

Approved
1/12/23

ZONING BOARD OF APPEALS

Meeting Minutes of May 10, 2023
@ 7:00 p.m.
CARVER TOWN HALL
MEETING ROOM #1

Present: Stephen G. Gray, Chairman. Frances Mello, Vice Chairperson. Members: Sharon Clarke, Mark Poirier, and James Barrington

Alternate Member, Jennifer Cullum, was also present.

Absent: None.

The meeting opened at 7:00 P.M.

A. Approval of Minutes:

Approval of Meeting Minutes of March 8, 2023. Member Sharon Clarke made a Motion to accept the Minutes as written and Member Barrington seconded the Motion. The Motion passed unanimously.

a) Robert Bassett – request to extend Special permit granted for Martial Arts Studio – 52A West Street

Mr. Bassett was not present.

Member Barrington made a Motion to Continue Mr. Bassett's request to the next scheduled meeting which was seconded by Member Poirier. The Motion passed unanimously.

B. New Public Hearing:

B.1. Public Hearing: Case 125-19-0-R: Petitioner: Jeffrey Benoit appealing the denial of the Building Commissioner to construct a non-conforming residential duplex or two-family dwelling, pursuant to Sections 2230, 2254-22565, and 5300 et. Se., as well as 5223, for property located at 48 Cranberry Road, Parcel 125-19 (Assessors Map 125-19-0-R)

Chairman Gray opened the Hearing by reading the case.

Mr. Benoit was present. He stated he had amended the request to a single family with an in-law apartment. Mr. Benoit said he did not realize that he did not need a two-family dwelling, rather, he just wanted to have a separate in-law apartment. He said he is aware the lot is still non-conforming.

Chairman Gray stated the Board has not seen the amended paperwork.

Member Clarke suggested Mr. Benoit withdraw without prejudice.

Abutter, David Piper Jr., spoke and stated that the plans do not appear as if the proposed construction depict an in-law apartment. He asked if the Board could just strike the two family as it now has become a single-family in his opinion.

Member Clarke remarked that, in her judgment, the proposed construction involved a substantial change in the Application that was filed originally and that a new Application would need to be filed with proper notice and publication.

Member Clarke made a Motion to allow the Petitioner to withdraw without prejudice which was seconded by Member Barrington. The Motion passed unanimously.

E. Public Hearing: Case 17-85-0-R: Petitioner: Pamela Peacock requesting a dimensional Variance pursuant to Sections 2320, 2254 and 5222 of the Carver Zoning By-law for property located at 132 Plymouth Street in Carver, MA (Assessors Map 17, Lot 85-0-R) so as to construct a 20x32 square foot addition in a Residential Agricultural District. A Variance is being requested due to the need for side setback relief of approximately 15 feet (30 feet is required by the By-Law).

Chairman Gray opened the Hearing by reading the case.

Thomas Butler, the builder, was present to speak on behalf of Ms. Peacock. Mr. Butler explained she wanted to construct an addition to the easterly side of the existing home. He said the septic system is on the westerly side. He added that the lot is an odd-shape. Mr. Butler presented pictures of the existing property to the Board.

Chairman Gray reviewed the details of the case. He stated the lot has topography issues (the property slopes steeply in the rear to Cooper's Pond), soil issues (the septic is located on the westerly side and the proposed construction cannot be placed there), as well as shape issues (it is a triangular, narrow lot).

Member Poirier noted the side setback relief needed is 14.4' on the easterly side.

Vice Chairperson Clarke asked Mr. Butler how many bedrooms existed in the dwelling currently and how many more would be added.

Mr. Butler stated that the home has two bedrooms and will remain a two-bedroom after the addition is constructed.

Vice Chairperson Clarke confirmed with Mr. Butler that the two shed-like structures on the property will remain.

Member Poirier stated he would recuse himself from the Case as Mr. Butler has done work for him at his own house.

No opposition was received from any member of the public.

Vice Chairperson Mello made a Motion to close the Hearing which was seconded by Member Barrington. The Motion passed unanimously.

Member Clarke made a Motion that the Board accept the following Finding:

“Owing to circumstances relating to soil conditions, shape of the lot, and/or topography of the structure or lot, but not affecting the district generally, a literal enforcement of the provisions of the By-law would involve a substantial hardship to the Petitioner.”

The Motion was seconded by Vice Chairperson Mello. The Motion passed unanimously.

Member Cullum made a Motion to grant a dimensional setback variance of 15' from the east side of the property, owing to soil conditions, shape, and or topography of the lot, subject to the plans and drawings of record. The Motion was seconded by Member Clarke and passed unanimously.

Member Mello reviewed the appeal process with Mr. Butler.

F. Discussion

Chairman Gray stated that the Agenda posted originally for this evening indicated that the Board would reorganize; however, he explained that, as an appointed Board, the ZBA would reorganize after July 1st.

Chairman Gray suggested a July meeting date of July 12, 2023 which was adopted by the Board.

Member Mello asked for a new Zoning By-law book and was advised to speak to the Town Clerk to obtain copies.

Member Barrington made a Motion to Adjourn which was seconded by Member Mello. The Motion passed unanimously.

Respectfully,

Patricia A. Pacella
Recording Secretary