



TOWN OF WARE

Planning & Community Development
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Meeting Minutes from **August 26, 2015** **Zoning Board of Appeals**

- Present:** Chuck Dowd, Greg Eaton, Phil Hamel, Vice Chairman, David Skoczylas (Alternate), George Staiti (Alternate).
- Staff:** Karen Cullen, Director of Planning & Community Development
Judi Mosso, Assistant to the Director
- Public:** *as taken from the sign in sheet and observation:* Dan Flynn (contractor), Kent Taylor, Jay Gallant (architect), Robert J. Koziol, Richard (?) Guzik.

P. Hamel, acting as Chairman, opened the meeting at 7:00 pm.

Approval of April 22, 2015 minutes – **Motion** by G. Staiti to accept the April minutes as presented. Seconded by G. Eaton. So voted unanimously.

7:10 - V-2015-03 Guzik Motor Sales, Inc. (GMSI)

Hearing was opened at 7:10. P. Hamel introduced the ZBA and read the legal ad into record. He also stated that he conducts business with the applicant and does not receive any special favors and that if anyone had any problems with him presiding over the hearing, to please speak up now. No objections noted. David Skoczylas and George Staiti were both appointed as alternates for this hearing.

Todd Guzik was unable to attend so Richard Guzik provided a summary of the variance request and the history of the road taking by the state (ten feet), which made the existing building nonconforming to the current setback requirement. Jay Gallant, architect and Dan Flynn, contractor explained the existing conditions, proposed building addition, and Chrysler's standards.

There was discussion about moving the addition back 1.5' but the applicant replied they did not believe Chrysler would approve that design. There was also discussion about traffic circulation and where customers park; Chrysler's guidelines vs. local bylaws; construction schedule; appeal period; and that the front of the business will remain grass for now – any pavement will be in the future.

Abutter Robert J. Koziol spoke about how the vehicles are currently parked, and questioned where the cars currently parked where the showroom will be will be parked; the applicant stated there are five cars there now and the showroom will hold five cars. Mr. Koziol supports the business's expansion and additional economic development in Ware.

R. Guzik explained that if the business expands, they will likely expand north and not south; the other driveway cut is seldom used. He also stated the remaining junk cars on the property will be removed.

K. Cullen explained that another abutter spoke to her about GMSI lights shining into his house. R. Guzik would like to move the light but National Grid must move it as it is a rented light. The electric is on a timer which he does have control over so he will adjust the timing.

Motion by G. Staiti to approve the variance request with the findings and conditions as stated below:

1. Owing to circumstances relating to the shape of the property, wherein the front property line was changed in 1960 due to a public taking for the layout of Route 9 which resulted in a loss of an area of approximately 3,780 square feet with a depth ranging from approximately 8 feet to 10 feet across the frontage of these two parcels, thus putting the existing building 23.8 feet from the new property line wherein it had been approximately 27 feet from the (old) property line, the Board finds that a literal enforcement of the 25 foot front setback would involve substantial hardship to the applicant. The odd shape of these lots caused by the taking especially affects these parcels but does not affect the zoning district in general, given the location of these lots relative to the land taken for highway purposes. Furthermore, §5.2.3 of the Ware Zoning Bylaw addresses situations where land is conveyed for public purposes, the intent of which is to not penalize private property owners when such conveyance renders the property nonconforming to the dimensional requirements of the Bylaw.
2. The area of encroachment into the required 25 foot setback is minimal, at approximately 53.6 square feet, which is less than the existing encroachment of 56.6 square feet, which was created by the public taking addressed above.
3. Granting the requested relief will not be substantially more detrimental to the neighborhood nor materially detrimental to the public welfare or injurious to the property in the neighborhood in which the property is located.

Second by C. Dowd

Roll call vote: Dowd – yes
Eaton – yes
Hamel – yes

Skoczylas – yes

Staiti – yes

Motion passed 5/0/0.

Adjourn: **Motion** by G. Staiti to adjourn at 7:46 pm. Seconded by G. Eaton.

Minutes approved on: _____

Lew Iadarola _____

Phil Hamel _____

Chuck Dowd _____

Greg Eaton _____

George Staiti _____