



Town of Carver Planning Board

May 11, 2021
7:00 PM
CARVER TOWN HALL

*approved
5/25/21*

The public is invited to attend; social distancing practices are in effect.
The proceedings will be videotaped and rebroadcast by Area 58 TV.

Pledge of Allegiance

Members present: Kevin Robinson arrives at 7:23pm, Richard Dionne, Ellen Sordillo, Bruce Maki, Cornelius Shea, Sharon Clarke (RDA chairperson), Savery Moore (RDA vice chairman), Paul Kostas

Members Absent:

Member participating remotely via Zoom: John Gaskey (Planning Board Member), Pat Meagher (RDA Member)

Others present: Jim Walsh, Planning Director, Mike Pimental JC Engineering, Stephanie Drum

Others present via Zoom: None

The meeting was called to order at 7:00 pm.

7:00 PM Joint Meeting with RDA

Chairperson Sharon Clarke: RDA is coming up on a very large project in Carver. Zoning Bylaw was changed recently, and we want to make sure that we know with absolute certainty what this is about. We know that this is a height change. We know through discussions with the developer, tendency is to go up. In keeping the current business practices, we would like to start formatting the bylaw that will go in front of Town Meeting in the Fall. For that District, the height maximum building height is 45-ft, with a proposal to 65-ft. Also keeping within business practices across the nation, it is easier to stack than it is to spread. The bylaw would be for this parcel only, would not apply to the entire town. The RDA would like to move forward in formatting the bylaw in the timetable with the meeting. In the meantime while all of that is happening, the RDA will be doing extreme due diligence with every other department in town, i.e. department of public safety, fire, water.

Vice Chairman Moore (RDA): Want to make sure that when this is put in front of town meeting (we are hoping in the fall), that the presentation to town meeting has all of the boxes checked to get this through. Will be important in the presentations to tell the benefits that the Town of Carver will get from this. RDA is meeting with the developer next week to answer any questions

that we have, might be beneficial for the Planning Board to meet with the developer. Emphasizes that we need to keep this moving.



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Mr. Gaskey via Zoom has a question: What is the project looking for in terms of the bylaw. RDA Chairperson Clarke confirms it is a height change in the bylaw from 45-ft to 65-ft.

RDA Chairperson Clarke: Developer is Hillwood and Route-44 Development. Hillwood expected the sale if it went through then they would go to Purchase & Sale by the first of next year. States that all of this is pending the change of this bylaw.

Mr. Gaskey: Looking to clarify where this property is. It's on the west side of Montello Street, behind Tiki Kai. RDA Chairperson Clarke: Big empty, flat piece of property, spent a lot of money cleaning his up. Some part of the site that a sewage treatment plant, cleaned up stumps/logs, etc.

Mr. Walsh clarifies that in the Green business park Zone. Maximum height allowance is 40-ft. Proposal would be to allow 65-ft building. Would need to pass , conservation, RDA, water department, fire department, etc. This would be a project of such magnitude that all of the boards would need to provide input all around.

Mr. Gaskey asks how something like this would affect the fire department. RDA Chairperson Clarke states that it comes down to the fact that we do not have a truck that goes that high. We have been in touch with Andover as well, where they didn't have

Ms. Sordillo: What is the tallest building in Carver just for perspective. RDA Chairperson Clarke responds that the tallest ladder we have is 32-ft. The tallest building to get to the roof is probably 40-ft. This would come in handy having a ladder that would go above the roof.

Mr. Shea: What if they want to come back to expand to another building or two. RDA Chairperson Clarke notes that there's a limit to how many square-feet they can go, that includes going up. Mr. Shea notes that once it goes above 40-ft, are they going to be able to do a screening for height. States that this is going to be a massive presence on the Carver line. How would this impact the rule-character of town? It also concerns me that this is falling into a particular business zone.

RDA Chairperson Clarke: stresses that we are still in the initial phases, and looking to present this at the town meeting.

The Planning Board Chairman advises RDA Chairperson Clarke to draft up a bylaw with the Planning Director. Also states that it might be beneficial to do a site visit. Chairperson Clarke states that they will set up a site walk TBD next month at some point, and will invite the Planning Board.

Mr. Shea asks if the Green District is one parcel. Mr. Walsh states that there may have been several parcels merged.

Ms. Sordillo: Do you see this as a distribution center, or will there be other businesses there. Chairperson Clarke states that right now it is looking like it will be a distribution center.



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Mr. Gaskey states his concern with putting a distribution center in here due to traffic concerns. Mr. Walsh states that the Town has received a MassWorks grant, where they are redesigning where Montello Street comes into Route-58 to better deal with traffic. Mr. Dionne agrees with Mr. Gaskey's point.

RDA Chairperson Clarke states that one of the requirements is that they will be able to have independent peer review paid for by the developer on anything that we want, whether that be traffic or other. This is a general discussion that we can have further down the road. What the RDA would like to do is plan on working with the Planning Board as we craft a bylaw that will satisfy the needs of the Town, as well as a future for that site. States that we need to start somewhere, and this is where we start.

RDA Vice Chairman Moore: thinks that a good place to start will be looking at the bylaw, and being able to change the height difference to 65-ft.

RDA Vice Chairman Moore: Route 44 has developed the property and will be selling the property as build-able. Hillwood is looking to buy the property. RDA is meeting with both developers next week. All we are looking to do here is to work with the Planning Board to put out a Zoning Bylaw change to 65-ft.

The Chairman emphasizes that this is just one piece of the puzzle.

Mr. Robinson asks if we know who or why has requested a height change to 65-ft. RDA Vice Chairman Moore states that Hillwood has a list of clients that have requested the 65-ft. clearance in order to do what they do.

RDA Vice Chairman Moore states that right now the proposal for the revision to the bylaw was to put in a footnote. Another way to do this is to actually put this in the chart instead.

Moore Motions to end this portion of the meeting, Kostas seconds the motion : Roll call vote, Moore, Kostas, Clarke, Meagher 4-0 yes. RDA Meeting adjourned 8:20pm.

REORGANIZATION:

Robinson motions to nominate Bruce Maki for Chairman, Sordillo seconds the motion. Roll call vote: Gaskey, Shea, Maki, Robinson, Sordillo 5-0, yes.

Sordillo motions to nominate Kevin Robinson for Vice Chairperson of the Planning Board, Bruce Maki second the motion. Roll call vote: Gaskey, Shea, Maki, Robinson, Sordillo, 5-0 yes.

Mr. Shea motions to nominate Ms. Sordillo for recording secretary. Robinson seconds the motion Gaskey, Shea, Maki, Robinson, Sordillo 5-0, yes.

ANR:



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105 Rochester Road (Map 96, Lot 10) River's Edge Realty Company:

Mike Pimental, JC Engineering: New ANR application recently submitted for 2 lots. As recommended by the board we went to the Conservation Commission who provided input. There was a tweak that we could make on one of the driveways, moved to be at least 100-ft away from the wetland. Still need to go in front of the Conservation Commission. Not an official approval of the Commission. Here in front of the Planning Board to get endorsement and move forward.

Mr. Shea states concerns that the building on lot #1 doesn't meet the minimum standards of 150-ft. Would recommend approval from emergency services and Conservation Committee. A lot of this has to do with access.

Mr. Walsh states that just for the record, we are not approving this as a building lot. We are voting to endorse the plan. They still have to go to the Board of Health, Conservation Committee, Fire Department, etc.

Mr. Robinson motions to endorse the ANR

Mr. Walsh make a message for amendment- the Planning Board vote does not determine the build-ability of the lot.

Kim Birch: Cherry Hill Drive has questions: the frontage measured actual access to the potential building site. Mr. Pimental explains to her that the frontage is 154-ft along Rochester Road, and will be from edge-to-edge about 20-ft. Ms. Birch asks if they are using part of the neighbor's property. Mr. Pimental notes that a portion goes over the neighbor's property. Ms. Birch asks if this will be considered a rear-lot- no this will not, as it has 154-ft of frontage. Ms. Birch states concern that if the Planning Board gives it an ANR, it does not include wetland, buffers, etc. according to GIS mapping. The Chairman notes that our job is to make sure the dimensionally this makes sense. States that the Planning Board has walked this site, and has offered feedback. After this, recommends that if there are questions Ms. Birch can go to the Conservation Commission.

Mr. Shea seconds Mr. Robinson's motion given Mr. Walsh's amendment. The board is not endorsing the zoning on the parcel or the build-ability. Roll call vote: Gaskey abstains, Shea, Maki, Robinson, Sordillo. 4 endorsement, 1 abstain.

Sign Permit:

SYD & Associates LLC, 73 Main Street Unit D (Map 64, Lot 12):

Stephanie Drum: CPA for 25 years. Looking to open up her own accounting firm in Carver. Looking for a permit for an oversized sign on the same post as the Mama Mia's sign. The special permit is always in place. Mr. Walsh states that it already has the permit, so we recommend approval.



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The Chairman asks for questions from the Board. No questions.

Mr. Robinson motions to approve the sign permit, Mr. Shea motions to second the motions.

No further discussion.

Roll call vote: Gaskey, Shea, Maki, Robinson, Sordillo 5-0, yes.

Status of Subdivision:

Linbia's Path to provide status of Subdivision:

Mr. Walsh states that Ms. Cash has been trying to finish off the development. Last year, Fuss & O'Neill inspected the site and came up with a check-list. Wanted to get a lot release on the property. Had Fuss & O'Neill do an inspection and come up with a punch-list of items. States that the developer has been working to get as many of these items completed on the list to bring the cost down to a lower amount. Tonight, they are coming in to see if they can put down a foundation on the lot prior to paving the road. This way, all of the heavy equipment will not damage the road. Mr. Walsh talked to John Woods, Andy Glines, Jim Banderim, KP Law- said there shouldn't be a problem doing this. If they are issues a foundation permit, it is at the developer's own risk, so they cannot come back to the town looking for a claim. They are also looking to get updated information on the conservation area that is being transferred from the developer to the conservation commission. Also, one of the easements was handled the drainage pipe. There was a problem initially. Also provided a different easement where the drainage pipe was relocated. Looking to see where they stand on this in order to get to attorney.

Karen Cash & Mary Williams: Karen has finished the inclusionary unit, but Mr. Walsh had concerns regarding releasing Certificate of Occupancy. Using Paul Cusson: Delphic Associates, LLC in NB- Marketing- are they allowed to market this prior to approval.

Mr. Walsh states that in 2015 when the project was approved. Conservation of Subdivision Bylaw- you can get an extra lot if you have an extra unit. Lot 4, house 5 is the inclusionary house. More currently, when they came before us, question came up that all the other houses have garages. Under the bylaw- all houses should look the same in the subdivision. On the inside, you do not need to have the same quality of standards in terms of things being the same. Last fall, we were looking into this. Got feedback from the state- 5 Linbia's Path would not qualify under the State's SSI list, but you can still make it an affordable house locally. Use a marketing firm to market the unit, make sure it meets all the state guidelines regarding income, sale price so that this house will remain an affordable unit for the town. This is what they have been working on. One of the things that they decided to do, hold the Certificate of Occupancy until there is an agreement put together and we have had a chance to talk to Delphic Associates.

Mr. Robinson: How does this address the fact that this does not have a garage. Mr. Walsh- when the Planning Board approved the project at some point in the past, it was shown on the plans to



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not have a garage. There was a conversation between the builder and the former planner regarding this. The state would not accept this property as counting against Carver's Affordable Housing inventory.

Ms. Cash and Ms. Williams now we need to supply with a copy of the signed contract, check, special permit, house plans, site plans, affordable distribution plans, simple questions regarding any municipal services which we won't have.

Mr. Gaskey: With affordable housing how is this going to impact the sell-ability of the house down the road. Ms. Williams notes that she does not have an answer for this, but does states that this is within the Deed Rider- Mr. Walsh agrees to this statement.

Ms. Williams states that the original easement was within the lines of lot 3, but the original developer had put the drain pipe in the wrong location. A new plan was prepared. The Chairman notes that what happened was that it probably was supposed to be on lot 3, parallel to the property line. It was not placed correctly, and now, it crosses a portion of lot 3 at the street line. and goes through lot 2 to the open parcel.

Mr. Walsh- usually when you have an open space area, the original intent is to have access there. The owner of lot 2 has a fence over the property. Not sure if it covers the access-way. Appears that it goes to the boundary of lot 3. Ms. Williams states that the owner is fully aware of this because we have had many discussions with his attorney in order to have full disclosure. This was all recorded and provided to them. Ms. Williams states that both owners of the properties in question bought subject to easements.

The Chairman recommends that we defer to counsel as well as conservation.

Mr. Shea motions to endorse the foundation on lot 6, house 1. Mr. Robinson seconds the motion. No further discussion. Roll call vote: Gaskey, Shea, Maki, Robinson, Sordillo 5-0, yes.

Other Business

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- A. Planning Board Member Notes - The Chairman notes that the town meeting went for two nights. Mr. Robinson and Mr. Shea were there for two nights, Ms. Sordillo was there for one night. They did have the Solar Bylaw revision- was not approved by the Town Meeting. Also did the Solar Canopies- did not go through Town Meeting either. This means that if they were approved at one town meeting, was the power source that we were trying to deal with at this meeting. Town meeting would of had to agree to go out on the grid. Will not at this point be built because we have nowhere to sell the power. Townhouse bylaw did not get approved. Was a difficult meeting for a lot of reasons, was difficult to make Quorum because of COVID. Re-counts had to be taken to make sure that we had enough people to vote, etc. Not all of what we had brought to the town meetings got approved.



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- B.** Planning Director Notes- Plan not to have a meeting on June 8. Mr. Walsh will be out last week of May, first week of June.
- C.** Discussion- none
- D.** Minutes –Mr. Shea motions to approve minutes as written for 3/25, Ms. Sordillo seconds the motion. Roll call vote: Gaskey abstain, Shea, Maki, Robinson, Sordillo, 4-0, yes 1-0 abstain. Shea motions to approve , robinson seconds the motion. Roll call vote: Gaskey abstain, Shea, Maki, Robinson, Sordillo, 4-0, yes 1-0 abstain.
- E.** Next meeting date- 5/25, 6/22. Site walk on Thursday at 12pm, 157 N. Main Street. Legal opinion letter from John Shertloff for Cobblestone Lane. Question arose whether they had adequate frontage for that matter. Next week are going to have a presentation from our regional planning agency, scheduled for Wednesday. Tomorrow meeting with the Police Chief, as well as others to review the priority listing, and provide comments.
- F.** Adjournment: 9:57pm Mr. Shea motions for adjournment, Ms. Sordillo seconds the motion. Roll call vote, Gaskey, Shea, Maki, Robinson, Sordillo 5-0, yes.