



TOWN OF WARE

Planning & Community Development
126 Main Street,
Ware, Massachusetts 01082
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Meeting Minutes from **June 22, 2016**

Zoning Board of Appeals

Board of Selectmen's Meeting Room, 126 Main Street, Ware, MA 01082

- Present:** Chuck Dowd, Greg Eaton, Phil Hamel, Lew Iadarola (Chairman), David Skoczylas (Alternate)
- Staff:** Karen Cullen, Director of Planning & Community Development
Judi Mosso, Assistant to the Director
- Public:** Michael Harris, John Desmond

Chairman opened the meeting at 7:00 pm.

1. Administrative
 - a. Approval of Minutes from May 25, 2016 – **Motion** by C. Dowd to accept the minutes as presented. Seconded by G. Eaton. So voted 4/0/0.
2. V-2016-03, Michael Harris, Dioguardi Jewelers – Applicant is seeking variance for:
 - a larger-than permitted secondary wall sign
 - an additional secondary wall sign, also larger than permitted, and
 - two additional primary wall signs with a cumulative total size larger than permitted

Chairman opened the hearing at 7:05 and read the legal ad into the minutes. He then appointed ZBA Alternate David Skoczylas to serve for this hearing.

Mr. Harris explained reasons for variance request: building is in prime business location in Ware and is one of the first things you see when entering downtown [from the south or west]; he intends to maintain the building similar to his other properties; he wants to draw people to Ware and feels he needs a visual impact to do so; current sign bylaw does not allow large enough signs for people to see and this location can handle larger signs; his proposed signs are all related to branding and marketing his business. He added that there have been five sign variances granted over the last two years for other businesses, and no abutters are complaining about his proposal.

Questions and discussion points

- Exhibit A reviewed
 - Primary and secondary signage
- Exhibit B reviewed
 - Signage on sides of awning
- Awning is considered primary sign (since it's on Main Street façade)
- All proposed dimensions and alternative dimensions reviewed
- Ware's Bylaw determines sign size by total square footage, measuring rectangle around entire sign for dimensions
- Prior signs on site (since they were removed more than two years ago), other towns' bylaws, how nice the signs look, and the amount of money the applicant is investing in the building are irrelevant to the request that is before the ZBA tonight. These aspects cannot be used to leverage the variance request.
- Urban Renewal Plan (URP) and process was explained
 - URP had a different building in mind when the Plan was written; we do not know if Friendly's got approval under the URP
 - Planning Board determined (May 4, 2016) that URP was outdated
 - Made no recommendations to applicant or ZBA
 - Community Development Authority voted (May 12, 2016) to approve waivers to the URP and for Mr. Harris to submit a variance request to the ZBA for the signs
 - CDA discussed allowing more than one primary sign instead of having one primary sign and one free-standing sign
- The ZBA cannot play favorites or set precedent; K. Cullen reminded the ZBA that they do not have the authority to grant a variance to the sign regulations under the criteria set by state law for the granting of variances.
- The Chairman stated that the ZBA must be careful about what they allow because any variance granted is connected to the property. Earlier applicants (Cumberland Farms, North Brookfield Savings Bank and Moulton Insurance) were all told to have smaller signs.
- Mr. Harris stated that he would need even more signs if he partitioned the building for another business. K. Cullen stated that that would still be four or fewer businesses on site and remains within the "one primary and one secondary sign per business" as stated in the bylaw.
- There was discussion about placing some signs in the windows (as permitted in the bylaw), but Mr. Harris explained that the panes are too small, particularly in the North Street window.
- The Chairman reiterated that at the May 12 CDA meeting, he had asked Mr. Harris to come to the ZBA with proposed signs that are more in line with the regulations, but Mr. Harris did not.

- In the future the Board would like to see scaled drawings for signs.

There was lengthy discussion about letter size, total square footage, and options for the placement of various signs.

Public comments

- J. Desmond stated that Mr. Harris's goals are in line with promoting a vibrant community. Mr. Desmond understands the zoning bylaw but he believes this is a unique situation.
- J. Desmond stated that he hoped the Board could find a balance between supporting economic development and meeting requirements under the regulations. P. Hamel stated that the Board is to uphold the interest of the town as presented in the regulations.

The Board reviewed the draft decision, and made edits as needed to the findings and conditions.

Motion by D. Skoczylas to grant a variance for signs for V-2016-03 to Michael Harris for Dioguardi Jewelers as discussed tonight, to allow a second primary wall sign, to allow the cumulative total of the primary wall signs to exceed the maximum allowed in the Bylaw, and to allow a second secondary wall sign, with the following conditions:

- The two primary wall signs shall have a maximum cumulative total of 47.7 square feet
- The two secondary wall signs shall be limited to a maximum of 16 square feet each
- There shall be no freestanding signs erected at the site.

Seconded by P. Hamel. So voted 5/0/0.

[Ed. note: The variance decision was processed on June 23. A clerical error was found June 27. Per Town Counsel, the ZBA will meet within the appeal period (July 6) to correct the wording in the decision. A public hearing is not required.]

3. Adjournment - **Motion** by C. Dowd to adjourn at 8:35 p.m. Seconded by G. Eaton.

Documents reviewed:

May 25, 2016 minutes

V-2016-03

Application

Exhibits A & B prepared by Chuck's Sign Co.

Documents received:

none

*Respectfully submitted by Judith P. B. Mosso
Assistant to the Director*

Minutes approved on:	_____
Lew Iadarola	_____
Phil Hamel	_____
Chuck Dowd	_____
Greg Eaton	_____
George Staiti	_____
David Skoczylas	_____