



TOWN OF WARE

Planning & Community Development

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Meeting Minutes from **April 22, 2015**

Zoning Board of Appeals

- Present:** Chuck Dowd, Greg Eaton, Phil Hamel, Lew Iadarola, Chairman, George Staiti, Alternate.
- Staff:** Karen Cullen, Director of Planning & Community Development
Judi Mosso, Assistant to the Director
- Public:** Karen Toelken

L. Iadarola opened the meeting at 7:03 pm.

Approval of February 25, 2015 minutes – Motion by G. Staiti to accept the February minutes as presented. Seconded by P. Hamel. So voted unanimously.

Conference - There was brief discussion about the Association of Building Commissioners conference. Karen will confirm attendees and time via e.mail.

Signage – Lew stated that business signs are on at full luminosity at 2:00 a.m. after businesses have closed. Phil stated they could be dimmed if not shut off completely.

Housekeeping – There was brief discussion about upcoming applications; and whether or not any residents will bring forth a citizen-proposed noise bylaw at town meeting. Sale of South Street School fell through, brief discussion about future use.

7:15 - V-2015-02 Edward & Karen Toelken (continued from February) The Toelkens are seeking a variance from Section 1.9.2 A3 to allow a 24x27 addition to the home which will encroach the side setbacks L. Iadarola read the public notice again. Members reviewed discussion from last meeting.

Ms. Toelken stated that she and Mr. Toelken reviewed their alternatives which were not appealing to them. She provided her reasons why she believed they should be granted the variance but none were actually related to zoning upon which the ZBA could base a lawful decision.

Members discussed at length the setbacks, septic on abutting property, that the Board of Health does not have the plans for the abutting septic, the Toelken well limits placement of the abutting septic; discussion of hardships; mandatory findings; size of addition and alternative sizes; and that the court would find against the ZBA should they grant this variance.

MOTION by G. Staiti to deny the variance given that there is sufficient space on the east and north sides of the house to build the addition, therefore there is no hardship upon which the Board could base a decision to grant the requested variance.

SECOND by L. Iadarola
Motion passed 5/0/0.

K. Cullen stated that if the variance was granted, it would set a precedent in the BLR district which undermines the purpose of the zoning bylaw.

MOTION by G. Eaton to adjourn at 7:58 pm. Seconded by G. Staiti.

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