

CARVER PLANNING BOARD
MINUTES OF January 10, 2023

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 7:02PM

Pledge of Allegiance is recited.

The proceedings will be videotaped and rebroadcast by Area 58 TV

Discussion:

1. On the application of George A. McLaughlin, Manager for a Preliminary Subdivision / Rescission Plan for property located at Montello Street & Green Park Way multiple lots on Assessors Map 20 & 22.

Bob Rogers with G.A.F. Engineering addresses the board indicating this is a 226 acre non-residential subdivision and the goal is to consolidate this into one single lot, containing two buyer subdivisions. There were two other plans which were approved and they want to have those prior plans rescinded. Chairman Shea will accept a motion for the preliminary subdivision/rescission plan for Montello Street and Green Park Way. Kevin Robinson makes said motion with the condition of making sure lots are all owned by the applicant and none are mortgaged in good faith as stated by Mr. Bott. Said motion is 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.

2. Chairman Shea will accept a motion to take No. 3 on the agenda out of order and place it as No. 2 on the agenda. 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.

Preliminary concept subdivision plan Bunny's Road improvements.

Attorney Robb D'Ambruoso representing A.D. Makepeace addresses the board indicating he has been before the board twice regarding ANR plans in the interest of carving off a lot for developing a new lot using existing frontage being Bunny's Road. Previously the board did not approve the ANR on the basis of the condition of Bunny's Road. He is here to propose improvement of the road and that would be accomplished through subdivision control.

CARVER PLANNING BOARD
MINUTES OF January 10, 2023

Chief Boyle, Deputy Chief of the Carver Fire Department addresses the board indicating this is a remote area with about three dozen homes and the road is narrow and winding which is susceptible to falling trees every time there is a windstorm. He also indicates the fire department sees this as one of their weaker areas because it is heavily impacted by storms. Improvements to the road by widening it would improve access to the fire department, but many of homes will not benefit from the road improvement. Andy Glines with Fuss & O'Neill, the town's engineering consultant asks the Chief for a recommended width for the road improvement and the response is he believes the road would be under the existing rules for subdivisions. He would like to see a 50' frontage right of way and a 24' paved surface with clearance on each side.

John Woods, Director of the DPW addresses the board indicating he agrees with Chief Boyle that there are a lot of downed trees in storms in that area. He believes if an emergency happened there it would be a disaster. He is all for improving the road and tree removal at no cost to the town. There will also be no issues with drainage on the road.

Attorney D'Ambruoso states this is not a conventional subdivision and they will need significant waivers including length and sidewalks to do the improvements on the road and that this will change the character of the neighborhood. Chairman Shea points out the problem with lack of frontage and that this is an easement owned in entirety by A.D. Makepeace. Attorney D'Ambruoso responds the improvements on the road should take care of this. Chairman Shea asks about road improvements near Plymouth line and Attorney D'Ambrouso responds that A.D. Makepiece does not own that land therefore they cannot improve that section. Chairman Shea indicates A. D. Makepeace does own the property in Plymouth, and that Plymouth needs to approve a subdivision road to provide frontage as frontage requires access to an approved street road. Attorney D'Ambruoso responds that approval of a subdivision would bless this as frontage. Dan Gagne, Beals and Thomas clarifies that A. D. Makepeace property does extend into Plymouth. Attorney D'Ambrouso further clarifies that there are no private residences on the Plymouth side of the lot. Chairman Shea indicates that there still needs to be adequate access to allow for the safe travel and emergency equipment but it would still need frontage. Chairman Shea and Mr. Gaskey raise further questions regarding the adequacy of the way. Andrew Glines, Fuss and O'Neil recommends that a preliminary plan be approved through Plymouth to ensure that the Plymouth side of the property would be adequately improved and that the road will not dead end at the Carver line. The board wants the road improvements to be brought up to code. Attorney D'Ambrouso indicates that bringing it up to code would create a super-highway at 24 feet in width and all the specs set forth in the subdivision recs would be an impressive stretch of road and

CARVER PLANNING BOARD
MINUTES OF January 10, 2023

is looking to do something in between that and what is there. Mr. Bott identifies that a waiver would be needed for the length of a dead end road. Dan Gagne, Beals and Thomas indicates that extensive clearing, stripping trees and retention walls would be necessary to accommodate the road width.

Scott Zielinski, a selectman in Falmouth addresses the board indicating he wants to help the Whittemore's with this process as he gave his word with a handshake. Chairman Shea indicates he is worried the project will only be half complete and Mr. Zielinski argues that half complete is better than no improvements at all.

Mr. Whittemore addresses the board and discusses the width of the road at its narrowest point. Andy Glines recommends the town have the applicant submit the preliminary plan formally so Fuss & O'Neill can do a formal review of the project. He would advise the applicant's team to prepare and submit a similar presentation to the Town of Plymouth because it seems that one of the sticking points is that the connecting point is not up to same standards and doesn't have a right of way on the Plymouth side. He believes the applicant wouldn't need to request a waiver for a dead end road if that remaining section in Plymouth was up to regulation and approved by Plymouth. He believes some of the grading can be minimized by granting a waiver for revising some of the vertical curvature on the existing road.

3. Request by the Whittemore's to discuss Bunny's Road.

Mr. Whittemore addresses the board indicating that Bunny's Road needs improvements and that he wants to see improvements to Bunny's Road if he is to be building on it but doesn't want it changed to become a well-traveled road, for its quiet and quaint and the neighbors love the area. He explains why and where he wants to build a house. He would like to see trees that are not necessary be taken down to create safety for the road and he is willing to help with expenses on this. Mr. Whittemore states there will be a couple more houses being built there and that the road is not safe the way it is. He wants to know from the board what they will require to make the road safe so that he may build houses there and points out several areas for development and he and others are willing to work with the board for an agreeable solution for everyone.

Public Hearings, Inc.:

4. On the application of Slocum-Gibbs Cranberry Co. requesting a Definitive Subdivision (Gibbs Street Subdivision) approval pursuant to the Carver Subdivision Control By-Law, for property located "off Wareham Street", on (Assessors Map 127 Lot 33, and Map 128 Lots 1, 2, 3, 6-1, and 15) in Carver, MA in a Residential Agricultural District. Proposed work includes construction of a ±400-linear foot roadway and cul-de-sac, stormwater

CARVER PLANNING BOARD
MINUTES OF January 10, 2023

management system, and off-grading to support a three-lot conventional subdivision. Each proposed single-family dwelling lot will have its own private well and septic system.

Attorney Robb D'Ambruoso representing the applicant addresses the board and gives a brief background of the project, indicating in the spring of 2022 a subdivision plan was filed. He states this is a large residential agriculturally zoned parcel of land about 451 acres and it's going to be a three lot subdivision. They responded to Fuss & O'Neill's initial peer review in November 2022 and he appeared before the board to discuss the review and the board members did a site walk of the project. Fuss & O'Neill issued their final memo dated January 6, 2023 and he believes there are not any major issues.

Chairman Shea asks if the existing driveway will remain or be removed and the response it will basically be subsumed for the most part. Attorney D'Ambruoso confirms the width of the road will be 24 feet. Chairman Shea discusses with Attorney D'Ambruoso why the applicant wants to assume a more expensive and invasive project with retaining walls in the wetlands, bridges over surface water and the expansion of roads, when they can just apply for a rear lot. Attorney D'Ambruoso indicates this plan is the applicant's preference because of its potential use in the future. Dan Gagne, Beals and Thomas clarifies that the existing driveway will remain to provide access to the existing structure. Chairman Shea indicates part of the board's job is to limit the disturbances to natural resources including protecting wetlands and the environment in general and this project as is proposed is invasive. Thomas Bott and Chairman Shea discuss the rules associated with approving a subdivision. Chairman Shea requests an alternative plan and references sections 6.4.2, 6.5.1, 6.5.4, 7.1. Chairman Shea believes it is the duty of the board to protect the environment and safety of an area and to, if possible, choose an alternative plan option if possible, i.e., less invasive to the environment.

Andy Glines states the applicant did have another consultant do a safe distance assessment and one of the recommendations they made was to prepare a plan to identify the amount of grading and vegetation removal required. The current applicant's plan does show site distances to the proposed curve entrance of Gibbs Street but Mr. Glines is recommending a condition for the limits on tree clearing and grading on Lots A & C to be clarified further. He continues about the board's concerns about obstruction from adjacent driveways whether residential or commercial, it is his understanding of the subdivision rules and regulations the site distances from Post Road and right of way to the existing road right of way and intersections of roads not individual driveways. He does agree the existing driveway location provides better sight distance to the south of the existing road and that outweighs the safety benefit of having the proposed road line up with the existing road. In the memo issued by Fuss & O'Neill dated January 6, 2023

CARVER PLANNING BOARD
MINUTES OF January 10, 2023

there was a minor waiver request on the scale of the drawings and he recommends pulling that waiver based on information being legible on all plan sheets, and another waiver that should be pulled is regarding the datum used in the survey because what they are proposing is standard engineering practice at the moment.

Attorney Robb D'Ambruoso feels it is a bit late hearing comments in the 11th hour that he feels are not relevant.

Ms. Cooney is a long time resident of Carver and reads aloud from a statement she prepared. She asks the board to oppose this subdivision plan because she believes it is incomplete as information is not accurate because the maps do not show all the earth removal and they do not explain the impact of this project on water and stormwater drainage. She states the earth removal committee has not responded to a request for an investigation of illegal earth removal by Slocum-Gibbs. Google earth maps clearly show this company is involved in earth removal in this area and the overall site is 451 acres there are many spots within the overall area that have been clear-cut and stripped mined. She believes this company has violated the earth removal by-law for years without permits and has removed as much as 700,000 cubic yards of earth according to maps from two sites worth about \$7 million dollars.

Chairman Shea points out there have been no approvals made by the earth committee. Mr. Bott indicates he received a public comment via email from the Coordinator of the Pine Barrens, Meg Sheehan, who questioned earth from removal from the rear of the property because Slocum Gibbs preliminary subdivision plan does not show the existing topography showing hills have been leveled by earth removal throughout the site, and asks if this makes the preliminary subdivision plan incomplete under subdivision rules and regulations due to failure to show active topography. Mr. Bott indicates it does not, because in his opinion the topography is based upon what is shown in the plans. Another question was should some clearing in the back part of this property affect any of the things that the subdivision process is doing of the planning board as reviewing. Mr. Bott indicates in his opinion it does not affect the subdivision plan.

John Garretson, now owner of the property which his family has owned for a hundred years addresses the board. He sees this project as insurance for the future of his company and the cranberry business in general. He is concerned by the lack of understanding from people that do not see the necessity of moving material from the land to be able to continue to maintain the acreage he has.

Mr. Gaskey asks for distance of retaining wall from wetlands. Dan Gagne, Beals and Thomas identifies a 25 foot distance.

CARVER PLANNING BOARD
MINUTES OF January 10, 2023

Chairman Shea asks Attorney D'Ambruoso if the applicant received recommendations from the conservation commission regarding this project and the response is, no. Chairman Shea he would like approvals from the conservation commission and the board of health. Kevin Robinson asks who determines if the area is stable enough for fire apparatus and the response from Sarah Stearns with Beals & Thomas is that the fire department did review the plans and she can provide a sign-off letter.

Chairman Shea makes a motion to continue the hearing regarding Definitive Subdivision (Gibbs Street Subdivision) approval pursuant to the Carver Subdivision Control By-Law, for property located "off Wareham Street" to the meeting on February 14, 2023 at 7:00PM. Said motion is made by Kevin Robinson and is 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.

Other Business

- A. Planning Board Member Notes-Chairman: None.
- B. Planning Director Notes: Mr. Bott indicates the article warrants for the town meeting will be discussed at a meeting in the near future.
- C. Discussion: Chairman Shea expresses the board's best wishes to Ms. Sordillo and they hope she has a speedy recovery.
- D. Minutes – 12/13/2022
Chairman Shea makes a motion to approve the minutes of 12/13/2022. Said motion is made by John Gaskey and is 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.

The Executive Session Minutes of 12/13/2022 will be addressed at the next meeting.

- E. Adjournment
Chairman Shea makes a motion to adjourn. Said motion is made by Richard Dionne and is 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.

CARVER PLANNING BOARD
MINUTES OF January 10, 2023

Documents for 1/10/2023 PB Meeting

1/5/2023 memo from T. Bott to PB re: Rte. 44 Development Preliminary Rescission Plan

Preliminary Subdivision Rescission Plan dated 12/6/22

1/4/2023 Ltr to PB from Mark and Darlene Whittemore re: Bunny's Road

1/5/2023 email from T. Bott to PB re: Bunny's Road – PB information hearing request

Bunny's Road Conceptual Improvements Plan from Beals and Thomas

1/6/2023 Memo from A. Glines to PB re: Gibbs Street Definitive Subdivision Plan

12/20/2022 Ltr from S. Stearns/Daniel Gagne re: Response to Peer Review Memo for Gibbs Street

10/18/2022 Plans for Gibbs Street Definitive Subdivision