

There are several different procedures one may need to follow to obtain approval for development under Ware's zoning bylaw. This brochure gives a brief description of them: building permit, special permit, variance, and site plan review procedures.

Note: a development proposal may require other approvals, including from the Board of Health and/or the Conservation Commission.



Building Permit

Many proposed projects only need a building permit. These are obtained from the Building Department, under the regulations of the State

Building Code. During the course of his review, the Building Inspector (or Commissioner) will determine whether other approvals are necessary under the local Zoning Bylaw. It is important to contact the Building Inspector early in planning your project in order to find out what requirements pertain to your project. The Building Department also issues a variety of other permits, such as for signs, swimming pools, wood/pellet stoves, and fences.

Need more information?

Please call or stop by the Planning & Community Development Department during normal business hours.

We are here to provide information and to assist you with your permitting process.

Planning Board

Richard Starodoj
Nancy Talbot
Ed Murphy, III
Kenneth Crosby
Chris DiMarzio
Elizabeth Hancock, Alt.

Zoning Board of Appeals

Lewis Iadarola
Jodi Chartier
Chuck Dowd
Greg Eaton
Phil Hamel
David Skoczylas, Alt.
George Staiti, Alt.

Planning & Community Development

413.967.9648 ext 120

Rob Watchilla
Director of PCD Dept.
rwatchilla@townofware.com

Kristen Jacobsen
PCD Dept. Administrative Assistant
kjacobsen@townofware.com

Planning & Community Development
126 Main Street, Ware, MA 01082
www.townofware.com

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Zoning Bylaws

At a Glance

Approval Procedures

Article 7

A Guide to the Permitting Procedures in the Zoning Bylaw





Special Permit

There are many uses which are allowed in a given zoning district, provided certain conditions are met or

impacts on abutters are mitigated. These uses are approved by a Special Permit (SP). Most SPs are granted by the Planning Board. Under Section 1.9, Nonconformities, SPs are granted by the Zoning Board of Appeals (ZBA).

All SPs require a public hearing which must be advertised in accordance with state laws. The hearing allows abutters to hear what the proposal is, offer comments, and ask questions. The Special Permit Granting Authority (SPGA) takes such comments into consideration when making their decision.

The SPGA can approve, approve with conditions, or deny a SP application. Denials are uncommon since the purpose of a SP is to ensure that a particular use will not adversely impact the neighborhood, and usually there are mitigation measures that can be taken to allow the use to occur. Conditions typically address factors such as buffering, lighting, modifications to the visual appearance of the structure or site, hours of operation, etc. All SPs require a super-majority (4 of the 5 members) of the SPGA to vote in favor for the permit to be granted.



Variance

A Variance is a type of approval that grants relief from the dimensional requirements of the zoning bylaw. (Some

towns also provide for Variances from the Use Table, but Ware's zoning bylaw does not allow them).

All Variances require a public hearing, and are granted by the Zoning Board of Appeals (ZBA).

An example of a typical Variance is a parcel that meets the area and frontage requirements of the zoning district but has a significant amount of ledge in one area. To avoid that area the property owner wants to build the house such that a portion of it encroaches a side or rear setback. In order to grant this Variance, the ZBA must find that there is hardship in meeting the required setback, that the hardship is caused by circumstances related to the soil conditions (i.e. ledge), that the condition (ledge) does not affect other parcels in the zoning district, and that granting the relief will not cause substantial detriment to the public good. Variances are generally difficult to obtain, since usually the condition is not uncommon in the district.



Site Plan Review

The purpose of site plan review is to protect the health, safety, convenience, and general welfare

of the inhabitants of Ware by ensuring that the design of multi-family residential and all nonresidential development does not create safety hazards or significant negative impacts on the environment, public infrastructure, abutters, etc.

The Zoning Bylaw includes two categories of site plans: minor and major. A minor site plan project, does not create the same level of impact as a major one, and therefore does not require a public hearing, which is required for a major site plan. All site plans are reviewed by the Planning Board. Usually a site plan can be approved within two months of submittal, often within one month.

The Zoning Bylaw separates site plan review (design projects) from special permits (use projects). In cases when both a Special Permit and a site plan are required, the two processes can be combined into a single process with a single public hearing.

Topics addressed during site plan review include site layout, circulation, landscaping and buffering, lighting, signage, storm water management, snow storage, and placement of utilities.