



# TOWN OF CARVER

Zoning Board of Appeals

108 Main Street

Carver, MA 02330

Phone: (508) 866-3450 Fax: (508) 866-3430

approved  
5/21/19

Meeting Minutes of April 30, 2019

@ 7:00 PM

Carver Town Hall Room #4

Present: Stephen G. Gray, Chairman; Sharon Clarke, Vice-Chairperson; Members: Frances Mello and Alan Germain. Petitioner, Dana Johnson and wife and abutters; recording secretary, Kelly Dicarli

Absent: Member Eric Mueller

Meeting Opened: 7:01 P.M.

Introduction of Board Members, including Alan Germain as newly appointed Permanent Board Member.

A. Minutes of March 26, 2019 were reviewed.

Sharon Clarke made a Motion to accept the Minutes as written. Seconded by Alan Germain, voted and passed unanimously, 4-0.

B. Public Hearing: Case No. 1-8 (Continued): Petitioner: Thomas J. Caprarella Family Trust appealing the issuance of Building Permit number 2018-425, to demo and reconstruct a singlefamily residence, for property located at 14 Andrews Point Road, Carver MA (Assessor's Map 1- Lot 8) pursuant to Section 5223 of the Carver Zoning By-Laws.

Stephen G. Gray opened the discussion by recognizing that written communications had been received from Anthony Riley, Esq., representing co-owner Jeffrey Merritt, and Edward Angley, Esq., representing the Petitioner, Caprarella Family Trust, said communications dated April 25, 2019 and April 30, 2019, respectively. These communications were sent on behalf of their clients requesting that the Board continue the Hearing to the next meeting date due to only a four Member Board being present.

Stephen G. Gray made a motion to continue the Hearing to May 21, 2019 at 7 P.M., which Motion was duly seconded, voted and passed unanimously, 4-0

C. Public Hearing: Case No. 41-4: Petitioner: Dana Johnson, requesting a Variance pursuant to Sections 2300, 2245C and 5222 of the Carver Zoning By-Law for property located at 25 Edgewood Road in Carver, MA (Assessor's Map 41, Lot 4) seeking a variance to construct an Accessory Building greater than 700 SF in a Residential Agriculture area.

The Petitioner and his wife were present. Stephen G. Gray initiated a discussion with the Petitioner regarding the presence of only a four Member Board at tonight's meeting rather than a five Member board. If the Petitioner were to move forward at this time, he was advised that he would require a unanimous decision from the Board in order to be granted

the relief requested. Whereas, if a continuation were to be requested to a date when the full five Member Board were sitting, relief could be granted with a vote of 4-1. The Petitioner decided to move forward with his Petition.

The Petitioner is planning on constructing a detached garage. The specifications would include: a metal building with walls about 10 feet, and height of 12 feet, 1500 square feet in size. He stated that there are no issues with conservation to report. The proposed garage would include accessory lighting, no indoor plumbing, single level, and possibly a water hookup for an outside hose.

Greg Frasier, neighbor of the Petitioner, was present and reviewed a map of the property and building plans. He had no objection to the proposed construction.

It was noted by Board Members that the size of the proposed garage was more than twice as large as the limit of 700 square feet of floor area as set forth in by-Law 2245 (c). However, it was observed by the Board that the Petitioner has a large lot, no plans for tree clearing, and the proposed construction would be set back from the street. It was further noted that the well and septic system serving the primary residence were situated on the lot in such a way that the siting of the proposed garage on the lot was appropriate. Additionally, the topography of the lot, which includes a significant drop in elevation, makes the siting of the garage appropriate.

Alan Germain made a Motion to grant a Variance to by-Law 2245 (c) of 800 square feet pursuant to the following conditions; 1.) no indoor plumbing; 2.) no second-floor construction; 3.) no extension of the garage following construction; 4.) based on the Plan as submitted. Seconded by Sharon Clarke, voted and passed unanimously, 4-0.

- D. Public Hearing: Case No. 41-4: Petitioner: Vittorio M. Artiano Jr., requesting a Variance pursuant to Sections 5222 and 2300 of the Carver Zoning Bylaw for property located at 1-7 Commerce Way in Carver, MA (Assessor's Map 21, Lot 22) seeking a variance from rear and side setbacks to install a 42 X 65 storage building in the Industrial C District.

Petitioner was advised of the presence of only four Board Members and, by way of an email sent by Alexandra Artiano, on behalf of the Petitioner, said email dated April 30, 2019, a continuation was requested to the next meeting date.

The Hearing was opened at this time and Frances Mello made a Motion to allow the matter to be continued to the next meeting date of May 21, 2019 at 7:00 P.M. Voted and passed unanimously, 4-0.

- E. Correspondence: Pertinent to Case No. 1-8 (Continued): Petitioner: Thomas J. Caprarella; a letter received from Anthony Riley, Esq. will be distributed to Board members prior to the next meeting date of May 21, 2019 at 7 P.M.
- F. Next Zoning Board meeting: May 21, 2019 at 7 P.M.
- G. Adjournment: Alan Germain made a Motion to adjourn the meeting. Seconded by Sharon Clarke, voted and passed unanimously, 4-0. Meeting adjourned at 7:44pm

Respectfully submitted,

Kelly DiCarli