

approved
5/3/22

ZONING BOARD OF APPEALS

Meeting Minutes of April 5, 2022
@ 7:00 p.m.
CARVER TOWN HALL
MEETING ROOM #4

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

Absent: Frank Casey

Meeting opened at 7:00 P.M.

A. Approval of Minutes:

Approval of meeting minutes of March 22, 2022. Vice Chairperson Clarke made a Motion to accept the minutes as written and Member Poirier seconded the Motion. The Motion passed unanimously.

B. NEW PUBLIC HEARING:

Public Hearing: Case 18-9-7R: Petitioner: Stephen Harris requesting a dimensional Variance pursuant to Sections 2320 and 5222 of the Carver Zoning By-law for property located at 2 Arrowhead Lane in Carver, MA (Assessors Map 18, Lot 9-7 R) so as to construct an attached master bedroom suite to include a bathroom and to incorporate 800 square feet of the single-family home into an Accessory Dwelling Unit in the Residential Agricultural District. A Variance is being requested due to the need for side setback relief.

Mr. and Mrs. Harris were in attendance.

Upon the opening of the Public Hearing on April 5, 2022, the Petitioner, Stephen Harris, testified that he was seeking to construct an attached master bedroom suite, to include a bathroom, on the first floor of the existing house on its north side. Additionally, a spare room in the house would be converted to a kitchen. Thus, 800 square feet of this single-family home would become an accessory dwelling unit. The size of the proposed accessory dwelling unit would be in compliance with Section 2262(b) of the By-law.

The Petitioner testified that the accessory dwelling unit would allow his wife and he to live on the first floor of the house. The second floor would be reserved for living space for his son and daughter-in-law. The wife of the Petitioner suffers from serious medical issues, including but not limited to, brain and circulatory issues that have affected her balance and mobility. The Petitioner has knee issues that make it difficult for him to negotiate stairs. Accordingly, if his request for a variance is granted, he and his wife would be able to move downstairs from their current second floor bedroom and bathroom and this would be a safer living situation in view of their physical limitations.

The Petitioner stated that a dimensional variance can be granted by the Board, due to the fact that the well and solar panels are located to the right or south side of the subject property. To the rear, it was alleged that there are topography issues, as there was said to be a twenty (20) foot hill. A pool is also located in the rear.

The proposed construction would occur to the left or north side of the subject property. The Petitioner remarked that, from a practical standpoint, this is the only location on the subject lot where it could be located, due to the above referenced water/soil and topography issues. However, this northside placement would require 10 feet of side yard setback relief based on the 30 foot requirement, per Section 2320 of the By-law.

Member Barrington asked if there was any fencing to the side of the house where the proposed construction would be located.

Mr. Harris stated, after surveying the property, he realized the stockade fence on that side is in fact on their property. It is in need of repair that they will be doing.

Member Barrington asked Mr. Harris the height of the proposed addition and he said it was lower than the current home.

Mr. Harris stated the proposed construction would consist of a flat roof and is approximately 10 feet high, which would be lower than the roof of the existing home. He stated the house is two stories.

[No opposition to the proposed construction was received.]

Vice Chairperson Clarke made a Motion to close the Public Hearing and was seconded by Member Mello. The Motion passed unanimously.

Finding:

Vice Chairperson Clarke made a Motion for the Board to accept the following Finding:

The Board finds that owing to circumstances relating to the soil conditions, shape and /or topography of the structures or lot, but not affecting the district generally, a literal enforcement of the provisions of the By-law would involve substantial hardship to the Petitioner. Relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the By-law.

The Motion passed unanimously.

Decision:

Vice Chairperson Clarke made a Motion for the Board to issue the following Decision, subject to the Conditions herein stated. The Motion was seconded by Member Mello:

A dimensional variance under Massachusetts General Laws Chapter 40A, Section 10, of ten (10) feet, is granted from the Carver Zoning By-law, Section 2320, side yard setback relief, north-facing side of the subject property, owing to the soil and topography conditions of the lot.

Conditions

1. Subject to approval of a septic plan for the new construction.
2. Subject to the Plans of record.

The Motion passed unanimously.

C. CORRESPONDENCE: None.

Vice Chairperson Clarke made a Motion to Adjourn, and Member Mello seconded the Motion. The Motion passed unanimously at 7:30 P.M.

Respectfully,
Patricia A. Pacella