

CARVER PLANNING BOARD
MINUTES OF December 20, 2022

Approved
2-28-23

Chairman Cornelius Shea, Richard Dionne, John Gaskey, Kevin Robinson, Donald Williams, and Thomas Bott, Town Planner.

Absent: Ellen Sordillo

Meeting was called to order at 7:05PM

Pledge of Allegiance is recited.

The proceedings will be videotaped and rebroadcast by Area 58 TV

Minor Modification Cont'd.:

1. Jellystone Park Cranberry Acres, 20 Shoestring Road (Assessor's Maps 124 & 125 Lots 13 & 3A) Minor Modification to Water Park.

Chairman Shea indicates the board received confirmation from Fuss & O'Neill that 9,731 square feet will be rendered impervious therefore there is no need for a special permit in regards to this particular project.

Chairman Shea will accept a motion to the minor modification for Jellystone Park Cranberry Acres. Said motion is made by John Gaskey and it's seconded by Richard Dionne. Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Public Hearing Cont'd.:

2. Priolo Concrete Forms, Inc. requesting a Special Permit pursuant to Sections 5300 and 4341 of the Carver Zoning by Law, 0 Forest Street, in Carver, MA (Assessors Map 49 Lot 62-7-R) for the construction of a 7,400 S.F. building and associated driveway, parking area, and utilities. The proposed use is a Craftsman/Tradesman building. There will be 28,237 S.F. of impervious area in a General Business Zoning District.

Chairman Shea asks the applicant if there is anything further he would like to add. Applicant responds that he believes we have gone over everything. Applicant further requests whether there is an avenue for appeal and whether or not the issue of tractor trailers is going to be in front of everyone to vote on it. Chairmen Shea recognizes that a request has been made to modify the previous site plan decision that the special permit and site plan should have been handled at the same time and that the site plan and conditions had been discussed and approved by a majority of the board.

Chairman Shea recognizes associate member Donald Williams as a voting member for this special permit matter in place of Ellen Sordillo's absence at this meeting. Chairman Shea will accept a motion to close the public hearing regarding Priolo Concrete Forms, Inc. Said motion is made by John Gaskey and it's seconded by Richard Dionne.

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Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Chairman Shea will accept a motion to approve the application of Priolo Concrete Forms, Inc. for a special regarding 0 Forest Street a single craftsman/tradesman building with conditions as previously approved by the board. Said motion is made by Kevin Robinson and it's seconded by John Gaskey. The meeting is open for discussion.

Mr. Bott reads certain conditions from the draft decision regarding this special permit. He indicates information was received from the Fuss & O'Neill consulting engineer, fire department and DPW. He indicates condition No. 8 regarding truck delivery shall be limited to box trucks and shall be prohibited from stopping, standing or unloading on the street. His recommendation would be to strike delivery to be limited to box trucks because the previous site plan approval has this condition in it so if the board so votes to allow this special permit then the board can make the amendment to avoid confusion with the special permit saying one thing and the site plan saying another. Mr. Bott states Fuss & O'Neill, the fire department and DPW did not reference concerns about 18 wheel tractor trailer vehicles. Chairman Shea indicates his concerns over stopping site distance and references AASHTO recommendations based on speed limit of 31 mph as 200 linear feet and AASHTO's statement that insufficient site distances can adversely affect the safety or operations of a roadway and that intersection site distances are considerably higher at 335 feet and that there is around 125 feet from the top of the hill as well as vehicles in motion coming from the opposite direction. Chairman Shea further indicates he believes this disregards safety issues and states there is not sufficient room for a truck to stop safely in the event of an emergency in order to see any obstruction on the road, and there is not enough room for a truck to make the acute turn into Forest Street and that should the truck use Linton Street from the opposite direction it must stop, slow down or turn into the site creating a severe hazard for drivers on Forest Street. Chairman Shea refers to the large size of the subdivisions and residences in the area and that this is their primary egress.

Chairman Shea reads the Special permit review as well as sections 3123, 3160, 3170 and 3162. Chairman Shea states that the Board has previously found that the allowance of 18 wheelers to access and egress from the site is a danger to pedestrians as well as vehicular traffic on the road, specifically residents living on and off Forest Street and that we had previously excluded 18 wheelers from the property next door based on safety concerns raised by this Board. Chairman Shea reads from the decision "Forest Street is heavily traveled by pedestrians, bicyclists and motor vehicles accessing many necessary goods and services. Forest Street is lacking sidewalks, crosswalks, bike lanes and turning lanes. Further concerns were raised on the proximity to and adequacy of intersecting streets, wellhead protection area, congestion, vehicle crossover and sufficiency of line of site issues. And the Board has worked to mitigate and minimize visual intrusion, environmental, health, safety and noise disturbances while maximizing pedestrian and vehicular safety regarding site conditions through an issuance of an appropriate order of conditions." Chairman Shea notes the language is currently in the approved decision and current draft decisions and that there is not sufficient room for a vehicle to stop safely in

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the event of an emergency in regards to being able to reasonably see any obstruction on the road. Further he states he can't approve it if it will put people in danger. Richard Dionne agrees this will create a safety issue and has further concerns over multiple trucks showing up at the same time.

Kevin Robinson makes a motion to accept condition No. 8 as written, that is, that trucks shall be prohibited from stopping, standing or unloading on Forest Street. Chairman Shea will accept a motion to edit or otherwise modify the condition. Donald Williams seconds the motion. Discussion follows regarding this.

Chairman Shea will accept a motion to change condition No. 8 language 'truck deliveries shall be limited to box trucks' to be modified to 'trucks shall be prohibited from stopping, standing or unloading on Forest Street'. Mr. Dionne vote's nay, John Gaskey vote's nay, Kevin Robinson vote's aye, and Chairman Shea vote's nay. The motion did not pass with the vote being 1 aye and 3 nay's. Vote: 1-3-0.

Chairman Shea will accept the over-arching motion to approve the special permit with conditions previously approved by the board for Priolo Concrete Forms, Inc. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, Donald Williams vote's aye, and Chairman Shea vote's aye. Approved 5-0-0.

Other Business:

Town Meeting Articles:

Chairman Shea will accept a motion to approve a placeholder the town meeting regarding Article X1, Zoning By-Law Section 3580, Large Scale Mounted Solar Voltaic Installations. John Gaskey makes said motion and it's seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Chairman Shea will accept a motion to approve a placeholder for the town meeting regarding Article X2 to amend Section 2230 Use Regulation Schedule regarding battery storage and amend Article 6 definition to amend the Carver zoning map to identify areas of such use. John Gaskey makes said motion and it's seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Chairman Shea will accept a motion to approve a placeholder for the town meeting regarding Article X3 Carver zoning by-law by adding a new Section 3590 Energy Storage Facility. John Gaskey makes said motion and it's seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Chairman Shea will accept a motion to approve a placeholder for the town meeting regarding Article X4 to amend the zoning map to correct previous zoning changes not reflected in the 2015

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zoning map. Kevin Robinson makes said motion and it's seconded by John Gaskey. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Chairman Shea will accept a motion to approve a placeholder for the town meeting regarding Article X5 to amend Carver zoning by-law Section 2320, Table of Dimensional Requirements, to see if the town will vote to amend Section 2320 Maximum Building Height to decrease the maximum building height in the Green Business Park zoning district from 65 feet to a maximum building height of 40 feet. This would reverse the change voted in 2022 which raised the building height from 40 feet to 65 feet. Richard Dionne makes said motion and it's seconded by Kevin Robinson. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Chairman Shea will accept a motion to approve a placeholder for the town meeting regarding Article X6 to accept the provisions of Massachusetts General Law Chapter 39, Section 23D the Mullen Rule to see if the town will accept a provision of Master Law Chapter 39 23d in its present form and amend for boards, committees or commissions holding a judicatory hearing in the town which statute provides when a public body holds a judiciary hearing any member thereof shall not be disqualified from voting on the matter solely due to that member's absence from no more than a single session of the hearing at which the testimony or other evidence is received, provided that before each such vote the membership certify in writing the member has examined all the evidence received at the missed session of which evidence shall include an audio or video recording of the missed session or a transcript thereof. Kevin Robinson makes said motion and it's seconded by John Gaskey. Chairman Shea takes a roll call vote and Richard Dionne vote's nay, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 3-1-0.

Chairman Shea will accept a motion to approve a placeholder for the town meeting regarding Article X7 to protect street trees and stone walls with the right of way per Massachusetts General Law Chapter 40, Section 15C to see if the Town of Carver will designate the following roads within the town as scenic roads in order to preserve the natural character and physical appearance of said roads to instruct the planning board and exercising its responsibilities hereunder to take into consideration sound planning principals, aesthetic consideration and preservation of natural resources as well as public safety. Chairman Shea reads aloud the list of streets and roads. John Gaskey makes said motion and it's seconded by Kevin Robinson. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Chairman Shea will accept a motion to approve a placeholder for the town meeting for the expired moratorium regarding Article X8 to delete it from Carver zoning by-law, Expired Moratorium Section 4970 Temporary Moratorium on Mon-medical or Recreational Marijuana Establishments. This moratorium has expired until such time the Town adopts the zoning by-law amendments that regulate recreational marijuana establishments. Richard Dionne makes said motion and it's seconded by John Gaskey. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

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Chairman Shea will accept a motion to approve a placeholder for the town meeting regarding Article X9 to amend Carver zoning by-law Section 3170 to request the Town vote to amend Carver zoning by-law 3170 to increase from one year to two years lapse of site plan approval to be consistent with time allowed for special permits under Section. Kevin Robinson makes said motion and it's seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Chairman Shea will accept a motion for the town meeting regarding Article X10 to request to raise the stipend for planning board members. John Gaskey makes said motion and it's seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Chairman Shea will accept a motion for the town to approve Article X11 to consult planning board in the hiring town planner and building commissioner request to raise stipend for planning board members. Richard Dionne makes said motion and it's seconded by John Gaskey. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Chairman Shea will accept a motion for the town to approve Article X12 to increase percentage of affordable units to 20% to align with the transfer development rights. Kevin Robinson makes said motion and it's seconded by John Gaskey. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Other Business

A. Planning Board Member Notes-Chairman: Chairman Shea wishes everyone a wonderful Christmas, Happy Hanukkah and wonderful Kwanzaa. He expresses best wishes to Ellen Sordillo.

B. Planning Director Notes: None.

C. Discussion: None.

D. Minutes: None.

A. Adjournment:

Richard Dionne makes said motion and it's seconded by John Gaskey. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Documents for 12/20/2022 PB Meeting

12/19/2022 memo from A. Glines re: Jellystone minor modification to pool

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12/20/2022 draft decision for minor modification - site plan review for Jellystone

11/22/2022 memo from A. Glines re: Jellystone minor modification to pool

12/12/2022 impervious area calculations from DMF Re: Jellystone

12/7/2022 email from P. Boucher, building commissioner for special permit re: Jellystone minor modification

Determination of Applicability from Con. Com. for 20 Jellystone

Site Development Plan Pool Area/landscape plan 12/15/2022 – Jellystone

12/13/2022 memo from Assist. Deputy Fire Chief J. Boyle re: Priolo – O Forest St.

12/13/2022 memo from T. Bott to PB re: tractor-trailers crossing the centerline

12/16/2022 memo from T. Bott to PB re: List of Articles for Town Meeting 2023