



TOWN OF WARE

Planning & Community Development

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Zoning Board of Appeals

Meeting Minutes from
Wednesday, November 28, 2018

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

Board members present: Chairman Lew Iadarola, Phil Hamel, Greg Eaton, and George Staiti (Alternate)

Board members absent: Dave Skoczylas, Alternate

Staff present: Rubén Flores-Marzán, Director of Planning & Community Development and Anna Marques, Building Inspector

Public in attendance: Timothy St. George, Jennifer St. George

Chairman Iadarola called the meeting to order at 7:05 p.m.; Pledge of Allegiance was said.

7:05 PM – St. George, Variance Request (V-2018-02) – Rural Quabbin District, Single Family Home – Height Variance Request.

G. Staiti read the Public Hearing notice. Chairman explained the rules of the project. All four (4) members have to approve the application by super majority in order for applicant to receive the variance.

Applicant made their presentation to the Board and highlighted energy factors that will make the home more energy efficient and environmental sustainable.

Chairman stated the home is accessed via Hardwick.

Applicant is trying to build sustainably and in harmony with nature.

G. Staiti asked if there are height differences in the roof.
Applicant stated no and the property is on Belchertown Road in Ware.

Chairman wanted to know who pays for the maintenance of the road.
Applicant stated the Town of Hardwick maintains the road, bridges, etc. Hardwick's Highway Superintendent is analyzing the proposed use.

Chairman stated the zoning bylaw calls for maximum height of 30 feet for building heights.

P. Hamel asked for clarification of why Applicant wants the variance.

A. Marques stated any new construction needs to achieve higher levels of insulation as mandated by the State. Ware intends to adjust its requirements as to achieve better energy friendly building codes.

Chairman wanted to know who owns surrounding property.
Proponent stated various environmental entities and land trusts.

Motion:

Chairman made a motion to close the public hearing at 7:30 pm. Second by P. Hamel.
All in Favor.

G. Staiti stated he had no issues with the application.
Chairman stated the application is in accordance and in harmony with surrounding properties.

Motion:

G. Staiti made a motion to approve the application for variance. Second by P. Hamel.

Roll call vote:

Chairman Lew Iadarola – Yes

Phil Hamel – Yes

George Staiti – Yes

Greg Eaton – Yes

All in Favor, Motion Carries, Variance Approved.

Updates from Building Department: (A. Marques)

A. All APR Properties/Enforcements/Complaints:

- Parcel next Quabbin Wire – still trying to define a use.
- No precise definition of freight terminal
- A. Marques requested information from property owner

- A. Marques read a letter from property owners attorney
- Chairman stated that based on Zoning Bylaws, pending requirements need to be addressed for freight terminals.

A. Marques stated requirements and standards need to be addressed, also performance standards as determined by the Zoning Bylaws.

A. Marques stated Section 4.3.2.4, use included under "F" requires performance standards to be met. A lot of things need to be addressed. Lawyer for the property owners wants to know how many industrial property owners have to comply with all of these rules. A. Marques feels the owners are just buying time.

Chairman asked Town Planner if the ZBA is at the point where the ZBA uses Town Counsel to address the legal issues presented by the property owners counsel?

Town Planner, R. Flores-Marzán stated that the approach that the Planning Board has exercised in similar situations. ZBA should request Town Manager to provide access to Town Counsel so as to handle the APR issues from this point forward.

A. Marques stated she agreed that we need to involve Town Counsel.

G. Staiti asked if correspondence was sent to G. Buelow?

A. Marques stated that the LLC's address is Mr. Buelow's residential address.

Chairman stated this should be considered now as a non-conforming use.

A. Marques stated they didn't want to go through Special Permit. G. Buelow wanted to be an allowed use by right but they are not in compliance with our performance standards. They would if they incorporate changes to their operations and make improvements.

Motion:

G. Staiti made a motion to have the Town Planner send a communication to Town Counsel asking for a joint meeting with Planning Board, Town Manager, Building Inspector to discuss the possibility of meeting to discuss the issues pertaining to Maple Street properties. Second by G. Eaton. All in Favor, Motion Carries.

B. 17 River Road Enforcement Update:

- A. Marques submitted report and photographic evidence.
- A. Marques stated the property owner (Mr. Henrichon) wanted to clean it up as he envisions relocating sometime in the near future.
- A. Marques stated the property owner has made significant improvements in cleaning up the property.
- January 9, 2019 is Mr. Henrichon due date to clean up the place.

G. Staiti stated amazing improvement and great work by A. Marques to make sure the site keeps getting cleaned up.

A. Marques stated he still has time

Chairman stated amazing work by A. Marques and the property owner.

Adjourn:

Chairman made a motion to adjourn. Second by G. Staiti. All in Favor. Adjourned at 8:15 pm.

Next meeting is TBD

Respectfully submitted by,

Nicole Croteau

Assistant to the Director

(Taken from Handwritten notes provided by Rubén Flores-Marzán, Director of P&CD, 11/28/18)

Minutes Approved on:	<u>7/24/19</u>
L. Iadarola	<u>[Signature]</u>
P. Hamel	<u>[Signature]</u>
G. Staiti	<u>[Signature]</u>
G. Eaton	_____
D. Skoczylas	_____