



# TOWN OF WARE

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 / f. 413.967.9642

## Zoning Board of Appeals

Meeting Minutes from

**Wednesday, March 25, 2020**

Select Board Room, Town Hall

**Board Members Present:** Chairman Lewis Iadarola, Jodi Chartier, Chuck Dowd, George Staiti, and Dave Skoczylas, (Alternate)

**Board Members Absent:** Greg Eaton, Phil Hamel

**Staff Present:** Rebekah DeCoursey, Director of Planning & Community Development

**Public in Attendance:** None

---

### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF MINUTES

Meeting Minutes of January 22, 2020 postponed until next meeting.

### PUBLIC HEARING

Variance - 54 Chestnut Street – Crieg Galford. The Applicant is petitioning the ZBA to grant a variance from Section 5.1, Area Requirements, of the Zoning Bylaw to exceed the minimum side setback of 20' to build a garage on a pre-existing non-conforming single family home.

G. Staiti recused himself. On a motion from C. Dowd and 2<sup>nd</sup> by G. Staiti, D. Skoczylas was appointed as an alternate to the public hearing.

Chairman read the legal notice and opened the public hearing. Due to the current COVID-19 pandemic and such related restrictions the Board and applicant agreed to continue the public hearing. It was felt that waiting a month was necessary due to health & safety so all Board members could be in attendance.

Motion to continue the public hearing on the Variance application on 54 Chestnut Street until April 15, 2020 (or later if necessary due to the pandemic) by J. Chartier, 2<sup>nd</sup> by C. Dowd. Voted 5-0.

G. Staiti rejoined the Board.

### WAIVER OF CONFLICT OF INTEREST

The appeal filed by the Zoning Board of Appeals against the Planning Board decision on at 167 West Street has the two boards in a conflict with Town Counsel. ZBA has acquired outside Counsel. Town Counsel will represent the Planning Board, but would like the ZBA to take a vote to waive any conflict of interest. Town Counsel had prepared a motion. This motion will protect Town Counsel if damages are sought by the applicant, Mark Andrews. Damages are not expected to be sought. Courts are currently closed until April 17<sup>th</sup>. G. Staiti asked if any further legal action occurs beyond this appeal level, who would the ZBA Counsel be if that occurred. ZBA would keep the Counsel they have acquired to represent them. D. Skoczylas asked the process – Chairman clarified that the appeal has been filed by the ZBA Counsel, with the courts closed the timeline is a bit unknown. A settlement is hoped to be reached where the earth removal decision would be annulled and the applicant will go back to the Planning Board for a modification of Site Plan Review to address the earth removed.

are sought by the applicant, Mark Andrews. Damages are not expected to be sought. Courts are currently closed until April 17<sup>th</sup>. G. Staiti asked if any further legal action occurs beyond this appeal level, who would the ZBA Counsel be if that occurred. ZBA would keep the Counsel they have acquired to represent them. D. Skoczylas asked the process – Chairman clarified that the appeal has been filed by the ZBA Counsel, with the courts closed the timeline is a bit unknown. A settlement is hoped to be reached where the earth removal decision would be annulled and the applicant will go back to the Planning Board for a modification of Site Plan Review to address the earth removed.

Motion made by G. Staiti that the ZBA waives any conflict of interest and that the ZBA consents to Town Counsel, David A. Wojcik, representing the Ware Planning Board in Hampshire Superior Court civil action # 19CV0209, ZBA of Ware vs. Andrews et. al..

Motion 2<sup>nd</sup> by D. Skoczylas.

Roll call Vote:

- L. Iadarola: AYE
- J. Chartier: AYE
- C. Dowd: AYE
- G. Staiti: AYE
- D. Skoczylas AYE

Motion passes 5-0.

#### DISCUSSION

- Town Election is currently scheduled for 4/13 in the Great Hall.
- Schools are closed.
- Town Hall is closed to the public.
- The Governor has issued an Executive Order to remove constructive approval of permits during this time. Permit granting authorities will have 45 days after the state of emergency is over to open any public hearings. Open Meeting Law has also been adjusted to allow for virtual meetings.

#### ADJORN

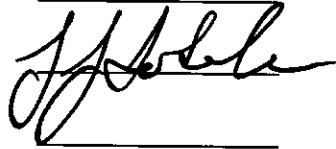
Motion to adjourn at 7:43pm by J. Chartier and 2<sup>nd</sup> by L. Iadarola.

Next scheduled meeting TBD

Minutes from March 25, 2020

Respectfully submitted by,

Rebekah L. DeCoursey  
Director

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