



# TOWN OF WARE

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## Zoning Board of Appeals

Meeting Minutes from

**September 30, 2020**

Select Board Room, Town Hall

**Board Members Present:** Chairman Lewis Iadarola, Jodi Chartier, Chuck Dowd, Phillip Hamel, Greg Eaton

**Staff Present:** Rebekah Cornell- Director; Jack Carolan- Assistant; Anna Marques- Building Inspector

**Public in Attendance:** Joseph Herman, Melissa Herman

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### PLEDGE OF ALLEGIANCE

Chairman L. Iadarola called the meeting to order at 7:15 pm and led the Pledge of Allegiance.

### APPROVAL OF MINUTES

**Motion** by J. Chartier to approve the June 17, 2020, August 19, 2020 and September 16, 2020 meeting minutes. Seconded by G. Eaton. All in favor. Approved 5-0

### Public Hearing (Continued)

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. Herman introduced the revised plans to the board. He explained the errors that the surveyor made on the previous plans presented to the board on September 16, 2020. He also explained several additions to the plans including showing the placement of the neighboring properties garage at 32 Shoreline Drive, as well as an existing landscaped area and proposed walkway on his property that he believes is relevant to the variance request. He explained that moving the garage out of the front setback would create a hardship due to the slope which could create safety issues and require a higher foundation.

**Motion** by L. Iadarola to close the public hearing. Seconded by C. Dowd. All in favor. Approved 5-0

J. Chartier asked a question regarding the side and front setback requirements and what applicant is proposing. L. Iadarola explained the side setback for an accessory structure has to be 10 ft. and the front setback has to be 30 ft. L. Iadarola also explained that the garage on 32 Shoreline Drive was done before the current bylaw as well as the garage at 28 Shoreline Drive. It was also confirmed that all 3 criteria for a hardship need to be met in order to approve the variance request.

L. Iadarola also discussed how he looked at the site and noted the slope to be about a 15% grade. It was determined that moving the garage back to comply with the setback requirement would result in a 6-12 inch drop. L. Iadarola did not believe that the issue with the slope and requiring a deeper foundation meets the criteria of a hardship. He also explained that he does not believe siting the garage outside of the setback requirements would be detrimental to the surrounding area under the current bylaws.

R. Cornell asked the Chairman why he believed siting the garage within the 30 ft. front setback would be detrimental and defended the applicant's right to request a variance for this particular situation. L. Iadarola explained his view that the board's role is to maintain the bylaws as written. He further explained while he does view placing the garage behind the primary structure would be a hardship but that it would not be a hardship to meet the minimum front and side setbacks while allowing the garage to be in front of the primary structure.

L. Iadarola also stated that he does not believe it is a big deal to have to remove trees or shrubs in order to meet the bylaws. There was pushback from R. Cornell on that subject as she stated given the proximity to Beaver Lake that removing trees and plants could be even more detrimental to the local environment.

J. Chartier asked if it would be possible to change which side of the garage the access door is located. J. Herman responded by saying due to safety and security reasons they are not willing to change where the door is being proposed. M. Herman felt that the proposed location and dimensions of the proposed garage fits in with the current landscape as well as compliments where the neighbor's garage is located. L. Iadarola responded by saying the board is not responsible for maintaining aesthetic quality.

A discussion ensued regarding what was talked about at the previous meeting in terms of what the board wanted to see in order to grant a variance and what is currently being proposed. L. Iadarola was very firm on his view that moving the garage 2.7 ft. back to meet the 30 ft. setback requirement really should not be a big deal.

**Motion** by J. Chartier to approve the proposed plan given the garage is sited outside of the 30 ft. front setback. Seconded by G. Eaton. All in favor. Approved 5-0

L. Iadarola stated that given the shape and topography of the lot, siting the garage behind the primary structure would indeed be a hardship which is why they are allowing them to build the accessory structure in front of the house as long as they meet the minimum 30 ft. front setback and 10 ft. side setback.

R. Cornell requested an As Built Plan be submitted to the Planning Department.

J. Herman stated he understood where the board was coming from in terms of their decision but referenced a previous variance that the board granted for 86 Anderson Road. L. Iadarola responded by saying there was significant ledge on that property which is why they were granted a variance.

**NEW/OLD BUSINESS**

- Zoning Amendments

R. Cornell introduced amending the definition of freight and trucking terminals and the zoning bylaw and wanted to know from the board whether or not that definition should include automobiles and automobile products. There is a concern with junkyards in town. L. Iadarola did not think automobiles or automobile products can be excluded from the definition for a freight and trucking terminal. He recommended including a time limit for how long something can be stored there in order to avoid it from becoming a storage facility.

R. Cornell asked if there are any active freight and trucking terminals in town. L. Iadarola said that A&R which is across from Cluets is representative of a freight and trucking terminal. There was a discussion that ensued on the difference between a salvage operation and a freight and trucking terminal. The inclusion of the term "finished goods" was discussed when it comes to what defines the products at a freight and trucking terminal.

R. Cornell brought up allowing solar as an accessory use in more than the just the Rural Business zoning district.

**ADJOURN**

**Motion** by J. Chartier to adjourn the meeting. Seconded by G. Eaton. All in favor. Approved 5-0

Next meeting is scheduled for Wednesday October 21, 2020 at 7:00 P.M.

Minutes from September 30, 2020

Respectfully submitted by,

Jack Carolan

Department Assistant

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

