



TOWN OF WARE

Planning & Community Development

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Zoning Board of Appeals

Meeting Minutes from **Wednesday, December 15, 2016**

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

Board members present: Chuck Dowd, Greg Eaton, Phil Hamel, Lew Iadarola (Chairman), David Skoczylas (Alternate)

Staff present: Judi Mosso, Assistant to the Director

Public in attendance: (as taken from observation and the sign-in sheet) Bob LeMaitre, Robert Heon, Noreen Heon

Chairman opened the meeting at 7:02 p.m.

1. Administrative

- a. Approval of Minutes from October 26, 2016 – The Board commended Anna Marques on her detailed minutes as it was an important hearing. There was no appeal filed for the decision on 17 River Road. **Motion** by D. Skoczylas to accept the minutes as presented. Seconded by P. Hamel. So voted 4/0/0.
- b. Procedure for issuing Class I, II and III licenses – The 17 River Road issue heard by the ZBA in September and October created questions about how to best streamline licensing so that all affected departments have an opportunity to comment before a Class license is issued. The Board discussed
- c. Class licenses – J. Mosso will provide a table of timelines and deadlines for each of the actions under the ZBA's authority (variances, Special Permits, appeals for Building Commissioner decisions and Chapter 40B applications). This will be made available over the next several weeks. **Motion** by G. Eaton for J. Mosso will compose a letter to the Board of Selectmen requesting that before the issue Class licenses, that they check with the Zoning Enforcement Officer, Planning Board and ZBA to ensure that there are no discrepancies. Seconded by C. Dowd. So voted 4/0/0.

- d. Possible upcoming applications – the Board may have a variance application from Charter Foods North (Taco Bell) for signage.
2. SP-2016-06, Robert and Anne Heon, of 5 Horseshoe Circle – Hearing opened at 7:07 pm and the Chairman appointed ZBA Alternate David Skoczylas to the case. This is a SP application via the ZBA as described under Section 1.9.2.A.2 of the bylaw. Introductions were made, the Chairman gave an overview of the hearing procedure, he then read the legal ad into record. No comments were provided by other departments.

Comments from applicant

- Mr. Heon described his project and reasons behind requesting the special permit. He submitted a doctor's letter stating that a resident of the address has limited mobility, hence the proposed project to modify the entryway to the home.
- Proposed garage is 23 x 26.
- B. LeMaitre described the septic and leach field locations and their relation to the foundation.

Discussion with ZBA

- Front of house used to be Beech Street; now is Horseshoe Circle
- Lot created in 1974; purchased by the Heons in 1993
- Pool was installed in 2006; no record of special permit; building permit was accepted
- Pool was built in its present location so as not to interfere with the well
- Stone entryway was built in 2005/2006
- Right of way of street includes part of the grassy, sloped property towards the Heon residence
- Discussion re 1 story garage vs room above it creating 2 stories; the ZBA must consider nonconformities as well as volume.
- Applicant wishes to enclose front part of steps which is not part of his application
- Architectural plans would be helpful; not just surveyor plans
- New state legislation enacted in November 2016 states that unless there is an existing appeal or enforcement, any nonconformities older than 10 years are now legal. Therefore, the swimming pool is legal – whether it was before or not.
- Discussion about using the house foundation or pool foundation for reference.
- Board would like to see preliminary architectural drawing including height, roof line and elevation.

Motion by G. Eaton to, with the applicant's permission, withdraw the application SP-2016-06 without prejudice, because the application does not fully reflect what the applicant is proposing. Seconded by P. Hamel. So voted 5/0/0.

Hearing closed at 8:17 pm.

Mr. Heon may need to apply for a variance. Town officials will consult and respond to Mr. Heon as to which application is warranted (special permit or variance).

3. Adjourn – **Motion** by G. Eaton to adjourn the meeting at 8:26. Seconded by D. Skoczylas.

Documents received at meeting:

Letter from Dr. Tallman re disability

*Respectfully submitted by
Judi Mosso, Assistant to the Director*

Minutes approved on _____

Lew Iadarola _____

Phil Hamel _____

Chuck Dowd _____

Greg Eaton _____

George Staiti _____

David Skoczylas _____