



Town of Carver, Office of Planning and Community Development

Planning Board Meeting Minutes, May 12, 2020, Virtual Meeting. This meeting was videotaped by Cable Cast Area 58.

Attendees: Bruce Maki, Chairman; William Sinclair, Member; Jen Bogart, Member; James Hoffman, Member

Also Present: Mr. Walsh, Planning Director

Absent: Kevin Robinson, Member

Bruce Maki, Chairman, opened the meeting at 7:05 PM

Roll Call Attendance was performed prior to entering into this virtual meeting

Special Notice

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A ss. 20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Carver Planning Board will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Carver website, at www.carverma.gov. For this meeting, members of the public who wish to listen or watch the meeting may do so in the following manner: Area 58 Livestream, www.Area58.tv. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of Carver website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the meeting designated for public comment, by sending an email to Planning@carverma.gov. The public must provide their full name and address with their comments.

Mr. Walsh announced the call-in number 1(929)205-6099, participant code 84954368660

ANR:

- 19 South Main St. – Timothy Bradshaw (Map 87 Lot 2) – Discussion and possible vote

There was a question on the rear lot at our last meeting; subdivision timing.

Mr. Walsh - Jason – Outback engineering – A memo has been provided in your packets with the plan from 1980. Jason Youngquist – There are 4 lots; Lot 3 is rear lot. Section 2344 – This lot was actually created in 1980 and meets that requirement. Mr. Maki – Any questions from the Planning Board members? None heard.

Motion to endorse the form A: Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous – Roll Call Vote performed Unanimous (4-0)

- **340-342 Tremont St. – Wainio Property (Map 127 Lot 21) – Discussion and possible vote**

Ian Wisuri – This is fronting Tremont Street, subdividing into two lots, Lot 1 (7 acres) and Lot 2 (31+ acres). Mr. Maki – This appears to be good; just making two lots. Any questions? Ms. Bogart – Previously permitted for solar; is this for that? Mr. Schumacher – Yes, it is dividing the portion not being used from the portion that is. The Berry Guys and two bogs will be part of a new parcel; the remainder will be part of the solar project. Ms. Bogart – Does that affect setbacks of the solar project? Mr. Maki – The people in front own the property. We don't have the solar plans on this plan. Ms. Bogart – Clearly the property line is different. Mr. Schumacher – The set back is 12.5 feet and the panels are outside of that. Mr. Sinclair – Are you altering the approved Special Permit for the solar project? Mr. Schumacher – No we are not changing anything with the special permit or the approved design. Mr. Sinclair – Who owns the property now under the newly formed Form A? Mr. Schumacher – Mike Wainio currently owns. After the subdivision, eventually the bog property (Lot 2) will be sold to the project company that owns the solar project on that land. Lot 1 will continue to be owned by Mike Wainio. Mr. Sinclair – That solar project was a special permit that was granted to the Wainios, Westons and Williams. I question whether or not the permit would transfer with the land sale. That can be looked at later. The form A meets all the requirement; anything else will be handled at that time. Mr. Maki – All the solar projects have to have an as-built; particularly this one due to flight path. They will need to meet all setbacks at that time. They have enough sq. ft and frontage. Mr. Hoffman – On lot 1, the two bogs will not have solar? Mr. Schumacher – That's correct.

Motion to endorse the Form A for Wainio Bogs as presented: Mr. Sinclair

Second: Mr. Hoffman

Approved: Roll Call Vote performed – (4-0)

Public Hearings:

- 3. On the application of Eric Pontiff, requesting a Special Permit and Site Plan Review pursuant to sections 2230, 2330, 4341 and 4344 of the Carver Zoning by-Law for property located “Off Forest Street”, on Assessors Map 49 Parcel 62- 6 in Carver, MA to construct two Commercial Buildings - Building #1 is 7490 Sf and is to be leased to Nutrient Ag Solutions and Building #2 is 7200 Sf and will be a Craftsman/Tradesman Building in the General Business District.

Mr. Sinclair – I will be recusing myself as I am a direct abutter, with advice from town counsel.

Mr. Walsh – I spoke with the attorney by the applicant inquiring if we had a quorum. Kevin would not be here tonight so they requested a continuance to May 26. Ellen Sordillo is here tonight; she has applied to be the Associate/Alternate member of this Board. This member would be filling in for absences/conflict. We do not have a quorum tonight (need a minimum of 4). We are trying to get a joint meeting with the Select Board to get appointment for our Associate/Alternate Member.

Mr. Maki – We had to make a decision quickly on this as we needed to notify everyone timely.

Motion to table the Public Hearing for the application of Eric Pontiff to May 26 at 7:00PM: Mr. Hoffman

Second: Ms. Bogart

Approved: Rollcall 3-0-1 (Will Sinclair)

Discussion:

- Linbia's Path –

Mr. Maki – Jim and I have discussed this and looked through all records. We cannot find anything stating that this house has to look like all others in the subdivision. The definitive plan only shows the house as it stands today. Jim spoke to Jack Hunter (former planner) and he couldn't remember what we did with this. Mr. Walsh – The Board has to have a discussion to determine what they want to see happen. The owner wants to move forward. There is nothing that specifies what it should look like. Mr. Maki – Mary Williams and Mike Faccini and Karen Cash and Mr. Kotowski from Webby Engineering are here tonight. This has been a long process but is nearing completion; I am happy to see that. I don't see that there was any agreement to the design of this house. Mr. Hoffman – I thought this was part of a law. Mr. Sinclair – The affordable unit is governed by DHCD. The exterior needs to look exactly the same but interior could be different. During those hearings which I was involved, the intent was always that they looked the same from the outside. The approved plans look different; it must have been missed.

The intent was to have it look the same on the exterior. Mari Williams – The Wareham St project are condos; I don't know if there are other projects with single family dwellings? Mr. Sinclair – South Meadow Road was Condex's. Mari – I reached out to Buzz to see if he had a contact; they said this was too small of a project for them to be involved. Stephen Cole referred us to someone down the Cape and they have not been helpful. Mr. Sinclair – We dealt with DHCD, Mr. Fitzgerald, who is now retired. Mari – If it is mandated, what do we do now? Mr. Sinclair – The plans that were filed with the Registry of Deeds had it left out of it for whatever reason. I was hoping that DHCD would have responded with guidance as they oversee the affordable unit. In my opinion, that house does not meet requirement of the special permit. The Town Planner and the Chair have done further research. Mari – It would be unfortunate if they had to put on a garage now; the house is 100% complete. Mr. Walsh – By-Law, Section 3040, designer construction – Exteriors must be the same; interior finishes can be less than the market rate homes. SEB Housing might help; I forwarded that information to Karen. I also sent information on the Plymouth Housing Authority. We have the paperwork that is necessary for Mrs. Cash to submit to DHCD. There is a local incentive plan for inclusionary units. Before we can move forward, the board needs to make a decision on the garage and to do the marketing and the lot release. Mr. Sinclair – In the special permit that was granted, does it reference that section of our bylaw? Mr. Walsh – I did not see that; it was one of the first ones that had the inclusionary unit as part of it. Only mentions that there was an inclusionary unit. There was no mention of design specifications. Mr. Sinclair – In our decision, if it's not in it, that's a problem. Mr. Hoffman – Is it in the minutes of that meeting? I remember discussion at that meeting. Mr. Walsh – The minutes were the subdivision was approved, there was a comment from Fuss & O'Neill about the garage. After that there was no other discussion. No one appeared to respond to Fuss & O'Neill comment about that (4/16/2015 Minutes). Mari – I don't see anything from the documents filed. Only waiver was within 100' of a wetland. Mr. Maki – Have we ever received a legal opinion on this? Do we have the authority to require? Mari – If it was approved without reference to the bylaw I don't know if you could do that. Ms. Cash is appreciative to everyone's efforts would have issue. Mr. Walsh – Webby Engineering dated 3/14/15 – revisions to Linbia's Path was read by Mr. Walsh. It indicated that the Board was satisfied that the inclusionary house which did not have a garage. Mr. Sinclair – Decision Date? Mr. Walsh – May 2015. Steve Kotowski – Webby Engineering. I wanted to offer some information. Originally, when we met with Jack Hunter. This was when we had our first conversation on the inclusionary unit. They discussed the economics of it. Andy made his decision based on finances. He brought in a set of plans and reviewed it with Jack who felt it was fine as you can't expect an affordable unit to have a garage. He felt the house was the same and met square footage. In my notes, I indicated that the Planning Board did address that. When the plans (including all revisions) were presented, the inclusionary house

did not show a garage. This unit was the same footprint throughout the whole process. I am hoping that my testimony shows that this was all discussed and stayed consistent from the beginning. Mr. Maki – That is helpful information. As far as I am concerned, and after looking through the records, I am happy with what we have out there. It looks the same as the other houses, just without the garage. The plus side is that we have an inclusionary house for Carver. Mari – Can we come up with a brochure and market it through the Town Hall? Mr. Walsh – In order to be incorporated into the local plan; it needs to be marketed through a lottery agent. Mr. Kotowski – Jack said this was a local initiative and opened up to the Carver Community first. Mr. Sinclair – We are making a decision on whether it needed a garage or not? Is this also to release the last lot? Mr. Maki – To release the lot and about the bond for the remaining work to be done. We are also looking at the appearance of the inclusionary house. Mari – Mr. Faccini constructed the latter two units. The initial homes were not constructed by Mr. Faccini. Mr. Maki – Yes, the inclusionary home was already built. Mr. Sinclair – With all of the information provided; the decision filed does not show the garage unit or the zoning bylaw referenced in the decision then we can't redo it. The decision was filed in 2015. Mr. Walsh – May 26, 2015 decision references 2230 and 3800 of the Zoning By-law, there is no reference to the inclusionary bylaw. Mr. Sinclair – Then this discussion is done; we can't force them to do something that wasn't on the approved plan. Mr. Walsh – Condition 9 and waiver are the only references. Neither apply to this. Mr. Maki – This Board finds that the inclusionary house will stand as it is now. Mr. Sinclair – Do we have a timeline? Mari – We have a few things. We also have the trees that were discussed at the last meeting that need to be done. Mr. Faccini – The trees are being picked up next week. I think the overall cost for everything, including the trees, is about \$7K-\$10K. The detention basin has to be replanted. Mr. Sinclair – After documents are together, Fuss & O'Neill has to approve that number. The Board would hold, in bond, 125% to release that lot. Mr. Walsh – requested estimates in one package from Mr. Faccini. Mr. Maki – We can consider at the next meeting once we get that. Mr. Sinclair – We appreciate all of the work and information you have obtained on this. Mari – Thank you for your patience and understanding.

Other Business

Planning Board Member Notes:

- Mr. Maki – Thank you all for being with us tonight. Will is on vacation and is still with us tonight, thank you. We are going to need some Planning Board members. Mr. Hoffman and Ms. Bogart are running for Select Board and Mr. Sinclair is leaving. If anyone from the public would be interested in a seat, it would be appointed after the election. It is difficult to operate

with so few people. There was a gentleman that ran for a seat at the same time as Kevin Robinson; maybe we can reach out to him.

- Mr. Hoffman – Thank you Ellen for stepping up as an Alternate Member. Ms. Sordillo – I enjoy this. Tonight was very informative. I want to be a part of that. Mr. Hoffman – 8/15/2020 is the tentative new date for the Kane Strong Golf Outing.
- Mr. Sinclair –
- Ms. Bogart – In our packet we have Spring Street Project information. Are we supposed to discuss that? Mr. Maki – Yes, Jim will do that.

Planning Director Notes:

Spring Street –

Mr. Walsh – At the last meeting, a request was made for more greenery for the front landscape piece. You have two plans (landscape and fire truck turning). The applicant believes they have met requirement from the fire department and they have provided an alternate plan for landscaping. Mr. Maki – We looked at it and they did change the shrubbery in the front. They did give us a plan for turning radius for the fire trucks. What were the comments from the Fire Department? Mr. Walsh – Jesse Boyle sent an email 5/11/2020 – this was read into record. It appears to meet their requirements. Ms. Bogart – The plan looks really tight; especially in the back (SE corner). If you have a truck backed into one of those bays, it will not make that turn. Mr. Maki – There is curbing that goes around that. The fire trucks could go over that. Mr. Walsh – Parking spaces are 18' X 10'. Ms. Bogart – If a box truck is parked in one of the bays, the trucks will not get by.

Mr. Maki – Did the Fire Department look at this in the beginning? Why is this coming up now?

Mr. Walsh – I thought that this was requested at the last meeting. Ms. Bogart – I brought it up at the last meeting. Deputy Boyle requested that we make sure a fire truck could make that turn.

Mr. Hoffman – Are they pulling in; is it a bay or a garage door? Ms. Bogart – Signage would have to be prominent to make sure no one parked back there. Mr. Maki – We could require that. No parking in the back day/night.

Mr. Walsh – When they are getting ready for their occupancy, we could make sure the Fire Department is included before occupancy permit is issued to make sure signage is adequate. Mr. Hoffman – Mr. Boyle indicated that no parking is allowed on the side of the building; which side? Mr. Walsh – On one side we would definitely need no parking signs.

The 5 spaces on the other side shouldn't interfere. We can work with Jesse more on that. Ms. Bogart – The Fire Department needs to remain involved with this. Mr. Walsh – The Building Commissioner has a conversation with the fire department before occupancy.

Motion to approve the revised front landscaping for Spring Street: Mr. Sinclair

Second: Mr. Hoffman

Approved: 3-0-1 (Ms. Bogart)

Mr. Maki – We have had some concerned citizens on this project. Jim and I have met with them. We explained that there are multiple projects/phases on that site. We discussed their concerns and did meet with the SLT General Manager. We are working on alleviating some of the issues. Today, I received an email from Mr. Pollitt with questions. I will get back to him; we received it later today and didn't have a chance. Mr. Walsh – I will forward that email to the rest of the Board Members. The road scrapings were being taken at that site for a highway project. This was being done late at night. This is the jurisdiction of the Earth Removal Committee. Elaine Weston forwarded that information. Mr. Opachinski has agreed to stop that. Eventually this will transition to the subdivision project. Another concern was site lines from retention basin. The equipment will be quieting down in the next couple weeks. Neighbors are also requesting the addition of some trees. We are coordinating a meeting to see what can happen with that. Mr. Maki – We are continuing to work with the neighbors. Mr. Hoffman – The concerns over the late-night noise doesn't have to do with the project? Mr. Walsh – The grinding work that is being done is being deposited on the SLT site. The work on the highway is going on over night. It may not have complied with the Earth Removal Permit.

Minutes of April 28, 2020

Discussion – Minutes were not in the packet, tabled to next meeting

Next Meeting date:

Our next meeting will be held on May 26, 2020

Adjournment:

Motion made to adjourn at 8:48 PM: Mr. Sinclair

Second: Mr. Hoffman

Approved: Roll Call Vote - 4-0