



# TOWN OF WARE

Planning & Community Development

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Ware, Massachusetts 01082

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## Meeting Minutes from **January 28, 2015**

### Zoning Board of Appeals

- Present:** Chuck Dowd, Greg Eaton, Phil Hamel, Lew Iadarola, Chairman, Dave Skoczylas, Alternate.
- Staff:** Karen Cullen, Director of Planning & Community Development  
Judi Mosso, Assistant to the Director
- Public:** George Staiti, Blaise Berthiaume, Donna Boulanger, Tracy Opalinski, Paul Opalinski, Sheila O. Cuddy

L. Iadarola opened the meeting at 7:01 pm. Introductions were made.

1. Minutes of May 1, 2014

**Motion** by P. Hamel to accept the minutes as presented. Seconded by G. Eaton. So voted unanimously.

2. Housekeeping Items

Next meeting will be February 25. Chuck, Lew, Phil and George are available. Lew and Dave are not available in March, thus no meeting that month.

Updated Zoning Bylaw binder provided to G. Eaton.

3. V-2015-001 North Brookfield Savings Bank - Variance Request for Sign

L. Iadarola opened the public hearing at 7:15 p.m. for a variance to the signage for North Brookfield Savings Bank.

L. Iadarola gave a brief synopsis of the process for the hearing, then read the public hearing notice. He appointed Alternate Member David Skoczylas to the ZBA for this hearing and decision. There was discussion about: why the variance was requested (proposed sign exceeds the size limit of the zoning bylaw); placement of existing signs as well as the proposed one; directing the public to the parking lot behind the building; removing trees that currently block the blade sign on the front façade as well as replacing the existing large street tree with a new, smaller tree. D. Boulanger stated that she was amenable to replacing trees in front of her building. D. Boulanger stated they will change the frame of the sign (the edging) to black. She also stated the sign will be internally lit.

Residents and members of the business community and the Ware Business and Civic Assn. spoke in favor of the request. The ZBA received a letter from Ware Historical Commission

Chairman opposing the sign. The Chairman stated that the letter was one person's opinion since the Commission did not yet meet to form a consensus about the proposed sign.

Chairman Iadarola closed the public hearing at 7:54 p.m.

**MOTION:** Phil Hamel made a motion to approve the variance request with the findings and conditions as stated below:

**Findings:** After the public hearing duly noticed and held on January 28, 2015, the Ware Zoning Board of Appeals made the following findings as required by M.G.L. Chapter 40 A., Sec. 11 and Section 7.3 of the Ware, MA, Zoning Bylaws:

1. Owing to circumstances relating to the shape and location of the property and particularly the location of a public street tree on Main Street, strict adherence to the signage requirements of this bylaw would cause practical difficulty and unnecessary hardship to the petitioner by blocking the projecting sign which contains the same information as the proposed sign.
2. Given the unique circumstances of this property, which abuts three public streets (Main, unnamed street/South Street, and Pulaski Street), strict adherence to the Zoning Bylaw would not provide adequate signage to inform the public as to the occupants of the site.
3. Granting the requested relief will not be materially detrimental to the public welfare or injurious to the property in the neighborhood in which the property is located. In fact, granting the requested relief will enhance public safety by giving appropriate notice to drivers warning them of the location of the left turn to access the drive-thru facility, which is located at a complex intersection close to a traffic light and two pedestrian crosswalks.

Based on these findings, the Ware Zoning Board of Appeals, as Variance Granting Authority pursuant to Section 7.1 of the Ware Zoning Bylaw, voted 5/0/0 to approve the Variance as herein described, subject to the following conditions.

**Conditions:**

1. To decrease the width of the sign to fit within the building façade bay (the inset within which the windows are located);
2. To maintain a maximum height of the sign of four feet; and
3. To move the existing projecting sign on the front façade (Main Street) to the western side of the entry alcove, and the sign shall project no more than six feet from the wall, shall be a minimum of three feet from the street curb, and shall have a minimum clearance from the bottom of the sign to the sidewalk of seven feet.

**SECOND** by Dave Skoczylas

**Roll call vote:**  
Dowd – yes  
Eaton – yes  
Hamel – yes  
Iadarola – yes  
Skoczylas – yes

**Motion passed 5/0/0.**

4. Petition for Noise Bylaw

The Board discussed the proposed noise bylaw that was presented (and defeated) at the November 2014 town meeting. The proponents intend to present it again this May. K. Cullen noted that it is important to protect the town’s legal interests and for the Board to not become involved with amending bylaws proposed by petition. If an individual Board member wishes to personally contact the proponents as a resident, it is their prerogative. This bylaw is not proposed by the Planning Board.

Some of the issues with the proposed bylaw were discussed:

- Enforcement will be driven by complaint
- Inconsistent, conflicting language
- Cannot regulate noise from abutting towns
- Decibel restrictions and time restrictions are unrealistic
- Enforcement officer not named or clarified
- Bylaw not based on statistics or other factual data
- No provisions for waiting for noise to lessen or stop
- Exceptions and penalties are unrealistic

5. Other

D. Skoczylas noted an electrical study in relation to National Grid and energy supply; the town should investigate alternate suppliers.

**MOTION** by C. Dowd to adjourn at 9:13 pm. Seconded by P. Hamel.

Minutes approved on: \_\_\_\_\_  
 Lew Iadarola \_\_\_\_\_  
 Phil Hamel \_\_\_\_\_  
 Dave Skoczylas \_\_\_\_\_  
 Chuck Dowd \_\_\_\_\_  
 Greg Eaton \_\_\_\_\_