



approved
3/26/19

CARVER ZONING BOARD OF APPEALS

MINUTES OF February 26, 2019 MEETING

Room 4 @ 7PM

Present: Stephen G. Gray, Chairman; Sharon Clarke, Vice-Chairperson; Members Eric Mueller; Frances Mello; Alternate, Alan Germaine. Also present; recording secretary Patricia Brennan

MEETING MINUTES:

The Minutes of January 15, 2019 were reviewed.

Eric Mueller made a motion to accept the minutes. Seconded by Sharon Clarke, voted and passed unanimously 5-0.

PUBLIC HEARINGS:

B. PUBLIC HEARING: Case No. 58-1-10: Petitioners: Shawn and Allison Patton, 19 Leland Way, Carver, MA 02330. The Petitioners are requesting a Special Permit pursuant to Sections 2260 and 2262 of the Carver Zoning by Law, for property located at 19 Leland Way in Carver, MA (Assessors' Map 58-Lot 1-101R) in order to allow an accessory apartment in excess of the allowable 800 sq. ft. The total proposed space is 950.5 sq. ft. and is in a Residential Agricultural District.

Mr. and Mrs. Patton are both present. Mrs. Patton says she is looking to add onto their house as an in-law apartment. This would be a 1 bedroom in law suite for parents to retire and live in. The space will be handicap accessible. This would be all new construction. One floor, no stairs. The petitioners brought up the plans that the architect drew up for them. The in-law apartment would be 950 square feet. The board members reviewed the floor plans and calculated the overage. After reviewing Fran Mello states that the 950 sq. ft will cover them. Chairman Gray went over the oversized accessory by Law with the petitioners. Mr. and Mrs. Patton will need to submit a notarized letter to the building commissioner signed by both. This letter will state that this is the primary residence where both husband and wife live and that they both own this property together. This permit is only good for 3 years. After 3 years the petitioners must submit another letter stating that nothing has changed. Sharon Clarke made a motion to close the hearing. Seconded by Eric Mueller, voted and passed unanimously 5-0. Sharon Clarke made a motion to allow the special permit with the grant of the size being 950.5 sq. ft which is 150.5 sq. ft. over the allowable limit for the plans submitted. Seconded by Eric Mueller, voted and passed 5-0.

C. PUBLIC HEARING: Case No. 75-31-AR: Petitioner: Rebekah Flaherty, 66 Holmes Street, Carver, MA 02330. The Petitioner is requesting a Special Permit pursuant to Sections 2230 of the Carver Zoning By-Law and 6.1 of the Town of Carver By-Laws, for property located at 66 Holmes Street Carver, MA (Assessors' Map 75-Lot 31-AR) to allow a Commercial Kennel on property that is less than 5 acres as required in a Residential Agriculture District.

Mrs. Flaherty is present. She is asking for this kennel for the purpose of dog training and breeding. She only has 1.2 acres, which is why she is seeking the special permit. Sharon Clarke states we grant the variance and the special permit would come from the planning board. Mrs. Clarke asked the petitioner how many dogs she has. She currently has 2 dogs that are pets. In house will vary between 5-7 dogs. She wants to breed golden doodles. Mrs. Flaherty is asking for a license for 20 dogs. 6-8 breeders would leave 10 open spots for training. Breeding would be staggered. The petitioner has been mentoring with a breeder and has been researching this for a very long time. Mrs. Flaherty went to all her abutting neighbors and let them know what she is looking to do. The structure would be a 24 x 14 insulated heated kennel. Space for 11 dogs. It will be surrounded by chain link for safety. Insulated foam board will prevent the noise level. As well as a sound system. Mrs. Clarke is requesting a site visit. The board is asking the petitioner to have 4 stakes for the kennel and 4 stakes for the pen to show them the location during the site visit.

In the audience is Kalya McCarthy, 31 Forrest street. She is speaking on behalf of the petitioner. She states that this will be an asset to the community. Also present to speak on behalf of Mrs. Flaherty is Susan Smith, 22 Williams drive. Mrs. Smith has a hobby kennel license in the town of Carver. She mentors Mrs. Flaherty and thinks that she will be a great breeder.

The board set up a site visit for Saturday March 23, 2019 at 9 AM. Alan Germaine made a motion to continue this case to March 26, 2019. Seconded by Sharon Clarke, voted and passed unanimously 5-0.

D. PUBLIC HEARING (Continued from January 15, 2019): Case No. 24-4A: Petitioner: David Mulcahy, d/b/a oh Deer South Shore, PO Box 340, Kingston, MA 02364. The Petitioner is requesting a Variance pursuant to Section 5222 and Section 2230 of the Carver Zoning by Law for property located at 157 North Main Street in Carver, MA (Assessors' Map 24, Lot 4A) to construct an addition to the rear of a pre-existing nonconforming residence in a Highway Commercial District, said addition for the purpose of an office and the storage of business materials.

Up to this point there have been three hearing dates for this petition. Neither the petitioner nor the petitioner's legal counsel are present. They are requesting to withdraw this petition with prejudice. There will be 4 voting members on this petition. Alan Germaine will not be voting on this. Fran Mello made a motion that based on the testimony taken and the merits of the case that this board finds that he does not qualify as a craftsman tradesman under the definition of a tradesman in article 6. Seconded by Eric Mueller, voted and passed unanimously 4-0. Eric Mueller made a second motion that this board does not have the power to grant use variances under the town of carver zoning by Law based upon Massachusetts general laws chapter 40 A section 10. Seconded by Sharon Clarke, voted and passed unanimously 4-0. Fran Mello made a motion to allow the petitioner to withdraw with prejudice. Seconded by Sharon Clarke, voted and passed unanimously 4-0.

The next zoning board meeting will be held on March 26, 2019 at 7PM.

Alan Germaine made a motion to adjourn this meeting. Seconded by Eric Mueller, voted and passed unanimously 5-0. Meeting adjourned at 8:16PM.

Respectfully submitted,

Patricia Brennan