

**CARVER ZONING BOARD OF APPEALS**

**January 9, 2014**

**MINUTES**

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TOWN CLERK  
CARVER MA

The Carver Zoning Board of Appeals held a public hearing on Thursday, December 12, 2013, at 7:00 p.m. at the Carver Town Hall.

**IN ATTENDANCE:** Stephen Gray, Chairman; Sharon Clarke, Vice Chairperson; James F. Nauen; Steven Maynard; Walter Collins

**ABSENT:** Fran Mello

**ALSO PRESENT:** Deborah Carlino, Clerk; members of the public

**NEW PETITION:**

**Case No. 13-962** Petitioner: Jamie Emerson of P.O. Box 598, Carver, Massachusetts; regarding property located at 85 Center Street, Carver, Massachusetts. The applicant is seeking a Variance and/or Special Permit under Section 2340 (rear lots) because contiguous properties not held in common ownership as of May 4, 1998. The property is zoned Residential/Agricultural District, in accordance to Town of Carver Assessors Map 101, Lots 2B and 11.

Richard Serkey, Attorney on behalf of Jamie Emerson of Carver, stated that Mr. Emerson purchased the property, tore down and removed dilapidated buildings that were located on the site, and constructed a house on Lot #1 and would now like to construct a new dwelling on Parcel #2. Mr. Emerson has signed an agreement to purchase Parcel #3 subject to the issuance of a building permit. He is asking for a variance to allow Parcel #3, once purchased, to be considered a rear lot so that Parcel #2 can be developed in conjunction with Parcel #3 as the rear lot. There are no other pork chop lots in this area that can be developed in like manner along Center Street.

Mr. Emerson, through Counsel, provided a petition signed by all abutters in support and a copy of a letter from the Planning Board which met on December 17, 2013 and voted unanimously to recommend that the above-referenced variance be granted to Mr. Emerson per M.G.L. Ch. 40A, S 10.

Atty. Serkey noted that the shape of the property was unusual.

Mr. Collins asked why this was a variance request for frontage.

Atty. Serkey stated it was not because this would create a self-imposed hardship.

Mr. Emerson explained that he looked at this site and had wanted to clean up the area. He is also an abutter to this property.

It was suggested a site visit be scheduled.

It was voted unanimously to schedule a site visit for Saturday, February 8, 2014 at 9:30 a.m.

**APPROVED**

**SEP 10 2014**

MOTION: by Ms. Clarke to schedule a site visit for Saturday, February 8, 2014 at 9:30 a.m.  
SECOND: by Mr. Mueller  
UNANIMOUSLY VOTED

Chairman Gray advised that the Board will discuss pending litigation and strategy relating thereto regarding: Rocky Meadow Development Corp., et al. v. Zoning Board of Appeals of the Town of Carver; Land Court Civil Action No. 13 MISC 480508

It is expected that the Board will convene an executive session pursuant to MGL Ch. 30A, Section 21(a)(3).

Chairman Gray noted that this was the end of the open session and asked to go into Executive Session at this time.

MOTION: by Mr. Gray to go into Executive Session at 7:50 p.m. pursuant to M.G.L. c. 30A, s. 21(a)(3), to discuss pending litigation with respect to (Rocky Meadow Development Corp. et al v. Zoning Board of Appeals of the Town of Carver; docket #: Land Court Civil Action No. 13 MISC 480508; it is necessary to go into Executive Session at this time as discussions in open session would be detrimental to the Town's litigation position and strategy relating thereto; and then return to open session only to adjourn

SECOND: by Mr. Nauen

ROLL CALL VOTE: yes – Gray; yes – Clarke; yes - Nauen; yes - Mueller; yes - Collins; yes - Maynard

Respectfully submitted,  
Deborah Carlino, Clerk