



Meeting Minutes for March 12, 2024, at 6:30 PM.

This public meeting notice is being held in accordance with the provision of MGL Chapter 30A, Section 20B, in meeting room #4 at the Carver Town Hall

This meeting is being videotaped and rebroadcast by Area 58 TV

Attendees: Johanna Leighton, Chair, Savery Moore, Vice Chair; Pat Meagher, Treasurer; James Elliman, Member

Also in attendance: Tom Bott, Town Planner

Absent: Roger Noblett, Member

Meeting opened by Ms. Leighton at 6:31 PM

Discussion and possible vote(s):

1. Route 44 Development – Preliminary Subdivision Plan approval from the Planning Board – Tom Bott, Town Planner

Mr. Bott – This is not a Preliminary Subdivision Plan; it is a Definitive Subdivision Plan. For non-residential subdivisions, state requires both preliminary and definitive. They rescinded the previously Subdivision Plan. That wiped the slate clean. They came back with a preliminary plan that showed a roadway and four lots. They followed up within 7 months with a Definitive Subdivision Plan. The Rte. 44 group has a Definitive Subdivision Plan approved for their property. This entails a roadway and four lots. The lots are essentially a 1-acre lot, a 4-acre lot, a 20-acre lot and a 200+ acre lot. The Subdivision Plan has been approved and is now in the Town Clerks office, working its way through the appeal period. When that appeal period is complete, they can file their plan and start construction but only after they have a preconstruction conference. We require, for a subdivision, the contractors, the builders, the engineers meet with the Town staff before the first shovel is put in the ground, to make sure everyone understand what the conditions are and what the parameters are for doing the subdivision. After that, they can begin work on the roadway, which has to be done before anything else. There is a covenant in the Planning Board that says you cannot sell any lot until the Planning Board releases them. The Planning Board only releases a lot when there is a roadway in front of it and we have a bond in place to ensure that the road is complete. The rest of the subdivision infrastructure also needs to be complete, including all the utilities for the site. Usually, the final course of pavement isn't done until the construction is done. At that point, they can sell a lot. I believe we are another 7-9 months out. Right now, all they have is an approved subdivision.

Ms. Leighton – My question is about water. I met with Mr. Palimeri back in December. He wanted us to know that Middleboro can not deliver 100K gallons per day; it would require additional licensing for them. I noticed in your letter that there are conditions that are typically involving water. The applicant was required to track wastewater. It also states that due to the North Carver Water Facility being off-line, there shall be no connection of the waterlines installed in the subdivision until a connecting water distribution system is approved. Could you elaborate on that?

Mr. Bott - Myself and the Chair of the Planning Board met with MEPA and a couple of representatives from the DEP around the first of the year. One of the statements from the DEP was that we anticipate a water moratorium due to difficulties with operating the North Carver Water Plant. Their recommendation was that no pipes should be connected to the North Carver Water system. Water lines are required to be in the street but they are not to be connected until there is an effective water distribution system. If the North Carver plant is

back up to the level that is anticipated in the future, then they will be able to connect. The North Carver Water plant, in their current capacity does not produce enough water to support any significant commercial development on their site. The developer would need to develop a water distribution system. Until that is done, there will not be anything of significance built on the site.

Ms. Leighton - On the last page, "Waiver to clarify details on water supply and wastewater in the Definitive Subdivision Plan". Mr. Bott - There is no requirement for a subdivision for wastewater or for a water distribution system. Subdivision is required to have pipes in the ground. There is nothing in the subdivision requirements that says a development has to build a well or wastewater treatment plant. Those are things that come along when a project comes along. When the roadway is built, after we have our predevelopment meeting, after our engineer has done the inspections and after we have a bond in place, the Planning Board votes to release a lot, at that point, Rte. 44 can sell one of those lots to someone that may want to develop it. That purchaser will have to come before the Planning Board with a site plan and a special permit. At that point, what is going to go on that particular lot will determine what mitigation they will need to do both from the MEPA review as well as for creating water for the site.

Mr. Elliman - What is the issue that the North Carver plant can't produce enough water? Mr. Bott - The North Carver plant does not produce enough water on a daily basis in order to put enough water in the system to fully charge the water pipes and put enough pressure to even flush a hydrant. According to the folks at North Carver Water, current production levels right now require a tanker to come in order to just flush the water lines.

Mr. Meagher - Where do you think they are with grandfathering in the 65' level? Mr. Bott - That is done; if you filed a subdivision plan prior to Town Meeting, you are grandfathered for a period of 8 years from the date of endorsement of the plan. Mr. Meagher - It doesn't sound like they can do much of anything else with some of these smaller lots, what are they doing? Mr. Bott - Most people in development business realize that there is significant cost in developing and will have to figure it out. There were a lot of projects in the mix prior to Russia's invasion of Ukraine. With the spike in interest rates, it makes it difficult. At some point, the properties owners will have to decide what to do. As the market returns, interest rates will be slow to go down. Mr. Meagher - They have had this property for quite a number of years with significant costs, with no return. I don't know how much longer they can or will want to do this.

Mr. Moore - We were very involved as an authority when Hillwood was the player; what do you see as the RDA's role, moving forward? Mr. Bott - At some point we are likely to revisit at the URP. At that point, the RDA will be involved. Mr. Moore - Is there any need for an RDA member at the Predevelopment Meeting? Mr. Bott - I typically don't have elected officials and only have staff (Town employees and Consulting Engineer) at those meetings. Mr. Moore - When does the appeal period end? Mr. Bott - Today. Mr. Moore - Is there any reason to have Rte. 44 Development in to talk with us? Mr. Bott - If you want an update from them about their intentions. Mr. Moore - If they decide to do a water treatment plant for the whole area, would they have to create a separate lot for that? Mr. Bott - I don't know because that is going to be public water supply through the DEP. Typically for something that size, there is a 400' diameter well exclusion area. Mr. Moore - With the history of that property, I would think they would need a treatment facility. Mr. Bott - That would be something they would take up with DEP. I don't believe it would have to be an exclusive lot for that. If you're someone that owns a subdivision and you have a wastewater treatment plant you would want to make sure you have absolute control of that. Mr. Moore - Wastewater is one thing but this is water coming out of the ground that is probably full of manganese and iron. Ms. Leighton - You can take water out of the ground; I thought it was a brownfield. Mr. Moore - I think if you go deep enough, you can. Mr. Bott - I don't know full the status of these things but the portion of the property that was affected by PFAS is being capped. When you cap something, it doesn't allow water to run through that. You remove as much as you can and then you cap it to make sure that no trace amounts infiltrate the water. That is fully the role of the DEP. Mr. Moore - Yes, that is done already. Mr. Bott - Much like the development on Silva Street that is being looked at, they had to go to the DEP to look at a public water supply for that small development. They decided at that point that they are scaling back their development because they can't afford to go through the process with the DEP. The well isn't any different from what the well would be. The difference is the reporting for DEP that you are basically on a lifetime date for. You have got to maintain those operating procedures. Unless it is scaled significantly, no one will go there.

Ms. Leighton - If the developers decide to use that money for the NCWD and fix that situation, is that an option? Mr. Bott - If they want to build anything that looks like what Hillwood was going to do, they will need to spend a significant amount of money. Mr. Bott - You might want to ask Rte. 44 Development after they break ground on the subdivision.

Mr. Moore - Typically, it is up to them when they want to do that. Could it be a month? A year? Mr. Bott – Typically, they need to start the project within 3 years or you have to come in for an extension. This would be the roads, the pipes and the drainage. Mr. Moore – It would be nice to get the new Conservation Agent up to date. Mr. Bott -Emile will be starting on April 1 and will have a lot to get up to speed on. This would probably not be the first thing. One of the reasons that Carver hasn't had a 40B of significant size is because the market rate units need to be valuable enough to underwrite the cost of the affordable units.

2. Maggie Schmitt, DHCD, email regarding Annual Report

Ms. Leighton – I wanted to let everyone know that Mr. Moore suggested we should call her at the last meeting. I did that and she responded that everything was fine and it's a closed deal.

3. Wade Street, survey and deed – Savery Moore

Ms. Leighton – Pat has an invoice from Mr. Borden. Mr. Meagher – I do. I need you to okay the invoice before I pay it. Ms. Leighton and Mr. Moore reviewed the invoice and approved it. This is for parcel number 112-3-B-E, then known as 0 Wade Street.

Motion to pay the invoice for the Art Borden and Associates for the Survey on Wade Street, in the amount of \$8650.00: Mr. Moore

Second: Mr. Elliman

Approved: Roll call vote

Mr. Elliman – Yes

Mr. Moore – Yes

Mr. Meagher – Yes

Ms. Leighton – Yes

Mr. Meagher asked that either Johanna or Savery go in and sign a few checks. Ms. Leighton will go in tomorrow.

Ms. Leighton reviewed the instructions from Attorney O'Donnell. She states that the CRA needs to vote to authorize the transfer to the Conservation Commission with no consideration. The CRA votes to authorize Johanna Leighton to sign the deed. I will need to sign the deed in front of a notary. How will we work this? We could have Kara come to the meeting. Mr. Moore - After we vote to authorize you, you can just go to Kara on your own and sign it in front of her, she does not need to come to the meeting. Ms. Leighton – I will then give the deed to Savery. She then goes on to state that Conservation Commission has to vote to accept and signs the acceptance. One or two members have to sign and have it notarized. Mr. Moore - I can probably get the Vice Chair to go with me but it isn't required. Ms. Leighton - She is also saying that the original deed and the original acceptance goes to the Selectboard. The mylar needs to pair with the original deed and the original acceptance. Mr. Moore – I have the mylar. Kathleen will be sending a bill for the recording and the acceptance to the Conservation Commission.

Motion to transfer the property to the Con Comm, with no consideration: Mr. Meagher

Second: Mr. Elliman

Approved: Roll Call vote

Mr. Meagher – Yes

Mr. Moore – Abstain, as Mr. Moore is the Conservation Chair

Mr. Elliman – Yes

Ms. Leighton – Yes

Motion to authorize Johanna Leighton to sign the deed: Mr. Moore

Second: Mr. Elliman

Approved: Roll Call Vote

Mr. Meagher – Yes

Mr. Moore – Yes
Mr. Elliman – Yes
Ms. Leighton – Yes

Ms. Leighton noted that the acreage is actually 8.0694 acres. The assessor's record is inaccurate.

Mr. Moore:

- a. I need to sign the acceptance in front of Kara
- b. When Johanna gets the other notarized, she will give me all four pages.
- c. I will give it to Elaine/Selectboard and ask Elaine to let me know when it is signed.
- d. I will hold onto the Mylar but give them a paper copy.
- e. After the Select Board signs it, I will ask Elaine to give it to the Permitting Department.
- f. We can let Kathleen know everything is done and she can come and pick everything up from Jill.

4. Open Meeting Law Guide –

Ms. Leighton - I had a discussion with Tom Bott and he indicated that once we have a full board, he will come and meet with us. In the meantime, you can find the guide at the following link:

<https://www.mass.gov/doc/open-meeting-law-guide-and-educational-materials-0/download>

5. Treasurer's Report - Pat Meagher

Account balances as of February 29, 2024

Checking	\$ 253.99
URP	\$ 1,280.50
Money Market	\$ 58,440.12
Hillwood	\$ 0.00

Nothing is outstanding.

Motion to accept the Treasurers Report, as presented: Mr. Elliman

Second: Mr. Moore

Approved: Unanimous (4-0)

6. Meeting Minutes

Meeting Minutes for February 20, 2024:

Motion to approve the minutes from February 20, 2024, as written: Mr. Moore

Second: Mr. Meagher

Discussion

Approved: Unanimous (4-0)

7. Topics not anticipated by the Chair, 48-hours in advance of the meeting

Nothing tonight

8. Member Comments :

- Johanna Leighton –

- i. The Town meeting has been changed to June 4 at 6:30 with an additional date of June 5 if necessary
 - ii. Susan Hannon uploaded all of the released executive session minutes. Mr. Bott has the originals of those documents.
 - iii. We did get a final notice from the AG office for the complaint, regarding the email I sent to everyone. We are not being charged for anything. Mr. Moore will invite Mr. Belbin in for our next meeting
 - iv. Roger Noblett is unable to come to meetings due to his job. He is looking to change the timeframe. I don't have the timeframe he is looking for yet; I am awaiting his response.
 - v. Mr. Elliman took out his papers to serve for a 5-year term.
 - vi. The Planning Department will be supporting the RDA with Agenda's, Minutes and saving the information on the server.
- Savery Moore – We have a new Conservation Agent beginning on April 1
- Pat Meagher –
 - i. I am unable to take out papers as I am on the Finance Committee. I don't agree with it but that is the way the by-Law is. Next month will be my last meeting. It was very enjoyable being on this Board. It was a great experience. I am glad I had the pleasure of meeting and working with you. Mr. Moore – We will have two open seats. If the by-law is changed in June, would Mr. Meagher consider an appointment until the next election? Mr. Meagher – Yes, I would.
 - ii. I am part of the Committee for a new Town Administrator. We have a good group of applicants and begin interviewing this week.
- James Elliman – Nothing tonight

9. Next Meeting:

Our next meeting will be held on Tuesday, April 9, 2024 at 6:30 PM

10. Adjournment:

Motion to adjourn at 7:32 PM: Mr. Moore
Second: Mr. Meagher
Approved: Unanimous (4-0)

Kevin Forgue

From: Page Corp <larry@pagecorp.net>
Sent: Wednesday, April 10, 2024 6:55 AM
To: Kevin Forgue
Subject: Re: installation of water line

Note:
This message originated outside the Town of Carver Email system - **PLEASE DO NOT** click links, open attachments, or scan any QR Codes unless you are sure the content is safe.

Hi,
I went by the property and there is a large puddle that is in the area of where the drainage pit is. I'm assuming that the pit is also full of water. If that's the case, with the surface water and including the water in that pit there are thousands of gallons there. We have two options for that which would be either pump it out or wait for it to drain down. That being said, if it has to be pumped there is no where to discharge it in the immediate area because it would be going onto the neighboring properties. As for waiting for it to drain, that is all dependent on the weather as we seem to be getting nothing but rain lately. Hopefully we get some more dry weather and it drains. I should be able to get in there within the next 2 to 3 weeks to do it but this is something that we're gonna have to play by ear. As for the work being done, it should only take me roughly about 2-3 days. As we do the work, I am only going to be doing so much and then the trench will be backfilled and graded out. At the end of each day there will be no trench left so the homeowner will be able to use his driveway as access while we are not working. I hope this helps but as I was saying earlier right now, the toughest obstacle we have is that water at the beginning of the driveway and the weather.
Thanks,
Larry
Sent from my iPhone

On Apr 9, 2024, at 9:27 AM, Kevin Forgue <kevin.forgue@carverma.gov> wrote:

Hi Larry, Can you give me a call so I can get this one done.

From: Allen Maynard <allen.m.maynard@gmail.com>
Sent: Tuesday, April 9, 2024 8:15 AM
To: Kevin Forgue <kevin.forgue@carverma.gov>
Subject: Re: installation of water line

Note:
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Kevin:

Can you tell me how many days the project is planned to take and how soon it is likely to be scheduled?