



TOWN OF WARE

Planning & Community Development

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Zoning Board of Appeals

Meeting Minutes from **Wednesday, July 12, 2017**

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

- Board members present:** Chuck Dowd, Greg Eaton, Phil Hamel, Lew Iadarola (Chairman), George Staiti (Alternate)
- Staff present:** Rubén Flores-Marzán, Director
- Public in attendance:** (as taken from observation and the sign-in sheet):
Christian Boysen, Anthony Kowalski, Marcia Kowalski, Tara Opalinski, Paul Opalinski, Tracy R. Opalinski, Rick Starodaj, Beverly McCrystal-Goodrow, Ronald H. Goodrow, Melina Bourdeau (Press: Turley Publications/Ware River News), Denis Ouimette, Nancy Talbot

ZBA members Chuck Dowd, Greg Eaton, and Phil Hamel have been reappointed and sworn in; quorum present. Some items were taken out of order.

Chairman opened the meeting at 7:05 p.m.

1. Administrative
 - a. Approval of Minutes from February 22, 2017 – Motion by G. Eaton to accept the minutes as presented. Seconded by G. Staiti. So voted 5/0/0.
2. Special Permit (SP-2017-03), Optimus Senior Living, LLC, for 73 South Street (for building height)

Hearing opened at 7:06 p.m. and the Chairman appointed ZBA Alternate George Staiti to the case. Introductions were made, the Chairman gave an overview of the hearing procedure, he then read the legal ad into record. The Chairman then reviewed department comments for the Special Permit application, and letters of support for the project including a letter from Baystate Health.

The applicant seeks a Special Permit from the Zoning Board of Appeals under §1.9.2.B of the Zoning Bylaw at 73 South Street. The applicant has asked for relief from the Zoning Bylaw on the height and number of stories for the reconstruction of an existing, legal, nonconforming structure in the Suburban Residential (SR) district. The Building Inspector has indicated that the existing building is four stories and stands 58'8" tall. The applicant intends to replace the building with one that is also four stories, standing 64'6" tall. For the SR district, the current Zoning Bylaw allows three stories and a maximum of 40' in height.

The proposed building is an assisted living facility which requires additional floor heights for ventilation, heating, and fire protection apparatus on each floor. Therefore, the four stories of the current nonconforming building will result in the additional height.

Applicant Christian Boysen of Optimus Senior Living made his presentation.

The Chairman received questions from the audience then closed the public hearing portion of the meeting.

ZBA members discussed the application.

Motion to approve the Special Permit application with the following findings and conditions:

- After the public hearing duly noticed and held, the Ware Zoning Board of Appeals found, as required by MGL Chapter 40 A., Sec. 9, that the proposal is consistent with what exists there already as well as other facilities in the same district.
- The proposed facility will compliment a symbiotic relationship with the neighboring outpatient center (former hospital) as well as other medical offices and businesses in the district. The proposal is in harmony with the general purpose and intent of this Bylaw and will not be detrimental to the health, safety, or welfare of the neighborhood or Town. The proposal is compatible with existing uses and development patterns and will be harmonious with the visual character of the neighborhood.
- The Board finds that the additional height requirement will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. It will allow the building to better accommodate the specific needs of its clients as an assisted living facility with living units, memory care units, on site kitchen, dining, and recreation facilities, without negatively impacting the neighborhood.
- From what has been proposed at this time, the additional conditions related to use will be addressed per Section 7.2.4 of the Zoning Bylaw.
- The Special Permit for the height extension to 64'8" and four stories is hereby granted with the above conditions.

3. Adjourn – **Motion** by G. Staiti to adjourn the meeting at 7:52. Seconded by G. Eaton.

Documents reviewed at meeting:

- Minutes from February 22, 2017
- Special Permit application and related materials (SP-2017-03)

Documents received at meeting:

none

*Respectfully submitted by
Rubén Flores-Marzán, Director
Judi Mosso, Assistant to the Director*

Minutes Approved on: _____	
Iadarola	_____
Hamel	_____
Dowd	_____
Eaton	_____
Calvert	_____
Staiti	_____
Skoczylas	_____