



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

August 26, 2021

Select Board Room, Town Hall

Board Members Present:

Lewis Iadarola (Chair), Phil Hamel, Chuck Dowd, George Staiti (Alternate), David Skoczylas (Alternate), Jodi Chartier

Staff Present:

Rob Watchilla - PCD Director
Anna Marques – Zoning Enforcement Officer

Public in Attendance:

Allan Coolong, Ross Pelski

PLEDGE OF ALLEGIANCE

Chairman L. Iadarola called the meeting to order at 7:05 pm and led the Pledge of Allegiance.

Chairman L. Iadarola designated two alternate members, D. Skoczylas and G. Staiti, as voting members for tonight's ZBA meeting.

PUBLIC HEARING

- 7:10 pm SP-2021-06: Mark Machine Co.

Applicant is requesting approval to reuse an existing building as a Machine Shop under Section 1.9, of the Zoning Bylaw, and pursuant to MGL Chapter 40A. The proposed use is a nonconforming use. This site is located at 26 Crescent St, Ware, MA 01082. Deed recorded in the Hampshire County Registry of Deeds, Book 14141, Page 196. Assessor's Parcel 62-0-36. Zoned: Downtown Residential (DTR).

Applicant Allan Coolong is planning to operate his machine shop business (Mark Machine Co.) inside of the building at 26 Crescent St. He fabricates a variety of machinery and sells throughout 52 different countries. The machines he would use are milling machines and not EDM. His machines do not produce any sparks that could be seen as a fire hazard.

In a letter from the Fire Department, it is indicated that an underground storage tank and possible oil contamination could be present at the site. The applicant does not have any knowledge of such a tank existing.

A. Coolong stated that he would only be limited to straight job delivery trucks for bringing in and shipping out materials. L. Iadarola mentioned that it would be a good idea to have a police escort for any large tractor trailer deliveries, since Crescent St. would not easily fit them. J. Chartier brought up that a tractor trailer had previously taken out a sign on the intersection of Crescent and Eagle Streets.

A. Coolong described the types of metals that he would be working with at the machine shop, which are all noncombustible. The only type of fire that could potentially occur would be electrical fires from the machines themselves. A. Coolong stated that he does not plan on using the entire building structure.

Motion by G. Staiti to approve SP-2021-06 under findings:

1. The proposal is in harmony with the general purpose and intent of this Bylaw and it will not be detrimental to the health, safety or welfare of the neighborhood or the Town.
2. The proposal is a continuation of a non-conforming use and will be harmonious with the visual character of the neighborhood in which it is proposed.
3. The proposal will not create a nuisance to the neighborhood due to impacts such as noise, dust, vibration, or lights.
4. The proposal will not create undue traffic congestion nor unduly impair pedestrian safety, and provides safe vehicular and pedestrian circulation within the site.
5. The proposal ensures adequate space onsite for loading and unloading of goods, products, materials, and equipment incidental to the normal operation of the establishment or use.
6. It is anticipated that the proposal will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the proposed use or any existing use will be unduly subjected to hazards affecting health, safety, or the general welfare.

And the following conditions:

1. The applicant must comply with the Ware Fire Department as they are required to inspect the premises to ensure it is up to code, as well as free of any oil spills or underground storage tanks;
2. In the event of a delivery that requires the use of a tractor trailer, 18-wheeler, or semi-truck, the applicant will be required to contact the Ware Police Department (or other applicable police department) and arrange a police escort on an entry point basis to the property;
3. The hours of operation shall be between 6 am to 4:30 pm seven (7) days a week;
4. At the discretion of the Building Inspector, the applicant is required to conduct an initial 21 E Phase I test, and potential subsequent tests, to ensure no environmental pollution on the premises and to maintain the integrity of the groundwater;

5. All State and Local Zoning Bylaws, Building Codes and Regulations must be adhered to and all necessary permits be obtained;
6. The Applicant will comply with all laws, regulations and requirements of the Town of Ware, Commonwealth of Massachusetts, and the United States of America, the strictest of which shall prevail;

Seconded by P. Hamel. Roll Call Vote:

George Staiti	Aye
Phil Hamel	Aye
Lew Iadarola	Aye
Chuck Dowd	Aye
David Skoczylas	Aye

All in favor. Approved 5/0/2.

END OF PUBLIC HEARING FOR SP-2021-06

-----Jodi Chartier joins meeting-----

ADMINISTRATIVE

- Approval of meeting minutes from April 21st, 2021.

Motion by G. Staiti to approve meeting minutes from April 21st, 2021. Seconded by P. Hamel. All in favor. Approved 6/0/1.

OLD/NEW BUSINESS

- Letter from Concerned Residents

The Board read an anonymous letter from "concerned residents" regarding the proposed Cannabis Retail Dispensary near Veteran's Park on Main Street. The Board briefly discussed this letter.

ZONING ENFORCEMENT OFFICER UPDATE

A. Marques discussed with the Board of a possible appeal that may end up before the ZBA. This particular case pertains to a chicken coup (with roosters) that is within 20 feet of the property line. A. Marques mentioned that a neighbor had complained about the roosters.

ADJOURN

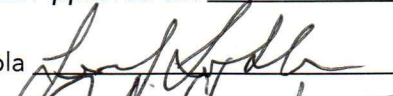


Motion by P. Hamel to adjourn the meeting at 8:25pm. Seconded by L. Iadarola. All in favor.
Approved 6/0/1.

Minutes from August 26, 2021

Respectfully submitted by,

Robert Watchilla,

Director of Planning & Community Development

Minutes Approved on: _____	
Iadarola	
Chartier	
Hamel	
Dowd	_____
Eaton	