



TOWN OF CARVER

ZONING BOARD OF APPEALS

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MEETING MINUTES APRIL 14, 2015

Posted in Accordance with the Provisions of M.G.L. Chapter 30A, Section 20B.

The Carver Zoning Board of Appeals held a meeting on Tuesday, April 14, 2015, at 7:00pm, in the Carver Town Hall, Meeting Room #4, 108 Main Street, Carver, Massachusetts.

PRESENT: Stephen G. Gray, Chair; Sharon Clarke, Vice-Chair; Steven Maynard; Fran Mello; Eric Mueller; James Nauen

ALSO PRESENT: David Piper, Jr; Robert & Nicole Perry; Jarrod & Erin Ings; M. Doll-Clerk

Chairman Stephen Gray opened the meeting at 7:00pm.

OLD BUSINESS – Discussion and possible vote

A. PUBLIC HEARING, Case No. 15-966 (continuance): Petitioner: David Piper, Jr. of PPM LLC, 41 Cranberry Road, Carver, MA. The petitioner is seeking a variance to subdivide property at 6 Crescent Street Map 118 Lot 2A into two lots, one being a retreat lot with 29.76 feet of frontage lacking the required frontage of 40 feet.

Piper submitted a written request to withdraw his petition. He stated that the Assessor has supposedly recognized an old plan consisting of two lots at this location.

MOTION: by Nauen to approve withdrawal of Case 15-966 without prejudice

SECOND: by Mueller

DISCUSSION: Gray urged Piper to review plans with Building Commissioner.

APPROVED UNANIMOUSLY

NEW BUSINESS – Discussion and possible vote

B. PUBLIC HEARING, Case No. 15-967: Petitioner: Robert D. Perry and Nicole M. Perry, 5 Snappit Road, Carver MA. The petitioner is seeking a variance from Sections 2260, 2262, and 2320 of the Carver Zoning By Laws to convert an existing barn into an accessory apartment at 5 Snappit Road, Carver MA; Map 34 Parcel 5. Relief is being requested to have a detached accessory apartment and to exceed the minimum square footage and to exceed the height restrictions for an accessory apartment.

The Perry's would like to convert an existing (30' x 40') building on the lot, classified as a Barn, into an accessory in-law apartment. His in-laws have health issues and provide year round

daycare for his children. Mr. Perry understands that the building is currently not zoned for human occupancy. There are no plans for exterior renovation, but Perry would like to convert the main level (approx. 1200sq ft) into living space. Pictures were presented electronically. Clarke disclosed that she was a voting Board Member in February of 2000 in Case #602. The Decision in this case placed an explicit restriction on human habitation in the subject barn. She felt she could review the present case without bias. Other members had no objections allowing her to sit on the present case, based on her representation of impartiality.

It was pointed out by the Chairman that the threshold requirement for in-law accessory apartments, per the applicable by-law, requires that it be within or attached to the principle dwelling. Clarke suggested petitioners might consider applying for a variance on lot size and subdivide into two lots. Board members had a short discussion regarding a possible structural connection between the two properties. It was discussed that issuing the requested Special Permit/Variance would be violating Condition 1 of the previous Board Decision in Case #602: "The barn will remain an accessory building for animal/storage uses only. It may never be used for human habitation."

Perry questioned if he would be able to reclassify the structure if he chose to subdivide. Clarke referred him to the Assessor. Perry requested a continuance so he could review his options. Clarke advised Perry that he would need to submit engineered plans and refile a notice for public hearing, if he chooses to pursue another option. Mello advised Perry to speak with the Health Agent regarding possible subdivision and shared septic, if either lot is put up for sale in the future. Gray urged Perry to speak with the Building Commissioner.

MOTION: by Nauen to continue Case 15-967 to April 28, 2015

SECOND: by Maynard

APPROVED UNANIMOUSLY

C. PUBLIC HEARING, Case No. 15-968: Petitioner: Jarrod Ings, 98 Tremont Street, Carver MA. The petitioner is seeking a Special Permit and variance from Sections 2253 and 2320 of the Carver Zoning By Laws for an addition to a non-conforming structure at 98 Tremont Street, Carver MA; Map 124 Parcel 4. Relief is being requested to exceed the minimum dimensional requirements for a rear yard from 50 feet to 35.5 feet and to alter a pre-existing non-conforming structure. **DISCUSSION AND POSSIBLE VOTE**

The petitioner, Mr. Jarrod Ings, presented testimony. The petitioner owns a pre-existing non-conforming home that was built in 1979 and does not meet current rear lot setbacks. The petitioner is proposing a two-story addition consisting of additional living space and a two-car garage. He submitted a plan, dated February 2, 2015, prepared by Grady Consulting, Job #15-024, entitled "Plot Plan for Addition," showing the proposed addition. His home is encumbered by an uneven topography on the easterly side of the house, and the septic system and utilities on the westerly side. The proposed addition was sited with consideration of these limiting factors. The petitioner presented the builder plans for the addition. The petitioner is a builder and will construct the addition himself.

Mr. Mueller questioned the petitioner about the proposed addition and his current septic system. The septic system will be in compliance with Title V regulations. Ms. Clarke asked for details about the ledge near the existing home. The petitioner presented photos of the front and side of the home that clearly showed the uneven landscape. The Board questioned the petitioner about his abutters, and there were no other homes nearby.

There were no other people present to speak in favor or against the petition.

A motion was duly made and seconded to close the hearing. The hearing was closed.

A motion was made, duly seconded and voted unanimously to approve the request for relief.

A Special Permit was granted under Article II Section 2253, as the proposed construction at 98 Tremont Street, Carver MA, Map 124, Parcel 4, was found not to be substantially more detrimental than the existing nonconforming structure in the neighborhood.

A variance under Chapter 40A, Section 10, for a dimensional variance of 15 feet, was granted from the Carver Zoning ByLaw Section 2320, rear-yard setback, owing to the soil and topography of the lot.

The plan, dated February 2, 2015, prepared by Grady Consulting, Job #15-024, entitled "Plot Plan for Addition, is hereby incorporated and made part of this Decision.

MOTION: by Clarke to approve Case 15-968

SECOND: by Nauen

APPROVED UNANIMOUSLY

D. MINUTES – March 11, 2015 - Discussion and vote

MOTION: by Nauen to accept minutes of March 11, 2015, as written.

SECOND: by Clarke.

Mello and Maynard recused themselves

APPROVED

E. ADJOURNMENT

MOTION: by Nauen to adjourn

SECOND: by Maynard

APPROVED UNANIMOUSLY

The Carver Zoning Board of Appeals meeting was adjourned at 8:05pm on April 14, 2015.

Table of Documents

Exhibit 1 Meeting Agenda

Exhibit 2 ZBA application of Dan Piper, Jr

Exhibit 3 ZBA application of Robert and Nicole Perry
Exhibit 4 Decision Case #602
Exhibit 5 ZBA application and plans of Jarrod Ings
Exhibit 6 Meeting Minutes March 11, 2015
Exhibit 7 Sign-in Sheet