D. Skoczlyas inquired about the plans for the basement of the building. P. Mlaguzi stated they were going to clean it and leave it as is. A. Marques spoke about compartmentalization of areas.

Members of the audience B. Boudreau and J. Rohan spoke about the business and its owner. Both expressed concern that the business owner had not been notified of the proceedings. R. Watchilla explained that property owners as noted by the assessor's office were notified as per state law, however, renting tenants are not included. B. Boudreau asked why the landlord P. Mlaguzi had not notified the tenant. P. Mlaguzi explained his reasoning and that this was the beginning of the process.

P. Mlaguzi discussed how the group had budgeted for a residential sprinkler system.

L. Iadarola discussed the need for housing in Ware. The board discussed the possibility of keeping the 2- commercial spaces. P. Mlaguzi said the rent from those spaces would not be comparable to the income that would be generated by 4-apartments. J. Chartier inquired what the intended rent per apartment was. P. Mlaguzi answered that depending on the market they are looking at \$1100 - \$1200 per month per apartment. An audience member spoke saying that did not seem low income.

B. Boudreau discussed the vacant commercial space and how the current condition of the building affects the opinion of prospective commercial tenants.

***Corrected number of units as per 3/22/23 ZBA meeting**

Motion made by J. Chartier to close the open portion of the meeting. **Seconded** by D. Skoczylas. No additional discussion.

L. Iadarola	Aye
J. Chartier	Aye
C. Dowd	Absent
G. Eaton	Absent
P. Hamel	Aye
D. Skoczylas, Alternate	Aye
SK Robinson, Alternate	Absent
Four in favor. Three Absent. Approved 4/0/3.	

The board discussed the parking situation. L. Iadarola read 6.1.1 of the Ware Zoning Bylaw and discussed the parking guidelines. A. Marques discussed at the time of the fire many tenants did not have transportation. The board discussed the prior parking situation versus the present. J. Chartier brought up the future need for electric charging stations. The board discussed whether or not to allow the parking situation to affect the current need for housing in the area and how the parking could affect potential rental income.

An audience member inquired what P. Mlaguzi would do with the building if the board voted to keep the building configured as-is. P. Mlaguzi said he would need to discuss that with the investment group.

Motion made by P. Hamel to grant SP-2023-02. **Seconded** by none

Motion made by D. Skoczylas, approve SP-2023-02 for 8 residential and 2 commercial units. **Seconded** by none

Motion made by D. Skoczylas to withdraw his previous motion and schedule a continuance for March 22, 2023, at 7:05pm. **Seconded** by J. Chartier. No additional discussion.

L. Iadarola	Aye
J. Chartier	Aye
C. Dowd	Absent
G. Eaton	Absent
P. Hamel	Aye
D. Skoczylas, Alternate	Aye
SK Robinson, Alternate	Absent
Four in favor. Three Absent. Approved 4/0/3.	

Administrative

Approval of Minutes – October 26, 2022

Motion made by J. Chartier to approve the minutes as submitted with the following corrections: pg 2 D. Skoczylas did not vote and pg 4: '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" **Seconded** by D. Skoczylas . No additional discussion

L. Iadarola	Aye
J. Chartier	Aye
C. Dowd	Absent
G. Eaton	Absent
P. Hamel	Aye
D. Skoczylas, Alternate	Aye
SK Robinson, Alternate	Absent
Four in favor. Three Absent. Approved 4/0/3.	

New Business

- Discussion on signs, flags, and murals
- Discussion on how the Open Meeting Law applies to the Zoning Board of Appeals

The board decided to postpone the discussion of signs, flags, and murals.

R. Watchilla distributed a packet on Open Meeting Law for the board to review.

ADJOURN

Motion made by J. Chartier to adjourn at 8:42pm. Seconded by D. Skoczylas. No additional discussion.

L. Iadarola	Aye
J. Chartier	Aye
C. Dowd	Absent
G. Eaton	Absent
P. Hamel	Aye
D. Skoczylas, Alternate	Aye
SK Robinson, Alternate	Absent
Four in favor. Three Absent. Approved 4/0/3.	

Minutes from February 23, 2023
Respectfully submitted by,

Kristen Jacobsen
Administrative Assistant
Planning & Community Development

Minutes Approved on: _____

Iadarola _____

Chartier _____

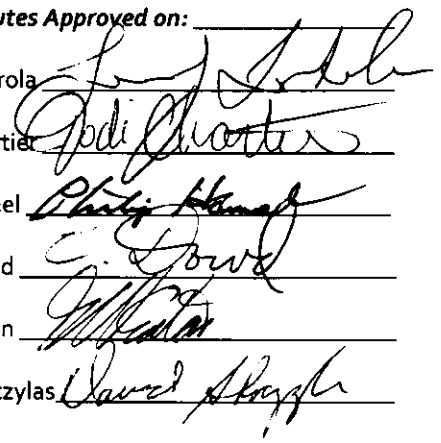
Hamel _____

Dowd _____

Eaton _____

Skoczylas _____

Robinson _____

Handwritten signatures of board members: Iadarola (L. J. Iadarola), Chartier (P. Chartier), Hamel (P. Hamel), Dowd (E. Dowd), Eaton (J. Eaton), Skoczylas (David Skoczylas), and Robinson (blank).