



TOWN OF WARE

Planning & Community Development

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Planning Board Minutes

January 20, 2016

Planning Board members present: Chris DiMarzio (7:03 p.m.), Rick Starodoj (Chairman), Fred Urban, Joe Knight, David P. Kopacz, Sr., John Chabot (Alternate)

Planning Board members absent: none

Staff present: Karen Cullen, Director of Planning & Community Development
Judi Mosso, Assistant to the Director

Public: As taken from sign-in sheet and observation: Dan Dwyer, Peg Dwyer, Bonnie Berseln, Peter Harder, Kirk Letendre, Jessica Letendre, Mark Osborn, Ellen Freyman

Chairman R. Starodoj called the meeting to order at 7:00 p.m.

1. Administrative

- a. Approve minutes from January 6, 2016 - **Motion** by J. Knight to approve the minutes as presented, seconded by F. Urban. So voted 3/0/1 (D. Kopacz abstained).

2. SP- 2015-05 Daniel Dwyer, W. Kirkham Estate, Accessory apartment, 220 Belchertown Road

The public hearing was opened at 7:05 p.m.; J. Knight read the legal ad into record.

Applicant's attorney, Ellen Freyman, gave a brief synopsis of the request: the apartment has been in existence since 1995 and the owners would like to make it legal before they sell the house.

The Planning Board recognized that the apartment was built before the Town adopted an accessory apartment bylaw and is therefore willing to accept the 35 s.f. of the apartment that exceeds the 700 s.f. maximum allowed, and do not think a variance from the Zoning Board of Appeals is necessary. All findings were reviewed: finding #10 summarized the Board's intentions and finding #11 will be revised to add "the owner is not currently residing

in one of the units as required by §4.4.1.E.2.h. However, the Board also finds that any new owner must comply with the provisions of §4.4.1.E.2". This modification is being made since the current owner is the Estate of William Kirkham and the Personal Representative lives in Maine. There was brief discussion about the amendment and what the lender may require. The applicant was advised to check with the Board of Health and the Building Department regarding requirements from those departments to ensure occupancy of the apartment will be legal – the Planning Board only deals with the zoning aspects.

Motion by C. DiMarzio to approve the Special Permit with the findings as revised; and with the conditions as written in the decision. Seconded by F. Urban. So voted by roll call vote 5/0/0.

Since this Special Permit runs with the owner, the prospective buyers (present) were informed that they would need to apply for an amendment to the Special Permit after they buy the property.

The public hearing closed at 7:22 p.m.

3. Adjourn – **Motion** by R. Starodoj to adjourn at 7:24 pm; seconded by J. Knight.

Documents reviewed:

January 6, 2016 minutes
SP- 2015-05, Daniel Dwyer

Documents received at meeting:

none

*Respectfully submitted by Judi Mosso
Assistant to the Director*

<i>Minutes Approved on:</i> _____	
Starodoj	_____
DiMarzio	_____
Urban	_____
Kopacz	_____
Knight	_____