



Town of Carver, Office of Planning and Community Development

Planning Board Meeting Minutes, May 26, 2020, Virtual Meeting. This meeting was videotaped by Cable Cast Area 58.

Attendees: Bruce Maki, Chairman; William Sinclair, Member; James Hoffman, Member; Kevin Robinson, Member; Jen Bogart, Member; Ellen Sordillo, Alternate Member

Also Present: Mr. Walsh, Planning Director

Absent:

Bruce Maki, Chairman, opened the meeting at 7:00 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.

Public Hearings: (Abutters were sent the link to attend remotely for this meeting.)

- 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. D'Ambruoso, Attorney for Mr. Pontiff. If Kevin doesn't sit in this hearing, he will not be able to participate in future votes. I will check with my client to see how he feels about that. Can we move ahead on the agenda while I review this with my client? Mr. Maki – I believe we can do the Mullin Rule on this. Mr. Walsh – If the Mullin Rule is Town accepted, Kevin can read the material and watch recording to participate in the next meeting. Our next meeting may allow Board Members to access the Town Hall. Mr. Maki confirmed that we have used the Mullin Rule in the past.

Motion to move onto other business until Mr. Robinson can get on Zoom: Mr. Hoffman

Second: Ms. Bogart

Approved: 4-0-1 (Mr. Sinclair)

Entered into discussion at 7:24PM

Eric Pontiff, Mr. D'Ambruoso, attorney – Mark Flaherty, civil engineer

Mr. D'Ambruoso - Mr. Pontiff is under contract to purchase this site which is just under 2 acres. One building will house Nutrient AG solutions which provides chemicals and fertilizers to bog owners. It will be a modern facility and a more suitable location for that business. We have been through two rounds of peer review with Fuss & O'Neill and believe that all issues have been addressed to satisfaction. Andy sent an email to Mr. Walsh with minor conditions. We would love to begin work on the site as soon as possible.

Mr. Flaherty – Presented a slide show.

Nutrient will be storing some chemicals at this site, that will require a special permit. Access (with an extra wide 30' entrance) will be from Forest Street to the first building which will be Nutrient AG. There are numerous arborvitae and plantings, along with 8 parking spaces in the front with 5 in the rear. Cypresses will provide a nice border along with Birch Trees. The Craftsman Building will be in the back with 5 bays. Nutrient Solutions does have an emergency plan in place for the Plymouth Street location. Andy is satisfied with access. There is a low area that will have a drainage. There are some slopes that will need grading that Mr. Williams has okayed us to carry over onto his other lot. All septic will be leaching area behind the craftsman building. There will also be roof drains. All of this has passed Fuss & O'Neill. There is also an erosion control plan. The emergency access (dotted line at the north side) would not be used, except emergency. All setbacks are met. Wall lighting; no sprinklers will be required. Howes Fire protection report and drainage report have been submitted. We are looking at waivers in the area of section 3330 – combination of retail and storage with the back building listed as craftsmen/tradesmen. Landscaping requirements; transformer waiver with utility pole. Grading – grade

drop by Bay Dunes, which has a retaining wall. We have a small 4 foot retaining wall so that all drainage would come into our site and be captured by our drainage system. The Fire Department has given this their blessing and Fuss & O'Neill has pretty much signed off on everything.

Mr. Maki – Fire Access -They usually like 3 sides. The rear building can only be accessed in the front?

Mr. Flaherty – There was no concern from the fire department to get around that building. The Glass Co. is also right behind there and could be accessed from that lot. Mr. Maki – I will review with them; we have time as we will be having another meeting. I want to make sure abutters are able to partake. Are there any dumpsters? Mr. Flaherty showed where the shared dumpster will be. Mr. Maki – Fencing? Mr. Flaherty – Yes, screened and fenced off. Mr. Maki – Snow removal? Where would you put it. Mr.

Flaherty – We have designated an area. I don't see it on this plan but it is back by the Craftsmen/tradesmen building. Mr. Maki – Any other questions? Mr. Hoffman – Lighting? No light posts? Mr. Flaherty- Off of the buildings only-light packs, no light poles. Mr. Hoffman – Is it a dry tank for chemical storage? Mr. Flaherty – I have a letter from Howe Engineering. This letter was read into record. This is not a Group H building and therefore not required to be sprinkled. This building will be a Group B. There will be a gate system for containment at all doors. Mr. D'Ambruoso – In summary, we have exceeded requirement, in many cases. We are talking about fungicides; disease control materials. These are more in line with what you would find in Lowes or Home Depot. Mr. Flaherty – There is a loading zone where materials would be brought in. There is a catch basin with a large underground system. If a spill were to happen, there is an emergency gate system that would shut everything down and eliminate overflow out of that system. This is a manual system. Mr. D'Ambruoso – This site is superior to the existing site. Mr. Maki – These are the same types of materials? Mr. Pontiff – There is no major change to their business; this is much more appropriate in as far as zoning. Ms. Bogart – The email from Ms. Richards. She did have a lot of concerns. Can we read that into the record for the applicant to address? Mr. Maki – I will do that after. Mr. Hoffman – The retail hours? Mr. Flaherty – 7:30-4:30 M-F – The majority of their business will be in May, June and July; with no activity in the winter. Mr. Hoffman – Will they only be selling to the cranberry industry? Mr. Flaherty – They sell about 5% to outside cranberry growers, mostly landscapers. Mr. Hoffman – “*Oh Deer*” – Was there a catch basin in the storage area? Mr. Flaherty – This building has a containment inside; anything spilled will be contained in the building. We will not be mixing anything. What comes in is not opened on site. They don't hold a lot of inventory. What comes in this week is usually gone by next week. Mr. Maki – So no liquid? Mr. Flaherty – There will be liquid and dry, but everything is contained in the original box / container. Mr. Maki – We did have some underground tanks at “*Oh Deer*”. The whole floor area and up 6” will be covered in steel? Mr. Flaherty – That is correct; it is Nutrient policy. Letter from abutter – Judy, Lillian Way, was read into record. Mr. Flaherty – They can go look at the existing site. Mr. D'Ambruoso – We have done more than required for this project.

Mr. Maki – Any other emails from the public? Mr. Walsh – That is the only one I received. Mr. Maki – Let's schedule a day/time to do a site visit. Is the entrance marked? Mr. Flaherty – Yes, there is some

flagging. Mr. Maki – Just a reminder, usually, the site visit is for Planning Board members only. Perhaps we could allow abutters/neighbors to walk through separately. They could reach out to Mr. Walsh to schedule that. Our next meeting is June 9.

Site Walk scheduled for Monday, June 1 at 9:00 AM. Mr. Pontiff – Park in the Quickeez parking lot.

Mr. Maki – I am concerned over what the neighbors will see. We should be able to make a decision at our next meeting. It's important that the neighbors have a chance to respond. Any questions can be routed to Jim Walsh at the Town Hall.

Motion to continue the Public Hearing for the application of Eric Pontiff to June 9, 2020 at 7:00PM: Mr. Hoffman

Second: Ms. Bogart

Approved: Roll Call performed 4-0-1 (Mr. Sinclair)

Discussion:

- Linbia's Path – Lot release and marketing of affordable unit. Discussion and possible vote

Mr. Walsh – I heard from them. Fuss & O'Neill is behind as Andy was under the weather. He did go out on Monday. The Report has not been read by all parties, yet, so they will come back for the next meeting for the lot release.

- Kingsbury Hollow – Performance Bond Release. Discussion and possible vote

Mr. Walsh – They are looking for release of Performance Bond (\$146K) and a recommendation to Town Meeting that the road is accepted. Last April, Fuss & O'Neill did an inspection and came up with a list. All parties are now satisfied. A copy of the report is on the Town Website. Fuss & O'Neill recommends moving forward with approving the release of the bond and the acceptance of the road. Mr. Maki – Did Andy visit that site over the weekend? Mr. Walsh – Yes, he did. Mr. Sinclair – It appears that everything has been completed satisfactorily? Mr. Walsh – Correct.

Motion to approve the release of the Bond for the Davenport Co., Kingsbury Hollow and to recommend bringing to Town Meeting for Road Way Acceptance: Mr. Sinclair

Second: Ms. Bogart

Approved: 4-0-1 (Kevin Robinson)

Kevin arrived at 7:21PM (Did not vote on Kingsbury Hollow)

Other Business

Planning Board Member Notes:

- Mr. Maki – Thank you Will for the last 10 years. Your help and guidance will be missed. I appreciate all of the work that you did.
- Mr. Hoffman – Will, I appreciated all of your help! You'll be getting phone calls.
- Mr. Sinclair – I want to thank everyone. Tonight is my last meeting. It's been an honor.
- Ms. Bogart – I am sad that you are leaving; I have learned so much from you, Will!
- Mr. Robinson – Thank you Will for everything. I have learned a lot from you. I wish you the best of luck.
- Ms. Sordillo – I am sorry I didn't get to work with you.

Planning Director Notes:

Will, I appreciate all the help you have given me in my short time here.

Minutes of April 28, 2020 and May 12, 2020

Minutes not received by the Board Members. Mr. Walsh – Jill usually puts the packets together and has been out due to a death in the family. I did not get them to you. Minutes will be voted on at the next meeting.

Next Meeting date:

Our next meeting will be held on June 9, 2020

Adjournment:

Motion made to adjourn at 8:32 PM: Mr. Sinclair

Second: Mr. Hoffman

Approved: Roll Call Vote performed - 5-0