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7/11/17

CARVER ZONING BOARD OF APPEALS MINUTES OF June 20, 2017 MEETING Room 4 – 7:00 p.m.

Present: Stephen G. Gray, Chairman; Sharon Clarke, Vice-Chairperson; Members Eric Mueller; and James Nauen. Members Steven Maynard and Frances Mello were absent. Also present: Marianne MacLeod, Recording Secretary.

Chairman, Mr. Gray, opened the meeting at 7:05 P.M.

PUBLIC HEARING:

Case No. 111-124-0: Petitioners: Thomas and Nicole Umbrianna; 22 Bow Street, Carver, MA 02330. Continued from the May 23, 2017 Hearing.

The Petitioners are seeking a Variance, pursuant to Sections 2300 & 2320 of the Carver Zoning By-Law, in order to build a garage within the minimum setbacks in a Residential Agricultural District, on a pre-existing, non-conforming lot shown on Map 111, Lot 124. The property is a corner lot, bounded by both Frank Street and Bow Street. Access to the proposed garage will be from Frank Street.

Mr. Gray asked the Petitioner, Mr. Umbrianna, to confirm that there will be no kitchen in the structure. He replied in the negative. Mr. Gray requested that the Petitioner confirm that there will be no septic issues with regard to this building. The Petitioner stated there will be no bathroom.

At the request of the Board at the last meeting, the Petitioners hired a Surveyor to measure the sideline from the road to the foundation. He shared an as-built drawing with the Board members present. He also showed some pictures to the Board. Side setback relief would need to be 17 feet according to the new survey. It was noted that the original Building Permit was for a 30'x30' building. However, the poured foundation is 30'x32'.

There will be a pull-down ladder to access the upstairs in the proposed building. Mr. Gray asked if there will be exterior lighting. The Petitioner replied in the affirmative. He is an electrician and will probably put a light over each garage door (3) or one on each end. Board members had no further comments and there was no public input.

Mr. Nauen made a Motion to close the Hearing, seconded by Ms. Clarke, voted and passed unanimously.

Due to the soil conditions of this lot in that the natural gas pipeline enters into the lot from Bow Street and traverses the entire front of the yard, the Board found that the Petitioner has satisfied the requirements of Chapter 40A for the purpose of granting a variance. A Motion was made by Ms. Clarke that the Petitioner meets the requirements of Chapter 40 A, seconded by Mr. Nauen, voted and passed unanimously.

Ms. Clarke made a Motion to grant a side setback variance of 17' for the building on the Plan, as submitted, with the conditions that there be no kitchen or living space on the second floor, storage only, and that any exterior lighting is angled down.

The Motion was seconded by Mr. Nauen.

There was no final discussion, voted and passed unanimously.

REORGANIZATION:

Ms. Clarke nominated Mr. Gray as Chairman, seconded by Mr. Mueller, voted and passed unanimously. Mr. Mueller nominated Ms. Clarke to be Vice-Chair, seconded by Mr. Nauen, voted and passed unanimously.

Next the Board discussed the authority of the Chairman of the Board for the purpose of memorializing, by vote, what has been the long-standing practice of the ZBA for more than 20 years, that is, to allow the Chair to set the agenda, to schedule meetings, to grant or not grant requests for continuances when the Board is not in session, and to sign decisions after drafts have been circulated to Board members.

Mr. Nauen made a Motion that the Board adopt the following standard operating procedures to memorialize the long-standing practices of the ZBA:

- 1) The Chair is allowed to set the agenda, but this authority does not prevent other Board members from requesting that other items be added to the agenda ;
- 2) The Chair has the authority to schedule and cancel meetings upon good cause;
- 3) The Chair has the authority, when the Board is not in session, to either allow or deny requests for continuances;
- 4) The Chair has the authority to sign Decisions for the other Board members after drafts have been circulated amongst Board members for comment.

In the absence of the Chair, the Vice-Chair has all these powers as well.

This Motion was seconded by Mr. Mueller, voted and passed unanimously.

Ms. Clarke made a Motion to amend the aforementioned Motion to include 'and letters' on item 4. This Motion was seconded by Mr. Mueller, voted and passed unanimously.

MINUTES

All Board members received and reviewed a copy of the Minutes of the May 1, 2017 and May 23, 2017 meeting.

Mr. Nauen made a Motion to accept the minutes of May 1, 2017 as written, seconded by Mr. Mueller, voted and passed with Ms. Clarke abstaining because she was not present at this meeting.

Mr. Nauen made a Motion to accept the minutes of May 23, 2017 as written, seconded by Mr. Mueller, voted and passed unanimously.

PUBLIC COMMENT:

Mrs. Gail Nauen came before the Board. Mr. Nauen recused himself from the Board temporarily. Ms. Nauen explained that she is waiting for a renewal notice for the operation of her home business. It has been a little over three years. She is asking what the renewal process consists of. Ms. Clarke reviewed the process for renewals. Ms. Nauen's Case number is 08-886. She will need to be put on the Agenda to come before the ZBA for a license renewal.

DISCUSSION:

Mr. Gray asked Mr. Nauen if he would accept the role of Board representative for the purpose of communicating with the Town Hall/Building Department/Town Clerk's office so that overdue renewals can be identified and the appropriate parties notified. It is believed that the Town Clerk's office should be handling this. Mr. Mueller made a Motion to designate Mr. Nauen as the Board representative for the purpose of investigating the issue of license renewals and the prospect of setting up a tickler file going forward so that letters can be sent timely to the people who need to be notified. This Motion was seconded by Ms. Clarke, voted and passed unanimously.

Mr. Mueller reported a concern with regard to an excessive number of vehicles at the property located at 27 Wenham Road in contravention of a previous Decision of the ZBA. This property is known as Doug's Auto. Ms. Clark made a Motion for Mr. Nauen to pull the previous case from the Clerk's Office and conduct a site check at the property. Mr. Nauen will report back to the Chair, Mr. Gray, who is then authorized to send a letter if conditions are such that the earlier Decision is being violated. This Motion was seconded by Mr. Nauen, voted and passed. Mr. Mueller abstained from this vote.

CORRESPONDENCE

None.

ADJOURNMENT:

Mr. Nauen made a Motion to adjourn at 7:54 p.m., seconded by Mr. Mueller voted and passed unanimously.

At this time, there is no meeting scheduled in July.