



# TOWN OF CARVER

Zoning Board of Appeals  
108 Main Street  
Carver, MA 02330

Phone: (508) 866-3450 Fax: (508) 866-3430

Meeting Minutes of July 30, 2019

@ 7:00 PM

Carver Town Hall Room #4

Present: Stephen G. Gray; Chairman, Sharon Clarke; Vice-Chairperson, Members: Eric Mueller, Frances Mellow, and Alan Germain.

Also, present: Recording Secretary, Kelly Dicarli

Meeting Opened: 7:00 P.M.

A. Minutes: Reviewed June 18, 2019 minutes.

Frances Mellow identified a minor date error on page one, last paragraph; changes were made

Alan Germain made a motion to accept the minutes. Seconded by Eric Mueller. Voted and passed unanimously, 5-0

B. Public Hearing: Case No. 52-1: Petitioner: Capeway Cannabis Inc., requesting a Variance pursuant to Article 27, Zoning By-Law Changes - Section 5000.5 (2) Location and Dimensional Controls to allow a non-medical marijuana establishment within 500 feet of a religious facility. Property is located at 316 Tremont Street in Carver, MA (Assessor's Map 127, Lot 8-0-R) in a General Business District.

The reason for request is from petitioner Capeway Cannabis Inc., seeking a variance set back to 250 feet which is currently located inside 500 feet set back of a church.

Stephen G. Gray opened the discussion by noting an email that was sent by Edward Angley, Esq. representing Kevin Hough (absent) principle of Capeway Cannabis Inc. requesting a case continuance.

Edward Angley, Esq who was present noted his client notified pastor of church regarding request.

Sharon Clarke noted that due to Zoning Board of Appeals decision turnaround time a continuance will be granted without public hearing but subject to receive continuance in writing. No new public notice will be posted on town website. No letters to abutters or parties of interest

Alan Germain made a motion for the continuance of Case No. 52-1 for the next meeting on August 20, 2019. Seconded by Frances Mellow. Voted and passed unanimously, 5-0.

C. Public Hearing: Case No. 1-8: Petitioner: The Carver Redevelopment Authority requesting a Variance from frontage requirements pursuant to Sections 5222 and 2320 of the Carver Zoning by Law for property located at 0 North Main Street in Carver, MA (Assessor's Map 49, Lot 61) in the General Business District.

The reason for request is from petitioner Sharon Clarke; Vice-Chairperson of the Zoning Board of Appeals and a member of the Carver Redevelopment Authority is seeking variance in a General Business District due to changes in zoning over the years have created a non- conforming lot, which has never had a structure on it.

Stephen G. Gray requested that Sharon Clarke step away from the Member Board table and speak amongst the audience and to and excuse self in matter.

Stephen G. Gray discussed with the Petitioner regarding the presence of only a four Member Board at tonight's meeting regarding this case. If the Petitioner were to move forward at this time, she was advised that she would require a unanimous decision from the Board in order to be granted the relief requested. Sharon Clarke is moving forward with her Petition.

Sharon Clarke spoke about her responsibility in preparing parcel of sale for foreclosure lot that's owned by town. This parcel was given to The Redevelopment Authority authorized by the Carver Selectman. Unsuccessful attempts over the years have been made to resell the land and now the Petitioner is restarting the process. She noted the conforming lot is on General Business District and needs variance of 50 feet which is 25% less of what's required General Business District. Sharon Clarke discussed the minimum lot size for General Business District is 40,000 square feet and 200 feet of frontage required. Sharon Clarke mentioned that according to foreclosure documents, it was made reference the lot size was 1.138 acres, however appears to be .87acres. Sharon Clarke clarified the lot is not currently on the market and recently had the lot surveyed and was approved with cement boundaries.

Stephen G. Gray presented to the Members of the Board he is not prepared to make a decision at tonight's meetings and requesting a site visit.

Frances Mellow inquired if there is a price on the lot, in which Sharon stated no price due to the difficulty to price the vacant land and question if the buildable lot needs variance. In addition, Sharon noted the Redevelopment Authority cannot hire real estate or disposable company until variant issued.

No audience members present to speak on issue.

Alan Germain made a motion to continue Case No. 1-8 until next Zoning Board of Appeals meeting on August 20, 2019 to allow opportunity for site visit with Sharon Clarke; representing the Redevelopment Authority scheduled on August 3, 2019 at 9 A.M. Seconded by Eric Mueller. Voted and passed unanimously, 5-0

Stephen G. Gray prompted Sharon to resume chair.

D. Correspondence: Email from Edward Angley, Esq. requesting continuance on Case No. 52-1

E. Next Zoning Board Meeting: Tuesday, August 20, 2019 at 7 P.M

F. Adjournment: Eric Mueller made a motion to accept the minutes. Seconded by Alan Germain. Voted and passed unanimously, 5-0

Meeting adjourned at 7:31 P.M

Respectfully submitted,  
Kelly DiCarli