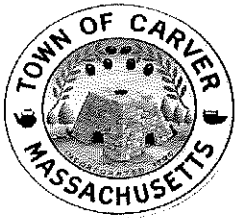


approved
7/31/18



Carver Zoning Board of Appeals

Carver Town Hall, Meeting Room #4. This meeting was videotaped for cable cast area 58

Meeting Minutes for July 11, 2018, 7:00 PM

Attendees: Stephen Gray, Chairman; Sharon Clarke, Vice Chairman; Eric Mueller, Member; James Nauen, Member; Frances Mello, Alternate Member

Absent: Steven Maynard, Member

Mr. Gray called the meeting to order at 7:01 PM

Reorganization of the Board:

Mr. Gray inquired as to any members who would like to nominate another member to be Chair of this Board.

Ms. Clarke – I would like to nominate Mr. Gray to continue as Chairman of this Board

No other discussion heard. Close discussion on issue:

Ms. Clarke Nominates Mr. Gray as Chairman of the Board

Second: Mr. Nauen

Approved: 3-0-1(Mr. Gray)

Mr. Gray – Any nominations for Vice Chair?

I move that Sharon Clarke is named Vice Chair: Mr. Nauen

No other discussion heard.

Second: Mr. Mueller

Approved: Unanimous (5-0)

Minutes – July 11, 2017:

No discussion heard. All in favor of closing discussion

Motion to approve minutes of July 11, 2017, as written: Mr. Nauen

Second: Mr. Mueller

Approved: Unanimous 5-0

Public Hearing – Case No. 73-7:

Petitioner, Robert Kyle Bassett; 52 A West Street, Carver, MA 02330. The Petitioner is requesting a Special Permit pursuant to Sections 2300, 2320 and 2242 of the Carver Zoning by Law, for property located at 52A West Street in Carver, MA (Assessors Map 73, Lot 7) in order to operate a Martial Arts Studio in a Residential Agricultural District.

Mr. Gray – The petitioner, Robert Kyle Bassett is present tonight.

Mr. Bassett explained to the Board that he is recently retired and is looking to relocate his business from Montello Street in Carver to his home, which has a large detached structure/garage. He indicated that his lease is up in August. The new location is a 10-acre lot with a 1,000' driveway. Class sizes are small with approximately 25 total students. Ms. Clarke inquired as to the hours of operations. Mr. Bassett said classes would begin at 4:30PM and end at approximately 8:00PM. There will be some private lessons. Mr. Bassett presented the Board with a short video of the property (via phone). There will be some modifications to the building mostly involving the addition of bathrooms that are ADA compliant.

Mr. Gray proceeded to ask pertinent questions to the Town of Carver by-Laws. *All answers are by Mr. Bassett, unless otherwise noted.*

- Are there any other studios like this in the Town of Carver? No
- Traffic Flow – The property is about 1,000 feet off the road. Asphalt? Yes.
 - Parking places? Yes.
 - Are they on or off the driveway? Off.
- Utilities? Water and Electricity? Yes, water will be run from house.
 - Water is a well? Yes.
 - Has the BOH determined if the load is sufficient to handle the house?
No.
- Are you able to see your neighbors when looking out the window? Yes, about 30-yards.
 - Barn is closer than you house? Yes, about 20 yards.
- Any material being removed from the scene? Have plans been made? Daniel – Yes a 30-yard dumpster will be used and removed when done.
- Are you considering this a home occupation? These are businesses or professions associated with a principle structure. Will you consider it to be your home occupation? Yes, I guess. Mr. Gray - The home occupation bylaw in Carver suggests that the business be in the principle property (house) and no more than 30% of residence and accessory structure be used as the business. The bylaw was reviewed by Ms. Clarke. This will need to be revisited after square footage is determined.
- Will anyone else be operating this business; any other coaches? No
- Any signage? Yes, an unlit sign atop my mailbox.
- How many acres is the lot? 10 Acres
- Will the garage have any exterior lighting? Yes, it already does. The awning lights up and there is a motion light on the side and door.
- How old is the garage? It is more than 3 years old.

This is a public hearing, does anyone from the audience have any questions or comments

Sandy Tellis – Yellow Brook Road, neighbor of proposed studio. I am a direct abutter. My road is a 1 lot subdivision between 54 and 56 West Street. I have lost my privacy. Mr. Gray – I have noted that he recognized Ms. Tellis from the Gym but this does not have an affect on opinion.

I currently have no opinion on this matter. Ms. Tellis is concerned over traffic. She would like to request that if it were to be approved, there be appropriate signage to avoid driveway confusion. Ms. Tellis is ok with noted hours of operation but hopes they do not extend to later at night.

Mr. Gray – My concerns are with compliance on 2241B (sq. ft. not greater than 30% of total) and the well water/load handling.

Ms. Mello inquired as to the location of the septic. She also inquired as to regulations for tying bathrooms into the septic. Mr. Mueller indicated that bathrooms have no affect on size of the septic. Mr. Gray noted that approval would also be needed from the Board of Health. Mr. Gray 5530 bylaw re: special permits –

Special permits may be granted by the S.P.G.A. upon its written determination that benefits of the proposed use outweigh its detrimental impacts on the town and the neighborhood, in view of the particular characteristics of the site and of the proposal in relation to that site. In addition to any criteria set forth in specific provisions of this by-law, the determination shall include consideration of each of the following:

- 5331. Social, economic, or community needs which are served by the proposal;
- 5332. Traffic flow and safety, including parking and loading;
- 5333. Adequacy of utilities and other public services;
- 5334. Neighborhood character and social structures;
- 5335. Impacts on the natural environment;
- 5336. Potential fiscal impact, including impact on town services, tax base and employment.

Ms. Clarke noted that should the board choose to grant the permit, we can put conditions on it. Special permits have to be renewed every 3 years. We can condition your hours of operation; are you flexible with those? Mr. Bassett – Yes, I only plan on being open 4 hours a day. The maximum I've had is 25 and I've been opened for 5 years now. On Tuesdays I close early and Saturdays are one hour. Ms. Clarke – We might consider limiting the number of students as a condition, are you okay with that? Mr. Bassett – I would have no problem with a fair cap. Mr.

Mr. Gray noted that neighbors may have some concerns during the winter hours as it is darker earlier and lighting may become an issue. Mr. Bassett noted that he would like to begin construction as soon as possible.

Mr. Gray asked if members would like to do a site visit. Do any members feel they want to do a site visit?

The Board scheduled a site visit for this Saturday, July 14th at 9:00 AM.

Ms. Clarke - We will set the date for our next meeting, tonight. After a decision, there is a 20-day waiting period for possible appeal. This would push it out until late August.

We will need the following from Mr. Bassett:

1. Square footage of both properties,
2. Plan for proposed structure
3. Plot plan (ASBUILT is sufficient)
4. Discussion is needed with the BOH

Motion to continue the public hearing on July 31, 2018, with a site visit on July 14, 2018: Ms.

Clarke

Second: Mr. Mueller

Approved: Unanimous (5-0)

Next Meeting:

The next meeting will be held on July 31, 2018 at 7:00 PM, Meeting Room 4

Correspondence :

None

Executive Session under M. G. L. c 30A, S 21 (a) (3):

Mr. Gray – Under M.G.L. c 30A, S 21

To discuss strategy with respect to pending litigation in the case of the Town of Carver Planning Board v Town of Carver Zoning Board of Appeals, Plymouth Superior Court, Docket # 1683CV00720, as an open meeting may have a detrimental effect on the litigation position of the public body; votes may be taken.

Roll call performed. All Board members voted in the affirmative to enter into Executive Session at 8:04

PM: Approved (5-0)

Mr. Gray –

We will not be returning the public meeting and no votes will be taken.