

**Carver Zoning Board of Appeals
Meeting Minutes for November 17, 2015**

Members Present: Stephen Gray, Chairman; Sharon Clarke, Vice-Chair; James Nauen; Eric Mueller; Steven Maynard; Frances Mello

Also present: Marlene McCollem, Planning Director.

At 7.10 P.M., Chairman Gray opened the November 17, 2015 meeting of the Carver Zoning Board of Appeals.

Continuation of a Public Hearing for a Modification of Case # 389 Chairman Gray re-opened the public hearing.

Individual site visits have conducted by the voting members.

Mr. Madden of GAF Engineering presented additional new information:

- Exhibit plan showing staking 100, 150 & 200' setbacks, revised 10/13/15.
- Letter outlining zoning determination criteria, dated 11/17/15.

Chairman Gray discusses the special permit criteria outlined on pg. 2-3 of the submitted letter.

Mr. Madden explained that no revisions had been made to the plan.

Mr. Nauen discussed "neighborhood character and social structure."

Ms. Gingrich clarified the letter should state "**between** 100 feet and 200 feet..." (at bottom of p.2).

Mr. Gilmore, owner of the abutting bog: it is his opinion that the campsites could possibly have economic impacts on his bogs: specifically pesticide application by helicopter. He would like a 150' buffer instead of the 100' buffer.

Ms. Mello: there may be room in the "storage area" across the access road (NE of the proposal) to move out of a 150' buffer. Concerned about year-round camping and the traffic on Shoestring Rd. Would like condition #15 of the 1987 permit to remove "weekend camping year-round."

Mr. Maynard: agrees with Ms. Mello that there may be some room to shift. Fine with 150' buffer, 200' is too much.

Mr. Mueller: Concerned with close application of pesticides. Would like to see at least 150' buffer.

Mr. Nauen: Are pesticides applied through the irrigation system?

Mr. Gilmore: prevailing wind from the south, southwest during the growing season.

Chairman Gray: How are the pesticides applied?

Mr. Gilmore: through the irrigation system, using best management practices. Helicopter application has been used on 2 occasions. The last time was 5-years ago. It was a chemical that cannot be run through the irrigation system, "post" that kills grass. It is not always necessary. Fertilizer is applied by helicopter—1 application in the spring, 1 or 2 in July/August. All by helicopter.

Chairman Gray: the bog is lower than the petitioner's property?

Mr. Gilmore: yes.

Chairman Gray: You expressed some concerns with runoff? But your property is lower, so how will there be runoff from your bogs?

Mr. Gilmore: 20' high arc for the irrigation system. There may be drift from the top of the arc. Currently there isn't anything there, so drift is not an issue. The proposed area is vacant land.

Chairman Gray: (to Ms. Gingrich) Have you considered any impacts on your liability insurance for fertilizer or pesticide?

Ms. Gingrich: We are looking to build outside the 100.'

Mr. Madden: Under BMP there is no application made during windy conditions. The risk of damages is minimized. There are a lot of homes and people in close proximity to bogs that are operated in the same way. The 150' line goes through a portion of 3 sites.

Mr. Gilmore: The owner of the campground has the right to expand their property. I don't want anything to happen that will jeopardize public safety. I have thought about impacts to my liability. Pesticide might take ½ hour and wind can come up. Postings are put up for certain chemicals. There can be an odor on hot humid days. I try not to use that chemical, but it's an option.

Mr. Madden: the septic holding tank is about 90' back from the wetland. That can be moved outside the 100' buffer, that is not a problem.

On a motion by Mr. Nauen, seconded by Mr. Mueller the public hearing is closed. Voted 5-0-1.

On a motion by Mr. Mueller, seconded Ms. Mello the Board finds that this application is a new special permit, not a modification of case #389. Voted 5-0-1.

On a motion of Mr. Nauen, seconded by Mr. Mueller the Board finds that the benefits of the proposal outweigh the detriments, subject to conditions, per Article 5, Sec. 5330. Voted 5-0-1.

On a motion by Mr. Mueller, seconded by Mr. Nauen the Board finds that the proposed expansion is not more detrimental to the neighborhood. Voted 5-0-1.

On a motion by Ms. Mello, seconded by Mr. Nauen the application is approved with the following 6 conditions:

1. A buffer of 150' shall be maintained to abutting bogs.
2. Camping will be allowed from March 15-Dec 15 at the new sites.

3. Septic tank is to be moved outside the 100' buffer to the abutting bogs.
4. A vegetative buffer is to be planted between 50' and 100' from the abutting bogs.
5. Tight tank with a 2-alarm system and battery backup is required.
6. Pertinent conditions of case #389 remain in effect. However, pets shall be allowed.

Voted 5-0-1.

Minutes: On a motion of Mr. Nauen, seconded by Mr. Maynard, the October 20, 2015 minutes were accepted as written. Voted 5-0-1.

Discussion: Technical assistance and training from the Massachusetts Housing Partnership in preparation for an expected Comprehensive Permit application.

Chairman Gray explained that the Town is expecting a 40B application to be filed with the Board, possibly in January. Technical assistance is available to the Board through the state, at no cost to the town. Ms. McCollem recommends that the Board consider Mr. Ezra Glenn as a consultant.

Ms. McCollem explained that the consultant will be available to work with the Board through the entire permit process, it's not a 1-time training.

December 15 is agreeable to the Board to invite Mr. Ezra Glenn to come in for MHP technical assistance.

Ms. McCollem will arrange for Mr. Glenn to appear before the Board on Tuesday, December 15 at 7 PM. It will be a public meeting, and the training will be the only business on the agenda, besides possible approval of tonight's minutes.

On a motion of Mr. Mueller, seconded by Ms. Mello, the meeting adjourned at 8:15 PM.

Attachments:

1. Agenda for the ZBA meeting of November 18, 2015



TOWN OF CARVER

Zoning Board of Appeals

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PUBLIC MEETING NOTICE

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

CARVER ZONING BOARD OF APPEALS

November 17, 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. **Discussion**—Technical assistance and training from the Massachusetts Housing Partnership in preparation for an expected Comprehensive Permit application.
- C. **Minutes** - October 20, 2015 – Discussion and possible vote
- D. **Correspondence** (if any)
- E. **Adjournment**