



# TOWN OF WARE

126 Main Street, Ware, Massachusetts 01082

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## Zoning Board of Appeals

Meeting Minutes from

**Wednesday, January 22, 2020**

Select Board Room, Town Hall

**Board Members Present:** Chairman Lew Iadarola, Jodi Chartier (arrived 7:10), Greg Eaton, Chuck Dowd, Phil Hamel, and Dave Skoczylas, (Alternate)

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

**Public in Attendance:** Bernie Bergeron & Alex Bergeron (Canadian Tree)

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### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF MINUTES

#### Meeting Minutes

Motion to approve the minutes of December 12, 2019. C. Dowd. Seconded P. Hamel. Vote 5-0

### DISCUSSION WITH CANADIAN TREE

Mr. Bergeron presented the ZBA members with a background of the property at 417 Belchertown Road. In 1984 he purchased the property from DeSantis. The Town enacted Zoning Bylaws in 1987. At this time his property was in Zoning District was Rural Business 2 (RB2). The property has always supported timber operations and is currently an active sawmill and tree services. In 2012, there were changes to the Zoning Bylaw – a complete re-write and changes to the Zoning Districts. This occurred unbeknownst to Mr. Bergeron; the change in use regulations in his new zoning district of Rural Residential (RR) restricts how he is allowed to use his property. Mr. Bergeron is requesting a reversal of the zoning so he can obtain the uses eliminated with the change from RB2 to RR.

Chairman expressed to Mr. Bergeron that the ZBA works with special permits and variances that relate to dimensional requires and while the request is related to use. He needs to discuss with the Planning Board. He the option to form a Citizen's Petition for a change in uses.

Mr. Bergeron continued on to say that he has an approved solar project on the back portion of his property on about 11 acres. Recently he has been approached by a fuel service company to lease about four acres of his land for fuel storage with a small commercial building for sale customers. It would propose two 30,000-gallon propane storage tanks and truck storage. This use is not allowed in RR. Mr. Bergeron feels blindsided by the use change. He bought a property he had every intention of developing – he had discussions with Lowe's when they began looking at this area. RB2 had many more business opportunities for a property owner and now he is limited by the current zoning.

Chairman wanted to remind the room that since the adoption of the Zoning Bylaw in 1987, if a use is not listed as allowable then it is not allowed in that district. He stated that is fuel storage was allowed in before the change in 2012 it would work in Mr. Bergeron's favor in the petition for the use change. There was discussion regarding site work done for drainage to accommodate development on the property. The PCD Department will look up this information. Mr. Bergeron will schedule a meeting with R. DeCoursey to review the material.

**OLD BUSINESS**

**167 West Street.** Chairman met with the Attorney for the ZBA, who will talk to Town Counsel on behalf of the Planning Board. The two counsels will speak and if they can agree this is an oversight – permitting a use where it is not allowed – they will file a summary judgement. This would be a short timeframe. If not, it could take a year to resolve.

**Other.** Discussion of solar bylaw revisions and proposed projects, including estate lots and Fischerdick Road. Discussion of mobile homes related to zoning regulations; what can be built or moved under our bylaw.

**ADJOURN**

Motion to adjourn made by P. Hamel.

Second by J. Chartier.

All in Favor. Adjourned at 8:20 pm.

Next scheduled meeting is February 26, 2020

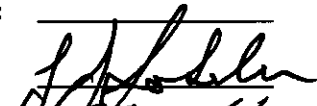
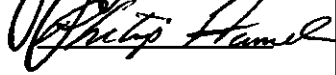
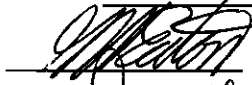
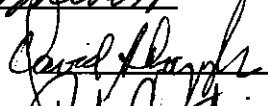
Minutes from January 22, 2020

Respectfully submitted by,

Rebekah L. DeCoursey

Director

**Minutes Approved on:**

L. Iadarola	
P. Hamel	
G. Staiti	
G. Eaton	
D. Skoczylas	
J. Chartier	