



Meeting Minutes for June 20, 2023, at 6:30 PM,

This meeting was held in person, in meeting room #4 at the Carver Town Hall

This meeting is being videotaped and rebroadcast by Area 58 TV.

Attendees: Savery Moore, Acting Chairman; Patrick Meagher, Treasurer; Johanna Leighton, Member; Roger Noblett, Member

Also in attendance:

Absent:

Meeting opened by Mr. Moore at 6:39 PM

I am sitting in as the Chairman, Pro Tem. When the chair is not available, the vice chair can assume this role. Until such time as the issue is resolved, I will be the temporary chair. I do not want to reorg until there is a full Board. Ms. Leighton – Based on our rules, these procedures are correct.

Discussion and possible vote(s):

- Rte. 44 Project update -
 - Planning Board Preliminary Subdivision Plan –
Mr. Moore – Route 44 Development submitted a preliminary Subdivision Plan to the Planning Department on April 8, 2023, prior to Town Meeting, effectively locking in the bylaws that were in effect on that date. Route 44 Development has gone in front on the Planning Board to present what it actually is. Following the rules of the state, the Planning Board has to accept it if all rules are being followed. They have until 11/8/23 (8 months) to come up with a Definitive Subdivision Plan, which will be much more detailed.

Mr. Meagher – Does that have to correlate to what was originally done or can it be new? Mr. Moore – This only delineates the position of the roadway and related infrastructure to drainage, etc. The Planning Board is having an issue with the term “plan.” I feel you have to look at the Preliminary Subdivision Plan as more of a concept. The Preliminary Subdivision Plan does show two smaller lots and a big lot and a cul-de-sac / roadway; that is all that is required. Mr. Meagher – So they did the minimum required by law to lock it in. Mr. Moore – That is correct; if they are following all the bylaws, the Planning Board has to approve it. Ms. Leighton – Didn’t they cancel the 4/8/23 plan? Mr. Moore – No that is the one that is still on record. I may have the wrong date, but the lawyer used 4/8/23 as the date to start the Definitive Plan. Mr. Noblett – When they had the project, that was scrapped therefore it no longer exists. Now they have to figure out what to do with the property. The three properties still add up to the original number of acres but it is a new plan with three properties. Ms. Leighton – If that is the case, is DHCD going to be involved? Mr. Moore – It will not involve them as it is just a Preliminary Plan. Ms. Leighton – So what about when Maggie from the DHCD sent us that letter about “Major/Minor” changes? Mr. Moore – We are not there yet; this is not a project. Mr. Noblett – As Tom Bott said, this is a new plan, a Preliminary Plan without all the definition of the previous plan. A project might come up

later but this is not a project. Mr. Moore – Right now, the Preliminary Subdivision Plan is just a means to lock in the by-laws. They can petition later to divide the big lot. Mr. Noblett – Do they have to act on that plan as it exists? Mr. Moore – They could do a definitive plan for just the 10-acre lot and that would satisfy the requirement. 10 years later they could divide up the big lot. The cul-de-sac is there to create the necessary frontage for the large lot. The Planning Board would like Route 44 Development to come back to the next meeting. The lawyer for Route 44 Development has indicated that they have done everything needed / required and would not be coming back to appear before the Planning Board.

Mr. Moore – Maybe in August, we should ask George to come in so we can get an update. At that time, they will be closer to getting the definitive plan done.

- Appointment to update of 2017 Priority Development Area and Priority Protection Area – A request by Town Planner, Mr. Bott. Two members to participate in a ½ day workshop on a TBD date in July, likely 2-6 PM

Mr. Moore – This is SRPEDD which does very detailed maps each year. The last one they did was in 2017. They want to verify the development areas and the protected areas. Ms. Leighton – I would like to do that. Mr. Noblett – I would also like to volunteer. Mr. Moore – I will let Tom know.

- Wade Street

Mr. Moore – The Boulay’s sent Sharon a message, which in part reads:

“Keith Tobin will be moving the barn on 7/6/23; they will be starting work this week.”

Mr. Moore – There was a delay due to weather so they are going to be moving the barn after the 6/30 deadline; I think that is fine. We did the site visit; there was a lot of stuff still on the site (fire pit, cans, etc.) I will follow up with Sharon as she was going to speak with them. After 7/6, we should go take a look again. Ms. Leighton – Just us? Or include Con Comm. Mr. Moore – It will only be necessary for us to go but I will let Con Comm know. Let’s wait to schedule a site visit so we can make sure there are no further weather delays. I will get the Boulay’s contact information. After 7/8, I will be unavailable for the remainder of the month.

Ms. Leighton – Sharon said that she would contact Kathleen O’Donnell to start the paperwork; that would now be Savery. Mr. Moore – Until we know the date of transfer, she won’t be needed. Mr. Noblett – Should we check to make sure that a permit was pulled? Mr. Moore – I believe we should be good. Ms. Leighton – There is a telephone pole that brings the power into the barn; is that something they would take care of? Mr. Noblett – Do they have to move the stones? Mr. Moore – I think they have access on the other side of their house. Mr. Noblett – As far as the phone pole, maybe a reminder is needed to make sure they plan on moving that. Mr. Moore – If they are dropping power from the pole, straight down underground, that doesn’t really affect our property; I will ask them if they are going to move it. Ms. Leighton – Will Art Borden have to redo the mylar? Mr. Moore – I will find out from Kathleen what she wants. Ms. Leighton – You want to make sure that it is a clean deed.

Treasurer’s Report:

Mr. Meagher -

Account Balances, May 31, 2023

⇒ Checking \$503.99

- ⇒ Money Market - \$59,580.97
- ⇒ Hillwood \$.05 – This is just the difference in time when the transfer made and the check was cashed. I transferred this amount into the Money Market Account.
- ⇒ URP \$1,280.41

Discussion:

Motion to accept the Treasurers Report as read by Mr. Meagher: Ms. Leighton

Second: Mr. Noblett

Approved: Unanimous (4-0)

Topics not anticipated by the Chair 48 hours in advance of the meeting

- Vacancy on the RDA Board –
 Ms. Leighton – I am concerned with the vacancy to fill on this Board. The website talks about the RDA and electing the 5th member. If not filled within 120 days from the date of vacancy, the Board of Selectmen shall appoint a person. Mr. Moore – I take that as we are responsible for interviewing and filling the opening. Ms. Leighton – Jim Walsh posted the last time. The appointment would be for the remainder of the term and then it would become an elected position. Mr. Moore – Our Executive Liaison is Tom Bott so he would advertise it and can start that any time within the 120 days. We will need to speak with him. I did also speak to Kara today. I am of the opinion that Sharon brought to this authority a vast amount of knowledge on Zoning and Registry of Deeds. Any advertising to fill this position should require that background. Ms. Leighton – I do hope that Sharon and Ron are able to find residency and can fill the bill but we still need to go through this process. Mr. Moore - I asked Kara today if only one person applies and we don't think they can adequately serve, do we have to accept them? Ms. Leighton – It says that there has to be at least two applicants, but not more than five. Mr. Noblett – Sharon has to leave while she is looking for property in Town? Mr. Meagher – They opted to leave. Mr. Moore – They could have gone before the Board of Registrars but they made the decision that there could be some financial obligations by the Town and they felt they didn't want to burden the taxpayers with that. Mr. Noblett – In the interim we have to advertise within the 120 days; if she closes by then, Sharon can come back? Would there be a waiting period? Mr. Moore – No waiting period but she would still have to apply. We will decide jointly. We need to clarify experience with legal, zoning, real estate and maybe some law clerk experience. I will give that information to Tom Bott before he advertises. Mr. Meagher – You need to be careful to avoid the term “must have”; preferred is better. Mr. Moore – I will discuss that with Tom before we post for it.
- Regarding our Treasurer, Pat Meagher –
 Ms. Leighton - I asked Kara about our Treasurer, who also serves on the Finance Committee. At the Town Meeting, Alan Germaine postponed the resolution on this subject indefinitely. He has postponed an article at every Town Meeting since 2020. The by-Law is very clear about appointments to the Finance Committee except that no elected or appointed Town Officer or regular Town employee or person holding a position of financial responsibility for the Town shall be eligible for membership in such agency. No member of a special Town committee shall be authorized to vote as a member of such agency on any matter pertaining to the duties. Kara reached out to Town Counsel; they will get back to her tomorrow. Since my conversation with Kara, I received a call from Elaine. She indicated that the Selectboard are putting this on their agenda for their next meeting. I don't know if it's just a discussion or a discussion and a vote. . Mr. Meagher – There are a couple of us that this relates to. I believe they will honor those appointments until that term is over. Mr. Moore – You are on the RDA until 4/2024. Ms. Leighton – The Selectboard did the appointments? Mr. Meagher – Yes. Ms. Leighton - This issue has been ongoing for 4 years. Mr. Moore – This involves more than just Mr. Meagher. Mr. Noblett – If they decide this can't happen, can they go back and change anything done while someone was serving on multiple boards? Mr. Moore – No they can't. There is another bylaw that states that you can't serve on

two permitting boards. Mr. Meagher – Ron Clarke and I reached out to other Towns to see what they were doing. Kingston and Middleboro were the only towns that didn't have these restrictions. Mr. Noblett – If you are looking for a specific skill set, that should supersede that limitation.

- Letter from Ms. Clarke –

Mr. Moore read a letter from Sharon Clarke, former Chairman of the RDA. This letter will be attached to these minutes.

Members Notes:

Nothing tonight.

- Savery Moore –
- Pat Meagher -
- Roger Noblett –
- Johanna Leighton –

Minutes – 5/16/23:

Motion to accept the minutes for 5/16/23, as written: Ms. Leighton

Second: Mr. Noblett

Discussion:

Approved: Unanimous (4-0)

Next Meeting:

Next Meeting will be held on August 1, 2023 at 6:30 PM.

Motion to schedule our next meeting on August 1, 2023 at 6:30 PM: Ms. Leighton

Second: Mr. Noblett

Approved: Unanimous (4-0)

Adjournment:

Motion to adjourn at 7:45 PM: Mr. Meagher

Second: Mr. Noblett

Approved: Unanimous (4-0)

Exhibit A – Letter from Sharon Clarke

Good afternoon,

It has come to my attention that a complaint challenging my residency in the Town of Carver, and the ability to serve on my elected and appointed boards, has been filed with the Town Clerk. Ron and I recently sold our multi-level home on Boulton Street, with a nearly 4 month period to locate another home in Carver that could meet our needs. As it became apparent that we may not find a home in time, I sought an opinion from Gregg Corbo of KPL as to the options for someone in our position. His opinion is dated 5/9/23. When all other avenues were exhausted, we obtained a 2 month rental in Plymouth through a family member and moved in on 6/6, 2 days prior to the closing on our home, because we had to move our possessions into storage. This expires on 7/30.

However, since the complaint was lodged and we were advised by the Town Clerk that we would be formally served to appear before the Board of Registrars for a determination of our status, I have decided to resign from the Boards that I currently serve. It has long been my position that these kinds of procedures are frivolous and a waste of taxpayers money in legal fees, especially in view that I had sought an opinion and that we consider this upheaval temporary. It has always been our intention to find a smaller home in Carver, where we have lived, raised our family, and participated in our government for 37 years.

I regretfully resign my position as a member of the Zoning Board of Appeals, as position I have held since 1992, making me one of the longest continuous serving members of any Board in Carver. During my tenure on the ZBA, becoming Chairman in 1997, I have heard dozens and dozens of cases, overseen several By-Law reviews, and have **never** lost an appeal of a decision, whether it be an illegal in-law apartment, gas tanks for Cumberland Farms in the center of town, or a liquor store near the elementary school. That speaks to the integrity of the ZBA. I am very proud of my role in each of those cases. The ZBA is in great hands with Chairman Gray and Vice-Chairman Mello, but I do hope to sit beside them again soon.

I also regretfully resign from my recent re-election on the Redevelopment Authority, also as Chairman. This represents hundreds of hours on the North Carver Project during 2021-22, with a Board that works extraordinarily well together.

It has also been my goal to always do what is best for the town that I call home, putting an end to this distraction is one way to do that. I truly appreciate those that I worked with, either in Town Hall or the citizens that I represented.

Sincerely,
Sharon Clarke