



APPROVED  
10.27.16

## CARVER ZONING BOARD OF APPEALS MINUTES OF September 20, 2016 MEETING Room 4 – 7:00 p.m.

Present: Stephen G. Gray, Chairman; Sharon Clarke, Vice-Chairman; Members Steven Maynard, Eric Mueller and Jim Nauen; Alternate Frances Mello.

Also present: Marianne MacLeod, Recording Secretary.

Chairman, Mr. Gray, opened the meeting at 7:18 P.M.

### PUBLIC HEARING

Petitioner: Michael T. McMahon regarding property located at 2 Fuller Street, Carver, MA 02330 (Assessor's Map 50-Lot 5-1). Petitioner is seeking a Special Permit to modify a preexisting nonconforming office building, per Section 2250, in a Residential Agricultural District.

### GENERAL OVERVIEW

The Petitioner, Michael T. McMahon, was present. Attorney Scott Rubin of Silverstein & Creedon and Deb Keller, P.E. of Merrill and Associates, were also present on behalf of the Petitioner.

Petitioner purchased the property in March 2016, which is the former location of New England Well Supply. He operates a building insulation business. The rooflines of the subject building do not match up and he would like to reconfigure the roofline, which will not expand the actual footprint of the building. The remainder of the building part of the project involves installation of new entrance doors and windows, wall mounted lighting, and business signage. Additionally, he is seeking certain site improvements, including parking space reconfiguration, additional parking area, and access changes. A concrete pad is also planned so that a trash compactor may be placed thereon. This compactor will not be affixed permanently to the pad.

Mr. McMahon met with Richard Morgan of the Carver Building Department and was advised to come before the Zoning Board of Appeals for a Special Permit. Mr. McMahon said that there had been no written denial by Mr. Morgan.

Attorney Rubin shared a zoning map with the Board. The business use of the property was said to be similar to the prior use with office space in the front and a kitchen design office that Mrs. McMahon will use for her interior design activities. Petitioner has 5-6 box trucks which can be stored inside the building. Plans include an overhead door and reconfiguration of traffic flow in and around the building. The back part of the building would be used as a warehouse for materials. Trucks would be gone during the day. All work would be done in the field. Mr. McMahon claimed that there would be virtually no neighborhood impact.

Next, Deb Keller reviewed the drawings for the Board and changes to the project site that were being proposed.

Mr. Gray asked the other Board Members if they had any questions of the Petitioner and his representatives. It was learned that a site plan review is now scheduled before the Planning Board on October 11, 2016. The Petitioner again indicated that there would be no change in the footprint of the existing structure. Mr. Gray reviewed the Project Narrative that was submitted by the Petitioner and asked for clarification on various parts of the proposed project.

Mr. Gray shared an email that was received from an abutter, Rick Nelson, 1 Leonard Street. Mr. Nelson expressed concern about the noise level that is produced by the business of the Petitioner.

The Petitioner stated that there were no wetland issues with regard to the proposed project.

Mr. Gray asked for clarification of the proposed storage container area and reviewed the definition of "structure" within the Zoning by-laws. The Petitioner stated that there would only be a concrete pad and a rectangular trash compactor that would not be affixed permanently to the pad.

Mr. Gray inquired if any Board members wished to have a site walk. No one expressed an interest in doing this. Mr. Gray asked if any of the product used by the Petitioner in the conduct of his business was hazardous. Mr. McMahon explained that the product is inert, that it is not hazardous, and there are no carcinogens. Mr. Gray asked if any public safety departments in the Town have come to assess the project site and Mr. McMahon stated that no one has visited to his knowledge.

Mr. Nauen made a motion to close the Hearing which was seconded by Ms. Mello. Voted unanimously 5-0-0.

## **FINDINGS**

The Board found that the benefits of the proposed use outweigh 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 found that the proposed use would not be substantially more detrimental than the existing non-conforming use in the neighborhood.

## **DECISION**

Motions were made, duly seconded and voted unanimously to approve the request for relief, as follows:

A Special Permit is granted under Article V, Section 5330, as the benefits of the proposed use outweigh 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.

Per section 2252 of the Carver Zoning Bylaws, the proposed use at 2 Fuller Street is determined not to be substantially more detrimental than the existing nonconforming use to the neighborhood, as in accordance with the submitted plan.

## **CONDITIONS**

Motions were made, duly seconded and voted unanimously to approve the following conditions to the Special Permit:

1. The Special Permit granted is conditioned upon site plan review, including signage requests, by the Planning Board.
2. The fence surrounding the concrete pad be 8' high and made of wood.
3. Deliveries to the site are not to be made before 8:00 A.M., Monday through Friday, and on Saturdays work will not commence before 8:00 A.M.
4. A plan prepared by Merrill Engineers and Land Surveyors, entitled "2 Fuller Street, Carver, Massachusetts" is hereby incorporated herein and made part of this Decision.

## **MINUTES**

The minutes of August 8, 2016 were reviewed. Mr. Gray deferred to Ms. Clarke because he was not present at this meeting. Ms. Clarke added one sentence - "Vice-Chairman Clark advised the public that the discussion would be limited to the Board members and that there would not be public comments taken on the draft agreement." A Motion was made by Mr. Nauen to accept the edited minutes as written, seconded by Ms. Mello. Voted unanimously 5-0-0 (Ms. Mello now voting, as Mr. Gray abstained due to his absence at the meeting).

The next meeting is scheduled for October 20<sup>th</sup> 2016 at 7:00 p.m.

## **ADJOURNMENT**

Mr. Nauen made a Motion to adjourn, seconded by Mr. Mueller. Voted unanimously 5-0-0 to adjourn at 8:44 p.m.



# **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**

**September 20, 2016**

**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:** Petitioner: Michael T. McMahon: 2 Fuller Street, Carver, MA 02330 (Assessor's Map 50, Lots 5-1).

The Petitioner is requesting to modify a preexisting nonconforming office building, per Section 2250, in a Residential Agricultural District.

- B. Minutes** – August 8, 2016 – Discussion and possible vote.

- C. Correspondence** (if any)

- D. Adjournment**

