



TOWN OF CARVER

Zoning Board of Appeals

108 Main Street

Carver, MA 02330

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

Meeting Minutes of February 25, 2020

@ 7:00 PM

Carver Town Hall Room #3

Present: Stephen G. Gray; Chairman, Sharon Clarke; Vice-Chairperson, Members:, Frances Mello, and Alan Germain, and Mark Poirier; Alternate.

Also present: Recording Secretary, Kelly DiCarli

Absent: Eric Mueller

Meeting Opened: 7:01 P.M.

A. Minutes: Reviewed January 21, 2020 Minutes

Member Germain made a motion to accept the minutes. Seconded by Member Mello. Voted and passed unanimously, 5-0

B. **Public Hearing: Case No. 1-15-0R):** Petitioner: Robert Andrews III, requesting a Special Permit pursuant to Sections 2320 of the Carver Zoning by Law, for property located at 4 Andrews Point Road in Carver, MA (Assessors Map 1-Lot 150R), to raze existing porch and rebuild new addition on existing footprint being 25.4 feet from side yard (30 feet is required) in a Residential Agricultural District.

Steve Kotowski; Webby Engineering Associates representing Petitioner Robert Andrews III is seeking a special permit to raze existing porch and rebuild new addition on existing footprint. However, Mr. Kotowski received no further information back from the building inspector from the Town Hall regarding his request. Mr. Kotowski noted he dropped off application and was instructed to review plans by the Zoning Board of Appeals. Mr. Kotowski stated he felt misled and was told he needs a denial letter by the Building Commissioner, but in question if the Town of Carver still does denial letters anymore.

Chairman Gray responded that cases are brought the Zoning Board of Appeals after they have presented their case and denied through the Planning Board with very few matters of direct jurisdiction authority.

Member Germain inquired about the footprint to which Mr. Kotowski noted the porch will be sitting on the existing footprint with a less than thirty (30) foot set back. Member Germain noted this would have to be reviewed by the Conservation Commission (which Mr. Kotowski has not filed yet)

Vice-Chairperson Clarke reviewed with Mr. Kotowski and the Board Members the request for variance versus special permit as nothing was documented in the application.

approved 6/24/2020

Chairman Gray inquired to the Board Members if this case is a process issue or move forward on merit and take this as an appeal. Vice-Chairperson Clarke noted there as ample time of notification and application is sufficient.

Member Germain, whom also sits on the Conversation Committee noted there was an informal conversation with Petitioner: Robert Andrews III and during this time the Conservation Committee found no issues with building plans/structure. However, Mr. Andrews III would still need to formally bring the building plans to the Conservation Committee for further review. Member Germain also stated how can the Petitioner appeal a decision if nothing was denied.

Member Mello made note that application was not signed

Mr. Kotowski left the Zoning Board of Appeal meeting to attend to another matter at the Carver Town Hall.

Vice-Chairperson Clarke suggested case continuance for next Zoning Board of Appeal meeting on March 17, 2020 at 7 P.M. Vice-Chairperson Clarke will send a letter to the Building Department and Planning Board Director regarding this situation as the application was incomplete.

Member Mello made a Motion was made to have Vice-Chairperson Clarke write a letter instructing the Planning Board to make a decision on this matter by next week regarding Case No. 1-15-0R. A draft to be completed by Vice-Chairperson Clarke will circulate amongst the Board Members. Seconded by Member Germain. Voted and passed unanimously, 5-0

Member Germain made a Motion to continue the Public Hearing: Case No. 1-15-0R, to the date of March 17, 2020. Seconded by Vice-Chairperson Clarke. Voted and passed unanimously, 5-0

C. Correspondence:

Chairman Gray noted he received an email from Sarah Stearns, Beals & Thomas Inc., on behalf of Petitioner, SunRaise Development LLC, dated on January 28, 2020. This is regarding Public Hearing: Case No. 50-8 & 10A: Petitioner: SunRaise Development LLC, requesting a Variance pursuant to Sections 2230 and 5222 of the Carver Zoning by Law for property located at 0 Fuller Street in Carver, MA (Assessor's Map 50, Lots 8 & 10A) seeking a variance from minimum 150 linear feet of frontage for property with approximately 40 linear feet of frontage along Forest Street for a proposed 5 MW large scale ground mounted solar photovoltaic installation in a Residential Agriculture area

Chairman Gray read the letter to the board, and in summary noted that the Planning Board felt Public Hearing case number 50-8 & 10A met provisions for rear lot based on section 2340 of the Carver Zoning Bylaw. Ms. Stearns is seeking her request be withdrawn without prejudice from the Zoning Board of Appeals

Chairman Gray invited discussion by the Board Members.

Vice-Chairperson Clarke voiced her discontentment the Petitioner seeking variance approval through the Planning Board and Zoning Board of Appeals simultaneously. Vice-Chairperson Clarke noted she would like to grant this request with prejudice. Vice-Chairperson Clarke stated the Petitioner, SunRaise Development LLC can come back to the Board with another request, but needs to make substantial change otherwise cannot come back to board with same request for two (2) years.

Member Mello did not see review the meeting but read minutes and concurred with Vice-Chairperson Clarke. Member Mello suggested the Board Members watch the Planning Board tape.

Member Germain noted he watched the Planning Board video which gave insight to make a determination regarding granted requested and discussed his thoughts about making decision with prejudice.

Chairman Gray voiced his concern when these matters go to another board and appears to ignores the Carver Bylaw to which they think is fair and equitable. Chairman Gray noted this project was approved despite the fact there were requirements under Bylaw that The Board collectively reviewed that prevented the request of variance request and Building Commissioner was influence to change original decision and not the first instance this occurred. At next meeting strong request that director of panning attend meeting so that these concerns can be expressed on record.

Member Mello made a suggestion building inspector attend as well to the next Zoning Board of Appeals meeting. Chairman Gray agreed.

Vice-Chairperson Clarke made a motion to allow request be withdrawn with prejudice for Public Hearing: Case No. 50-8 & 10A. Seconded by Member Germain. Voted and passed unanimously, 5-0

A Motion was made and duly seconded to have Vice-Chairperson Clarke send written communication to the Planning Director and Building inspector requesting their attendance at the next Zoning Board of Appeals meeting on March 17, 2020 at 7 P.M

D. Next Zoning Board Meeting:

- a. Tuesday, March 17, 2020 at 7 P.M.

E: Adjournment: Member Germain made a Motion to adjourn. Seconded by Alternate Poirier. Voted and passed unanimously, 5-0

Meeting adjourned at 8:20 P.M

Respectfully submitted,
Kelly DiCarli