



TOWN OF WARE

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 / f. 413.967.9642

Zoning Board of Appeals

Meeting Minutes from

September 16, 2020

Select Board Room, Town Hall

Board Members Present: Chairman Lewis Iadarola, Jodi Chartier, Chuck Dowd, George Staiti (Alternate), Phillip Hamel, Greg Eaton

Staff Present: Rebekah DeCourcey, Director; Jack Carolan- Assistant

Public in Attendance: Joseph Herman, Melissa Herman, Pete Markowski, Carol Blackmer

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

Approval of minutes from June 17, 2020 and August 19, 2020

Postponed until the following meeting

PUBLIC HEARING – V-2020-02 Joseph Herman

Request for Variance to exceed the minimum side setback to build a detached garage with the side and front setbacks. 30 Shoreline Drive. Zoning: Beaver Lake Residential.

J. Chartier read the public hearing notice. J. Herman thanked the Board and introduced himself and his wife Melissa. J. Herman stated why they are before the Board and discussed his reasoning for wanting to build a garage that included space to get a vehicle out of the elements as well as space for tools/workshop. He is seeking to build a 16 ft. by 24 ft. garage.

J. Herman discussed the reasoning behind the placement of the garage within the minimum setbacks. They included the shape of the lot, the slope, and the location of the septic tank under the driveway in the front. There is also a well between the house and the lake. He also claimed that the placement of the garage and the fact that it will be side entry will be beneficial because they will be able to use the existing driveway as well as hide the garage somewhat from neighbors. There would also be no need for new curb cuts and not trees would need to be removed. In total the garage would encroach on the front and side setbacks by about 100 square feet.

L. Iadarola asked why a request for a variance was being made for the front and side setbacks instead of requesting a variance for the garage to be built in front of the house given that it is an accessory structure. L. Iadarola also pointed out that the measurements on the plans seem to be off, noting that according to the scale the garage on the plans only measures 12.5 ft. by 19 ft. It appears the surveyor did not accurately draw the plans resulting in the discrepancies pointed out by L. Iadarola. J. Chartier noted that it appears to her that many of the houses in the neighborhood have their garages sited very close to the front of the house and also at weird angles.

L. Iadarola suggested that J. Herman pull back the application without any bias on the part of the Board and to resubmit it correctly. G. Staiti asked for clarification on the measurements and setbacks and a discussion with L. Iadarola ensued.

G. Staiti suggested that instead of requiring the applicant to withdraw the application without prejudice which would require a new fee payment, legal notice, and public hearing, that instead the current hearing should be continued at a later date with corrected plans from the surveyor. This would allow the board to approve the variance with conditions allowing for the garage to be sighted in front of the house.

Motion by J. Chartier to continue the public hearing at a later date. Seconded by C. Dowd. All in favor. Approved 5-0

L. Iadarola made the suggestion that the residents of Beaver Lake could petition to have the Zoning Bylaw amended to allow accessory structures to be sighted in front of the primary structure on a lot in the Beaver Lake Residential zoning district, provided they meet the front and side setback for an accessory structure.

NEW/OLD BUSINESS

R. DeCoursey invited P. Martowski to attend the meeting. He has been in discussion with town employees regarding approaching the Board to allow for an addition on his property at 21 Shady Path Road. The property was purchased in 2004 and there a deck built onto the back of the house in 2008 which crosses the property line. This occurred given that the adjacent property owner is P. Martowski's uncle so it didn't seem to be an issue at the time with the building inspector that issued the permit. He stated there is a building permit filed for construction of the deck.

L. Iadarola explained non-conforming lots as the ZBA sees them and stated that different setbacks (side, front, rear) are independent of each other. P. Martowski's lot is non-conforming, which is part of the issue.

P. Martowski wanted to know whether or not he should apply for a special permit or a variance for his proposed addition on the side of his house. It was recommended after discussion that he move a corner pin of his property and convey land from his uncle. This may be more complicated because the uncle's land is in Chapterland, but the Board felt the proposal did not meet approval criteria for either a special permit or a variance.

C. Blackmer attended the meeting as a member of the public and raised concerns on the proposed solar project at 278 Osborne Road. She didn't understand how someone who didn't own the land could submit an application. She also wanted clarification on the fact that the property is an estate lot. There was some discussion on whether or not an estate lot can be subdivided given their original purpose was for a single family home. R. DeCoursey stated that there was nothing in the town bylaw preventing someone from subdividing an estate lot. L. Iadarola recommended bringing the question to town counsel and asked R. DeCoursey to pursue it. G. Staiti clarified that the landowner does not

need to be the applicant. It was also recommended that this is an issue that needs to be brought before the Planning Board.

R. DeCoursey updated the Board that there is an upcoming appeal regarding the decision to deny the movement of a mobile home from 278 Osborne Road to #13 3rd Avenue. A discussion ensued regarding whether or not the building inspector should have denied the proposed movement of the trailer. G. Staiti stated that the bylaws were written to allow replacement trailers on lots as long as they meet certain setback requirements.

P. Martowski asked for clarification regarding what would happen if he increased the size of his lot in order to meet the setback requirements. The Board stated he would then just need a building permit and R. DeCoursey stated that he would also need to go before the Planning Board with an ANR plan.

ADJOURN

Motion by P. Hamel to adjourn the meeting. Seconded by L. Iadarola. All in favor. Approved 5-0

Meeting adjourned at 8:16 pm

Next meeting is scheduled for Wednesday September 30, 2020 at 7:00 P.M.

Minutes from September 16, 2020
Respectfully submitted by,

Jack Carolan
Department Assistant

Minutes Approved on: _____
L. Iadarola _____
P. Hamel _____
G. Staiti _____
G. Eaton _____
D. Skoczylas _____
J. Chartier _____