

approved  
5/10/23

## **ZONING BOARD OF APPEALS**

Meeting Minutes of March 8, 2023  
@ 7:00 p.m.  
CARVER TOWN HALL  
MEETING ROOM #1

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

**Absent:** Sharon Clarke

In the absence of Ms. Clarke, Alternate Member Cullum was elevated to a voting role for this meeting.

The meeting opened at 7:00 P.M.

### **A. Approval of Minutes:**

Approval of Meeting Minutes of January 19, 2023. Member Jim Barrington made a Motion to accept the minutes as written and Vice Chairperson Mello seconded the Motion. The Motion passed unanimously.

### **B. New Public Hearing:**

**Public Hearing: Case 125-9-83R: Petitioner: Kathleen and Steven Tardy** requesting a Special Permit pursuant to Sections 2245©, 5221 and 5300 et. seq. of the Carver Zoning By-law for property located at 38 Priscilla Mullins Way (Assessors Map 125, Lot 9-83R), so as to construct a 34 x 24 barn (816 square feet; 600 square feet allowed as of right) in a Residential-Agricultural District.

Chairman Gray opened the Hearing by reading the Notice.

Ms. Kathleen Tardy was present and stated she wanted to build a barn for her horse and store equipment. There would be three (3) stalls and a tack room. There would be 5' x 9' sliding doors to the front and rear of the barn. There would also be a 10 x 24 square foot "lean to" attached to one side of the structure.

There will be a second floor which would be a loft to house hay bales. Ms. Tardy acknowledged that she has an older shed on the property that will either be moved to the other side of the yard and/or taken down.

Member Poirier asked if the second floor was a full floor, which Ms. Tardy said it was.

Chairman Gray explained that the second floor would need to be considered as part of the total square footage. Therefore, the total square footage of the structure would be 1632 square feet, which is 1032 square feet greater than the 600 square feet allowed as of right under the Bylaw.

Member Poirier also asked about the 10' space located in front of the horse stalls.

Ms. Tardy explained that was the overhang, so if the horses wanted to stick their heads out, they would not get wet.

Member Barrington confirmed that the barn appeared to meet all side, front, and rear setbacks and Ms. Tardy agreed. He also asked about the height of the peak of the proposed barn.

Ms. Tardy said she did not know the exact height but that it was lower than the dwelling on the property.

Explaining further, Ms. Tardy said there would be electricity in the barn and a water well pump only. There would be no bathroom or sinks. She stated there was no plan for horseback riding lessons to be given on the property. She said she has only one horse currently but might board up to two others.

There was no public comment.

Member Barrington made a Motion to close the Public Hearing on Case 125-9-83R which was seconded by Vice Chairperson Mello. The Motion passed unanimously.

Chairman Gray reviewed the following two proposed Findings with the Members:

1. The Board finds that the benefits of the proposed use outweigh its detrimental impacts on the Town and the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to the site.

Member Poirier made a Motion to accept this Finding which was seconded by Vice Chairperson Mello. The Motion passed unanimously.

2. The Board finds that the proposed construction is not substantially more detrimental than any existing nonconforming structures to the neighborhood.

Member Poirier made a Motion to accept this Finding which was seconded by Member Barrington. The Motion passed unanimously.

Chairman Gray reviewed with the Members proposed Conditions to the Special Permit, as follows:

1. All exterior lighting to be installed would be gooseneck lighting (pointed downward) so as to be less disturbing to the neighborhood.
2. No horseback riding lessons are to be given at the property.
3. The height of the barn is not to exceed the height of the dwelling on the property.
4. The proposed construction is subject to the Plans of record presented tonight, March 8, 2023.

Ms. Tardy asked if she could add an additional lean-to to the opposite side of the barn.

Chairman Gray explained the vote tonight from the Board would be based on the Plans as submitted. He said that if she wanted to change the Plans, he would recommend that she think about it and return in a month with newly drawn Plans, with any changes or additions depicted thereon.

Chairman Gray took a five-minute break at 7:30 P.M. so Ms. Tardy could consider her course of action.

The Board reconvened at 7:35 P.M. Ms. Tardy stated she would proceed based on the Plans as submitted.

Vice Chairperson Mello made a Motion to grant the Special Permit on Case 125-9-83R, allowing for the construction of the proposed barn not to exceed 1650 square feet (including the second floor), together with the four Conditions as discussed, to wit: gooseneck exterior lighting, no lessons to be given on the property, the height not to exceed that of the existing dwelling, and all subject to the Plans of record. Member Barrington seconded the Motion and it passed unanimously.

Chairman Gray told Board Members there were no cases yet scheduled for another meeting. He informed them they would receive an email regarding the next meeting when needed.

Member Poirier made a Motion to Adjourn which was seconded by Member Barrington. The Motion passed unanimously at 7:45 p.m.

Respectively,

Patricia A. Pacella  
Recording Secretary