

Approved
7/19/22

ZONING BOARD OF APPEALS

Meeting Minutes of July 12, 2022
@ 7:00 p.m.
CARVER TOWN HALL
MEETING ROOM #4

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

Meeting opened at 7:00 P.M.

A. Approval of Minutes:

Approval of Meeting Minutes of June 21, 2022. Vice Chairperson Clark made a Motion to accept the minutes as written and Member Mello seconded the Motion. The Motion passed unanimously.

B. Board Re-organization:

The Zoning Board of Appeals reorganized and voted unanimously to reappoint Stephen G. Gray as Chairman.

The Board also voted unanimously to appoint Frances Mello as Vice-Chairperson.

Board Members thanked Vice-Chairperson, Sharon Clarke, for her years of service as Vice-Chairperson.

C. ZBA Membership on solar and battery storage project sub-committee:

Members decided unanimously that the Board representative for the Solar and Battery Storage Project sub-committee/s being formed by the Town Administrator would be either the Chairman, the Vice-Chairperson, or both.

Continued Public Hearings:

D. Public Hearing: Case 1-20-0R: Petitioner: Richard Antoniotti, II, and Thomas C. Benner, Trustees requesting a Special Permit and/or Variances in accordance with Sections 2245, 2254, 2260 et. seq., 5221, 5222, 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 demolish two existing cottages and construct a new 30 X 40 (1200 SF) house with an attached accessory dwelling unit in a Residential-Agricultural District.

Chairman Gray opened the Public Hearing.

It was noted that, on May 16, 2022, a new application was signed by counsel for the Petitioners, Robb D'Ambruoso, Esq., proposing on their behalf to demolish the existing houses on the lot, as well as two sheds. In their place, a new 30 x 40 square foot home would be constructed, together with an attached accessory dwelling unit.

During the Public Hearing of July 12, 2022, counsel for the Petitioners stated that the proposed construction was alleged to improve existing setbacks, to wit: rear of existing house now at @ 12.6 feet from the water (Sampson's Pond), proposed construction to be at @ 36.5 feet from the water; westerly side of the existing house now at @ 23.6 feet from the sideline – proposed construction to be @ 24.1 feet from the sideline; easterly side of the existing house now at @ 20.3 feet from the sideline – proposed construction to be at @ 20.8 feet from the sideline. The current cesspool, which is located @ 15 feet from the water, would be replaced with a new, compliant system @ 170 feet from the water. The Conservation Commission also was said to have approved the Site Plan for this proposal.

Mr. Antoniotti, who was present, stated that he had purchased the subject property @ 5 years previously and that he had been paying taxes on the two existing houses.

As part of the proposed construction, a preexisting brick patio would be removed, as well as the two (2) sheds located at the site. The house to be built would be three stories and the attached accessory unit would be two stories, the first floor of which would be a one-car garage. The square footage of the proposed house would be @ 3600 square feet; the accessory would be @ 780 square feet, the size of which is allowed by right under the existing By-law. There would be four (4) bedrooms in total between the two.

No architectural plans were presented to the Board regarding the proposed new construction.

At this time, it was decided unanimously by the Board that it would conduct a site visit at the property on July 30, 2022 at 9:00 A.M. and then would reconvene for a continued Public Hearing on August 23, 2022.

New Public Hearings:

E. Public Hearing: Case 127-15-2: Petitioner: Brian J. Tamagini requesting a Special Permit pursuant to Sections 2245(c), 5221 and 5300 et. seq. of the Carver Zoning By-law, and/or a variance for property located at 48 Deer Hill Lane (Assessors Map 127, Lot 15-2), so as to construct a 30 x 45 detached garage/workshop (1350 square feet; 700 square feet allowed as of right) for the purpose of storing the collector vehicles of the Applicant in a Residential-Agricultural District.

Chairman Gray opened the Public Hearing.

The Petitioner appeared before the Board and requested a Special Permit to construct a detached garage/workshop to be used for storage of his collector motor vehicles. The offsite property used previously for this purpose has been sold, compelling the Petitioner to find a new storage location.

The proposed structure would be 30 x 45 (1350 square feet; 700 square feet is allowed as of right, per Section 2245 (c) of the By-law). The subject lot is 1.38 acres.

The proposed construction would be located to the side and rear of the existing dwelling. It was alleged that it would be only "semi-visible" from the street and would be @ 120 feet distant therefrom and @ 10 feet below the street elevation. The proposed construction would be wired for interior electric service but would not be plumbed or have any exterior lighting. There are no dimensional issues other than the size of the proposed construction.

It was argued that a single structure, albeit oversized, would be better than two garage-style structures on the subject property that would be allowed as of right under the Bylaw.

The proposed structure would be 18.5 feet in height. The existing house is @ 40 feet high and 2,436 square feet. Approximately thirty (30) trees would need to be cut down on the side of the property where the proposed structure would be built, still leaving the sideline heavily treed, it was alleged.

The proposed construction would be a "Morton" style building and would be one story only. It would have three (3) bay doors.

It was voted unanimously by the Board that it would conduct a site visit on July 30, 2022, at 10:00 A.M. and then would reconvene for a continued Public Hearing on August 23, 2022.

F. Public Hearing: Case 49-61: Petitioner: Carver Redevelopment Authority, for the Town of Carver requesting a 50-foot Variance from frontage requirements (200 feet required), under Sections 5222 and 2320 of the Carver Zoning by Law for property located at 0 North Main Street in Carver, MA (Assessor's Map 49, Lot 61) in the General Business District.

Chairman Gray opened the Public Hearing.

Member Clarke recused herself at the commencement of the Hearing, as she represents the Redevelopment Authority in this case in her role as an elected official of the RDA.

It was noted by Chairman Gray that, on August 20, 2019, in Case 1-8, the Board had voted unanimously to grant the 50-foot frontage variance relating to the subject property. However, this variance was not acted upon within one year of certification. Therefore, a request was made by the Petitioner for a six (6) month extension. This request was voted by the Board on or about May 4, 2021, in view of the relief granted to the petitioner allowing for the tolling of mandated statutory timeframes due to the COVID emergency.

The Petitioner appeared before the Board upon the filing of a new application for frontage relief, as the six (6) month extension granted previously has since expired.

Testimony was received from Ms. Clarke consistent with the evidence documented in the previous Decision, Case 1-8, dated August 20, 2019.

Ms. Clarke also stated that the sale price of the subject property which had gone under an agreement previously was \$150,000.00. A \$5,000 deposit was forfeited to the Town by this Buyer when he did not perform thereunder. Currently, the subject property is under agreement with a new Buyer for the purchase price of \$175,000.00. Site Plan review has already been conducted by the Planning Board.

No opposition to the proposed variance was received by the Board.

A Motion was made, duly seconded, and a vote taken to close the Public Hearing. The vote was unanimous.

A Motion was made and duly seconded and voted unanimously to grant a fifty (50) foot frontage Variance at the subject property, which is located in the General Business District, under which dimensional requirements for this parcel are governed. Case #1-8 was incorporated by reference.

E. Correspondence, if any: None

F. Adjournment:

Vice Chairperson Mello made a Motion to adjourn and was seconded by Member Clarke. The Motion passed unanimously.

Respectfully Submitted,

Pattie Medeiros

Department of Environmental Protection • Southeast Regional Office
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