

**Carver Zoning Board of Appeals
Meeting Minutes for October 20, 2015**

Members Present: Stephen Gray, Chairman; James Nauen; Eric Mueller; Steven Maynard; Frances Mello

Also present: Marlene McCollem, Planning Director.

At 7.13 P.M., Chairman Gray opened the October 20, 2015 meeting of the Carver Zoning Board of Appeals.

Minutes: On a motion made by Mr. Maynard and seconded by Mr. Mueller, the minutes of the meeting of July 21, 2015 were approved unanimously.

Public Hearing for a Modification of Case # 389 Chairman Gray opened the public hearing and read the Hearing notice into the record.

Mr. Bill Madden of GAF Engineering presented the proposal of Gingbach Enterprises, LLC to the Board.

Mr. Madden explained that in 1987 a Special Permit was issued to allow for 325 campsites to be phased in over a number of years. The current application is to reconfigure, relocate, and add 22 sites to accommodate larger motor homes and RVs. There are currently 200 campsites at the property. The intent is to use the existing disturbed areas to create new sites. As part of the proposal, the owner would also like to modify conditions #10 and #13 of the previous permit (Case #389). Condition #10 required a 200' buffer from the neighboring bog. The proposed work would be inside the 200' buffer. Condition #13 prohibits pets at the property. The owner would like to allow people staying at the campground to bring their pets.

Mr. Madden described the Plan sheets that were submitted as part of the Application. The proposal does meet the required 100' and 65' setbacks from the bogs that are required by the Conservation Commission. Mr. Madden was unaware of the reason for the increased setback required in 1987, as the record from that vote does not specify why that condition was included. There will be Conservation Commission review and approval of any alteration within the 200' buffer to Crane Brook. GAF Engineering does have test pit data for the site. The campground is seasonally operated from April 15—October 15. A 28' wide crushed stone driveway is proposed off of the existing driveway system. The expansion would be for a total of 22 sites, consisting of: 17 Class "A" sites, 3 Class "B" sites, and 2 Class "C" sites. The "future expansion" for a pool and bathhouse shown on the Plan was for information only, and is not part of this request. All the utilities will be placed underground. A 10,000-gallon septic holding tank is proposed that will be pumped weekly or biweekly as needed. There will be no onsite leaching field. The drainage areas have been designed to accommodate future paved roadways, but no roads will be paved as part of this Application.

Chairman Gray provided a history of the permits issued for the property, which include: Case #610 (2000) for a cell tower on the property and Case #665 (2002) for a camp store, office, and

2nd floor apartment. Chairman Gray asked if he had sought any input from the Board of Health. Mr. Madden replied that he only had a verbal discussion with Mr. Robert Tinkham. Chairman Gray asked about comments from EMS, Fire, Police, Environmental Management, or Myles Standish State Forest. Mr. Madden had not had any communication with those entities. Chairman Gray expressed a concern that the Application did not mention explicitly the request to change conditions #10 and #13. Mr. Madden explained this was detailed in the cover letter submitted with the Application form. Chairman Gray asked if this was a “family run” business. The property owner, Ms. Gingrich, replied that the business is operated by herself, husband, children, and her parents. Chairman Gray asked about a civil dispute involving Shady Acres Campground. Ms. Gingrich explained that Gingbach Enterprises LLC was required to terminate a contractor, and that contractor placed a lien on the title.

The Members asked about the location of the cell tower and associated fall zone. Mr. Madden replied that the tower is more than 1000’ away from the proposed area.

Mr. Madden explained that no dimensional relief is necessary, or requested.

Mr. Madden stated that the owner does not want to expand beyond the previously permitted 325 sites, but would like to relocate the area to be used.

Chairman Gray stated that Case #389 only allowed for 8-years of phased expansion. He would consider this to be a new Application.

Ms. Mello asked about the seasonal use of the property and expressed concerns that Case #389 allowed year-round weekend use. Ms. Gingrich replied that they would like the option to stay open through the winter.

Mr. Mueller inquired if the septic tank could be moved outside the 100’ buffer required by the Conservation Commission. Mr. Madden stated that it will be moved out of the 100’ buffer.

Mr. Kirby Gilmore spoke as the abutting bog owner. He is in favor of the expansion, but would like to retain the 200’ buffer. Mr. Gilmore submitted a letter to the file, which Chairman Gray read into the record. Mr. Gilmore did not object to the driveway being constructed in the buffer area.

Ms. Gingrich stated that it would not be financially feasible to expand if the 200’ buffer is maintained. Too many sites would be affected to make the project worthwhile. Six (6) sites, the driveway, and the sewer would be impacted. She claimed that other areas of the campground are not feasible financially for expansion, as there would need to be extensive clearing and grading. The proposed area is already cleared but unsightly, and the proposal would be an improvement.

Mr. Madden was asked to investigate a design with a 150’ buffer and reduced driveway widths.

Ms. Gingrich explained that pull through sites serve a different population, not seasonal users, but overnight/weekend guests.

Mr. Madden did not show plans with additional landscaping proposed for the area, but he stated those could be prepared.

The Board will conduct a site walk on October 24, 2015 at 8:00 A.M. The 100,' 150,' and 200' buffer will be staked in advance.

Chairman Gray and Ms. McCollem will increase the specificity of the Agenda of the next Board meeting to include the specific conditions the Petitioner is seeking to be modified.

Mr. Nauen made a motion to continue the Hearing to November 17, 2015. This was seconded by Ms. Mello, voted unanimously.

Correspondence:

1. Letter received by Michael Umano of Industrial Communications for the cell tower at 32 Shoestring Road: requesting the release of a \$10,000 CD in favor of a \$10,000 surety bond.

The Members discussed that the Town will retain the same level of coverage. Ms. McCollem received a list of the other cell towers from the Treasurer/Tax Collector. A bond has been accepted in all these other cases. Ms. McCollem offered to communicate with Mr. Umano and Ms. Nute, the Treasurer/Tax Collector, to coordinate releasing the CD once the bond is received.

On a motion by Mr. Nauen and seconded by Mr. Maynard, the Board voted unanimously to release the CD in favor of a \$10,000 bond, but only after the surety bond is received.

2. Letter received by Susan Smith of 22 Williams Drive for a hobby kennel renewal with no increase in the number of dogs.

On a motion by Mr. Mueller and seconded by Ms. Mello, the Special Permit is renewed for an additional three-years under the terms and conditions in effect and as specified in Case #09-920, voted unanimously.

On a motion of Mr. Maynard, seconded by Mr. Mueller, the meeting adjourned at 8:50 PM.

Attachments:

Agenda for the ZBA meeting of October 20, 2015

Public Hearing Notice for Gingbach Enterprises, LLC to modify Case #389

Letter by Mr. Kirby Gilmore re: Shady Acres Campground

Letter by Mr. Michael Umano re: cell tower at 32 Shoestring Rd.

Letter by Ms. Susan Smith re: hobby kennel at 22 Williams Dr.



TOWN OF CARVER

Zoning Board of Appeals

108 Main Street
Carver, MA 02330

Phone: (508) 866-3450
Fax: (508) 866-3430
E-mail: marlene.mccollem@carverma.org

PUBLIC MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A, SECTION 20B

CARVER ZONING BOARD OF APPEALS

October 20, 2015

7:00 PM

Carver Town Hall Room #4

AGENDA

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A, SECTION 20B

- A. **PUBLIC HEARING, Modification of Case No. 389:** Petitioner: Gingbach Enterprises, LLC; 20 Shoestring Road, Carver, MA 02330. The Petitioner is seeking a Special Permit, pursuant to Section 2250 et seq. of the Carver Zoning By-Law, to expand the previously permitted campground at 20 Shoestring Road, shown on Map 124, Lot 13-0, so as to construct an additional 22 motor home sites.
- B. **Minutes - July 21, 2015** – Discussion and possible vote
- C. **Correspondence** (if any)
- D. **Adjournment**



TOWN OF CARVER

Office of Planning & Community Development

108 Main Street
Carver, MA 02330

Phone: (508) 866-3450
Fax: (508) 866-3430
E-mail: marlene.mccollem@carverma.org
E-mail: carver.planning@carverma.org

Public Hearing Notice

In accordance with the provisions of the Town of Carver Zoning by Law, the Carver Zoning Board of Appeals will hold a public hearing on

October 20, 2015 at 7:00 PM

In the Carver Town Hall, Meeting Room #4

On the application of Gingbach Enterprises, LLC requesting a Special Permit pursuant to Sections 2250 of the Carver Zoning by Law, located at 20 Shoestring Road in Carver, MA (assessors Map 124-Lot 13) to modify Special Permit # 389 in order to expand the existing campground in a Residential Agricultural District.

Any persons interested and wishing to be heard should appear at the time and place designated. A copy of the plan is on file at the Town Clerk's office and may be reviewed during normal business hours.

Carver Zoning Board of Appeals
Stephen G. Gray, Chair

Carver Reporter Publish Dates: October 2 and 9, 2015



TOWN OF CARVER

ZONING BOARD OF APPEALS

108 Main Street
Carver, MA 020

Phone: (508) 866-3450
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E-mail: Carver.Planning@carverma.org

MEETING MINUTES JULY 21, 2015

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

The Town of Carver Zoning Board of Appeals held a meeting on Tuesday, July 21, 2015, at 7:00 P.M., 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; James Nauen

ABSENT: Eric Mueller

ALSO PRESENT: Robert D. Perry Jr.; Robert Perry; Madeleine Pompei-Clerk

Chairman Stephen Gray opened the meeting at 7:12pm.

A. MINUTES – June 16, 2015 - Discussion and vote

MOTION: by Mr. Maynard to accept minutes of June 16, 2015, as written.

SECOND: by Ms. Clarke.

APPROVED UNANIMOUSLY

B. PUBLIC HEARING, Case No. 15-971: The Public Hearing Notice was read into the record by Mr. Gray. Petitioners: Robert D. Perry and Nicole M. Perry, 5 Snappit Road, Carver MA. The Petitioners are seeking variances that would allow them to subdivide property at 5 Snappit Road, Map 34, Lot 5P1, into two lots, one being a lot with 49,545 square feet, lacking the required lot size of 60,000 square feet, and with side setbacks of 21 and 28 feet respectively, lacking the required 30 ft.

Mr. Perry owns a lot with a single family home and a barn on it. The Petitioners are proposing to subdivide the lot and convert the barn on the "new" lot into a home for his in-laws. He submitted a plan, dated June 3, 2015 prepared by Webby Engineering #W-4967, showing the proposed subdivision of the lot. The driveway and the septic system would be shared by residents of both homes. Utilities would be separate.

Ms. Clarke questioned the Petitioners about the septic plan. They stated the system is three years old and in good repair. It will service five bedrooms: four in the existing home and one in the planned new home. Ms. Clarke asked if the barn met fire codes. The Petitioners stated as far as they knew, it did. The Building Inspector did not indicate any issues allegedly.

Ms. Clarke asked about the shared driveway. The Petitioners stated they were aware the property line would run approximately down the middle of the driveway.

Ms. Mello inquired about a second floor bump-out appearing in the picture of the barn and noted her concern that it could be turned into a bedroom. The Petitioners stated this was where the attic area pull-down was located. They stated they would be restricted by the capacity of the septic system from turning the area into a bedroom.

Ms. Mello asked how electric services would be tied in. The Petitioners stated utilities already exist separately; the barn is currently charged at the commercial rate.

Ms. Clarke inquired if the Petitioners were aware that the taxes on the property would increase. The Petitioners replied that they did.

Ms. Mello asked about the well on the property. The Petitioners replied it would be shared and that they did not foresee any issues; there is tremendous water pressure. Ms. Clarke stated the Board of Health would have to certify the septic system.

Ms. Clarke informed the Petitioners a new deed would need to be recorded with the Plymouth County Registry of Deeds. This would be very important should the Petitioners decide to sell the property at some point in the future. Ms. Clarke also stated that no Building Permit should be issued without a review by the Board of Health.

The Board found that the benefits of the proposed use outweighed 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 that site.

The Board also found that, subject to review by the Board of Health, relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

MOTION: by Mr. Maynard to close the Public Hearing for Case No. 15-971

SECOND: by Mr. Nauen

APPROVED UNANIMOUSLY

MOTION: by Mr. Maynard to grant a Special Permit, subject to review by the Board of Health, to subdivide the lot into a conforming and a non-conforming lot with variances for lot size (10,455 feet) and side setbacks (2 feet and 9 feet), owing to the shape of the non-conforming lot.

SECOND: by Ms. Clarke

APPROVED UNANIMOUSLY

D. ADJOURNMENT

MOTION: by Ms. Mellon to adjourn

SECOND: by Ms. Clarke

APPROVED UNANIMOUSLY

The Carver Zoning Board of Appeals meeting was adjourned at 7:51pm on July 21, 2015.

Table of Documents

- Exhibit 1 Meeting Agenda
- Exhibit 2 Public Hearing Notice, Case #15-971
- Exhibit 3 Board of Appeals Application
- Exhibit 4 Quitclaim deed
- Exhibit 5 Lot Plans
- Exhibit 6 Photographs
- Exhibit 7 Meeting Minutes June 16, 2015



Benson's Pond, Inc., 670 Neck Rd., Rochester, MA 02770

Town of Carver
Zoning Board of Appeals
108 Main Street
Carver, MA 02330

RE: Application for Special Permit
Gingbach Enterprises, LLC
Shady Acres Campground
20 Shoestring Road
Carver, MA 02330
G.A.F. Job No. 13-8192

October 20, 2015

Honorable members of the Zoning Board of Appeals,

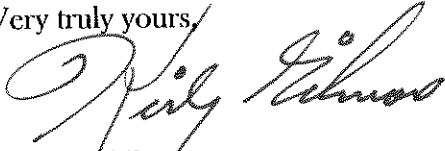
I have no objection to the proposed expansion of the applicant's current footprint of the campground, but only if the proposed activities are conducted outside of the now current 200 foot buffer from my cranberry farm.

1. The original intent of the Carver ZBA in creating the 2000 ft. buffer was to protect the *"safety of the occupants of the campground and the property rights of neighboring bog owners"*. This includes the unintended consequences of surface runoff, subsurface intrusion from petroleum pollution that over time comes from parked vehicles as campers remaining on the site in year round as is currently throughout the campground. The soils throughout the campground are highly permeable and quickly contaminated from runoff. The 200 ft. buffer zone also protects the campground from activities associated with cranberry farming such as application of fertilizer from aircraft.
2. The proposed campground expansion (see page 5) includes a 10,000 gallon "tight tank" to receive sewerage from the proposed 22 campsites to be placed within less than 100 ft. from the edge of my cranberry bog and monitored by an "electric float sensor to proposed panel to be coordinated with the appropriate utility company by contractor owner". Although not designed to fail, any failure and contamination of untreated sewerage from a possible overflow from this tank in the event of an unintended catastrophe would cause irreparable economic harm to my cranberry bog. Likewise the creation of a "proposed infiltration basin" within less than 100 ft.

from the bog edge into highly permeable soils is another example for unintentional consequences from pollution causing economic harm to my cranberry bog.

3. The ZBA should note that like the petitioner I am property owner and businessman and with it I recognize that Shady Acres Campground has a right to utilize his property in such a manner as benefits his business; however I also have an obligation to protect my business from inappropriate encroachment as proposed by seeking to remove the 200 ft. buffer zone (number 10) under the conditions that accompany the current special permit.

Very truly yours,



Kirby S. Gilmore
President, Benson's Pond, Inc.



Industrial Communications & Electronics, Inc.
Industrial Tower and Wireless, LLC
Industrial Communications, LLC

October 15, 2015

40 Lone Street
Marshfield, Massachusetts 02050
781-319-1111 • Fax 781-837-4000
www.industrialcommunications.com

Mr. Stephen Gray
Chairman
Town Of Carver
Zoning Board of Appeals
108 Main Street
Carver, Ma 02330

Dear Mr. Chairman,

Please accept this letter as a formal request from Industrial Communications & Electronics, Inc. ("Industrial") to the Town of Carver for the release to Industrial of the \$10,000.00 Certificate of Deposit held in the names of Industrial and the Town of Carver at Rockland Trust. Simultaneous to this release, Industrial agrees to provide a \$10,000 removal bond on behalf of the Town of Carver as surety in the event the tower operated by Industrial at 32 Shoestring Road is abandoned.

Enclosed please find documents related to the issuance of the Certificate of Deposit on November 7, 2000. Our understanding is that the original certificate is currently held in the Treasurer's office at the Carver Town Hall.

Should the Board have any questions or require any additional information regarding this matter, I can be contacted at (781) 319-1005, at mike.umano@induscom.com or at the address on this letterhead.

The Board's consideration of Industrial's request is most appreciated.

Sincerely,

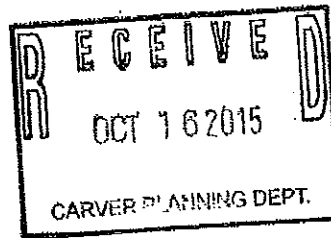
Industrial Communications & Electronics, Inc.

A handwritten signature in black ink, appearing to read "Michael J. Umamo", written in a cursive style.

Michael J. Umamo

President

2015 Hobby Kennel License Renewal



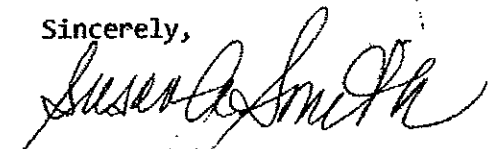
October 16, 2015

Town of Carver
Main Street
Carver, MA 02330

To Whom It May Concern:

I, Susan Smith, of 22 Williams Drive, Carver am writting this letter to inform you that I would like to renew my Hobby Kennel License for the stated address.

Sincerely,


Susan Smith

** No increase is requested - Smith*