

approved
3/22/22

ZONING BOARD OF APPEALS

Meeting Minutes of February 23, 2022

@ 7:00 p.m.

CARVER TOWN HALL

MEETING ROOM #1

Present: Stephen G. Gray, Chairman. Sharon Clarke, Vice Chairperson. Members: Frances Mello and Mark Poirier. Alternate Member, James Barrington, was also in attendance.

Recording Secretary, Patricia A. Pacella, was present as well.

Absent: Member Frank Casey

Meeting opened at 7:05 P.M.

A. Approval of Minutes:

Approval of meeting Minutes of January 25, 2022. Vice Chairperson Clarke made a Motion to accept the minutes as written and Member Mello seconded the Motion. The Motion passed unanimously.

Chairman Gray took the cases out of order as they appeared on the Agenda.

D. Public Hearing: Case 100-6-OR Petitioner: Wenham PV I, LLC requesting dimensional Variances pursuant to Sections 2320 and 5222 of the Carver Zoning By-law for property located at 27 Wenham Road in Carver, MA (Assessors Map 100, Lot 6 O R) so as to construct a "dual-use" solar project in the Residential Agricultural District. Variances are being requested due to the irregular shape of the parcel and the need for frontage relief (the subject lot has 105 feet of frontage; minimum requirement is 150 feet).

Chairman Gray noted that the attorney for the Petitioner had submitted a letter asking for a continuance, as the Petitioner still needed to appear before the Planning Board and Conservation Commission.

Vice Chairperson Clarke made a Motion to Continue the Case to the date of May 3, 2022, at the request of the Petitioner. Member Barrington seconded the Motion. The Motion passed unanimously.

The attorney for the Petitioner was present and thanked the Board for the continuance. He stated the Petitioner is in the process of applying to the Planning Board.

Chairman Gray noted there would be no prejudice to the Petitioner's case because of the continuance request and grant, as the ZBA itself had suggested that the Planning Board and Conservation Commission be consulted.

- C. Public Hearing: Case 82-1-1R: Petitioner: Keith and Carol Howes** requesting a Special Permit pursuant to Sections 2245(c), 5221, and 5300 et. seq. of the Carver Zoning By-law, for property located at 223 Meadow Street in Carver, MA (Assessors Map 82 Lot 1-1-R), so as to construct a 30 X 60 (1800 square feet) detached garage (maximum allowed is 700 square feet) in a Residential-Agricultural District.

Chairman Gray explained to Ms. Howes that Vice Chairperson Clarke would not be able to vote on the case, as she was absent at the last meeting when testimony was taken. He stated that Ms. Howes could move forward tonight with testimony (requiring a unanimous decision of the Board for the requested relief) or could ask for a continuance to the next meeting date, where there would be a full Board (a 4-1 vote would be adequate to grant the requested relief).

Ms. Howes decided to ask for a continuance.

Member Poirier made a Motion to Continue to the date of March 22, 2022 and was seconded by Member Mello. The Motion passed unanimously, 4-1, with Vice Chairperson Clarke recusing herself from the vote and Alternate Member Barrington voting in her stead.

As a point of reference for the record, Chairman Gray noted that Ms. Howes had presented the Board with new Plans that evening for the proposed structure. Previously, based on drawings submitted, size had been measured at 2100 square feet with the second floor included.

- B. Public Hearing: Case 1-20-0R: Petitioner: Richard Antoniotti** requesting a Special Permit pursuant to Sections 5221 and 5300 et. seq. of the Carver Zoning By-law, for property located at 92-B South Main Street in Carver, MA (Assessors Map 1 Lot 20-0-R), to modify and extend two pre-existing, non-conforming structures on a lot and to make each existing building a two-bedroom structure in a Residential-Agricultural District.

Vice Chairperson Clarke asked the Petitioner, through counsel, Timothy Angley, Esq., if they had appeared before the Conservation Commission, which question was answered in the negative, as it was represented that they were not aware they needed to do so.

Vice Chairperson Clarke noted that the Petition before the Board requested approval to build at least one of the two proposed houses within 13 feet of the water (Sampson's Pond). She mentioned as well that she questioned whether approval could be granted for two single family dwellings on one lot.

Attorney Angley said that he was under the impression that the By-Law would allow this if two structures existed on a lot currently.

Vice Chairperson Clarke remarked that she had read the Application to mean that the Petitioner was looking to rebuild the two existing structures.

The Board discussed the distance between the proposed construction and the wetlands buffer zone. Member Mello noted that one structure was 5' from the wetlands line and that the other structure was within the buffer zone.

Vice Chairperson Clarke recommended that no further testimony be offered tonight on the case. She referenced Section 9.1.3 of the Conservation Commission By-Laws.

Chairman Gray read into the record an email he had received that afternoon. He mentioned that he had forwarded it to the Board Members, as well as given a copy to the Petitioner's attorney at the meeting. The email expressed concerns from a direct abutter to the project, as well as raising a number of questions about it.

Vice Chairperson Clarke remarked that on the Plans of the Applicant, dated December 22, 2021, under "General Notes," it reads the "Owner will be required to file a Notice of Intent with the Carver Conservation Commission as well as The Department of Environmental Protection. No work can be performed until an Order of Conditions is issued by the Commission."

Attorney Angley requested a continuance to the date of March 22, 2022.

Vice Chairperson Clarke made a Motion to Continue the Case, at the request of the Petitioner, to the date of March 22, 2022, and was seconded by Member Mello. The Motion passed unanimously.

OTHER BUSINESS:

Chairman Gray noted there was one case in the queue to come before the Board. He asked for a date certain to be scheduled for this Case.

Vice Chairperson Clarke recommended the date of March 22, 2022. All Members were in agreement.

CORRESPONDENCE:

None.

Vice Chairperson Clarke made a Motion to Adjourn and was seconded by Member Poirier. The Motion passed unanimously at 8:00 p.m.

Respectively submitted,

Patricia A. Pacella