

CARVER PLANNING BOARD
MINUTES OF October 18, 2022

Approved
11-22-22

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

Meeting was called to order at 7:02PM

Pledge of Allegiance was recited.

The proceedings will be videotaped and rebroadcast by Area 58 TV

It has been requested and accepted by the board they will first hear Section B(a) under Other Business on the agenda – Planning Director Notes regarding Operating Procedures – Signing for PB Members and No. 4. regarding Eversource.

Other Business: Section B(a)

1. Attorney Amy Kwesell speaks to the board remotely regarding procedures for filing decisions. She indicates the filing of decisions is a policy decision on the board's part so if the board wants to see the decision on paper prior to it being filed she suggests to keep track of certain timelines. The board could direct the town planner to draft and file a decision based on standard findings then vote on specific findings and conditions. She points out timelines in regards to special permits and site plan reviews and the board must meet those timelines but the board can be flexible on how they issue decisions. In her opinion special permit decisions do not have to be signed by the entire board and in fact they don't have to be signed by anyone, they just have to be filed with the town clerk and certified, and when that is done, the decision is considered certified. There are a couple of options such as the board could fully sign the decision and if a member voted against the permit they can still sign the decision for their signing indicates they are certifying this is a decision. A majority of the board could sign a decision, or just the chairman could sign the decision, or the town clerk could sign the decision.

Findings are very extremely important in the approval of decisions and denial of decisions as well as appeals. One of things the board can do is to close the public hearing and discuss specific findings then memorialize the findings into a decision. A vote could be taken and the board could come to a consensus on the findings but because the board is at a public hearing and are expressing findings the decision must be put into writing. The public hearing can be closed and the board can deliberate the issues of the application findings which will contain both specific findings and general findings. In regards to a special permit once the hearing is closed the board has 90 days to issue a decision and the board does not have to vote the night you close the public hearing but can start deliberation or continue the deliberation to the next meeting and at some point come to a vote and that vote has to be memorialized in writing and filed with the town clerk which is the final action.

Chairman Shea asks what the timeline is for opening and closing a public hearing. Attorney Kwesell indicates a public hearing for a special permit must be opened within 65 days and a public hearing is closed when all public comments are heard and board then has 90 days to take final action. There is a timeline of 100 days for appeals and variances. Attorney

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Kwesell indicates written policy by the board requires a majority vote. Also any deliberation on a policy needs to be before a public hearing.

2. Eversource – Discussion on Solar Siting: Mr. Bott indicates there have been questions by the board about the interconnection process and how plans change from start to finish so he contacted Ryan Earl at Eversource, who with his group attended the Solar By-Law Committee meeting earlier tonight. Brett Jacobson from Eversource addresses the board indicating when they receive a site plan for a project they assess the location and infrastructure and do studies and customers are given a “interconnection service agreement” or an ISA and with that agreement there is a high level cost estimate for any upgrades that might be required on the distribution system to be able to accommodate the generation going into the system. Residential projects generally only need a meter swap. There is no requirement for a business project to provide a town permit for the project. Different projects will have different costs depending on the existing infrastructure and how the project wants to integrate with the distribution system. Eversource’s responsibility ends typically where the meter is located at the road. Interconnection equipment will always have a meter and could also include upgraded wiring and transformers and in some cases substations. It really depends on the type and location of the project. After an entity receives their permit and has paid Eversource construction can be started and wire inspection gets completed. Once the wire inspector notifies Eversource then permission is issued to operate.

Decisions are made about poles once they are in the final design and the customer has paid and there is no preference whether the interconnection is above or below ground depending on the cost perimeters of the customer. It is a cheaper cost to the customer to have overhead lights/poles rather than below ground. Kevin Robinson indicates to Mr. Jacobson the planning board would like to keep the connections below ground if at all possible and requests Eversource keep that in mind. Chairman Shea asks if there are any state or federal requirements regarding green energy and the response is Eversource is required to serve someone within their territory whether it’s a solar system, a building or a house. He indicates Eversource is a distribution company and not a generation company, for they only move the electricity and don’t make it. John Gaskey asks about having battery storage built into a solar project over a certain size and points out how some older solar projects don’t have battery storage connected to the system he asks if Eversource would be involved in retrofitting these sites. The response is that retrofitting would be considered a new project and studies would be needed to determine the type of work to be done. Ellen Sordillo asks what life span of solar panels is and Mr. Jacobson responds that is a question for the solar company, but his guess is about 25-30 years. The panels are replaced as necessary and undergo routine maintenance throughout their life span.

Lot Release:

3. Ricketts Pond Business Park (Map 32, Lots 1-1, 1-3, 1-4, 1-5 and 1-6).
Mr. Bott explains there is a bond in place verified by the town’s consulting engineer and by town council as well. Also work is being done in the subdivision. Chairman Shea will accept a motion for the application for lot release on Ricketts Pond Business Park. John Gaskey makes said motion and it’s seconded by Kevin Robinson. Chairman Shea takes a roll

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call vote and Richard Dionne vote's aye, John Gaskey votes aye, Chairman Shea vote's aye, Kevin Robinson vote's aye and Ellen Sordillo vote's aye. Unanimously approved 5-0-0.

Minor Modification:

4. Jellystone Park Cranberry Acres, 20 Shoestring Road (Assessor's Maps 124 & 125 Lots 13 & 3A) Minor Modification to Water Park. Dan Flores represents the applicant and addresses the board and he has supplied the board with color plans of the existing conditions put in, the site plan, design plan and grading plan. The conditions plan shows the road network around the water park. They are proposing two pools, one 3.5' deep and a splash pad 8 inches deep. Mr. Flores indicated impervious areas increases 11,720 square feet. Chairman Shea indicates concerns due to by-law 4300. Mr. Flores sent the plans to the fire department for review and there only concern was to pull the backwash which they will comply with. They are removing the existing lodge and removing the existing pool and replacing it with a mechanical building, which is 21 feet, 9 inches. The board discusses lighting, fencing, and hours of operation with Mr. Flores. Chairman Shea indicates if food will be in this area the board will require a vermin control plan. The board is waiting to hear the reports from conservation commission, board of health and recommendations from the fire department. The Jellystone Park Cranberry Acres Minor Modification to the water park is continued to the meeting on November 1, 2022 at 7:00PM.

Public Hearing Cont'd.:

5. On the application of Priolo Concrete Forms, Inc. requesting a Site Plan Review pursuant to Sections 2230 and 3100 of the Carver Zoning By-Law, for property located at 0 Forest Street, in Carver, MA (Assessors Map 49 Lot 62-7-R) in the General Business Zoning District. Applicant proposes the construction of a single commercial building, associated utilities, stormwater control, parking lots and access drives. The building will be used as a craftsman/tradesman building.

Mr. Bob Rigo, a civil engineer with Riverhawk Environmental speaks to the board about the project indicating they received a letter from Fuss & O'Neill stating they were satisfied with the requirements. Mr. Rigo addresses the need for a special permit. The applicant would like to get a vote on the project as it stands but they also want to have full gravel parking lot instead of pavement which is less than ten thousand square feet of impervious area and then proceed with a separate special permit application. Mr. Bott indicates the board could vote on the special permit contingent on filing the requisite approval. That way the site plan is tied to the special permit. Mr. Bott suggests they issue conditions with the site plan with the issuance of the special permit. Chairman Shea asks hours of operation and Mr. Priolo responds the hours will be 7:00AM to 6:00PM, Monday – Friday and 9:00AM to 5:00PM on Saturdays. The board also discusses concerns with the applicant, conditions regarding snow removal, landscaping screening, fencing, lighting bicycle racks, vermin control plan, concerns about tractor trailer deliveries regarding safety issues, and outside storage materials and Mr. Priolo indicates he will comply with the conditions required. Mr. Bott reads aloud the waivers and conditions of the project.

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Chairman Shea will accept a motion to continue the application of Priolo Concrete Forms, Inc. to the meeting of October 25, 2022 at 7:00PM. Kevin Robinson makes said motion and it's seconded by Ellen Sordillo. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey votes aye, Chairman Shea vote's aye, Kevin Robinson vote's aye and Ellen Sordillo vote's aye. Unanimously approved 5-0-0.

Other Business:

A. Planning Board Member Notes-Chairman: None.

B. Planning Director Notes:

- a. Operating Procedures – Signing for PB Members and discuss October/November schedule. Mr. Bott provides to the board the current procedures and policies for their review and comments.
- b. CPTC Fall Training Schedule: Subdivisions/ANR and Special Permits. Mr. Bott indicates a trainer was hired and training so the board can choose their own schedule for training.

C. Discussion:

- Ellen Sordillo speaks to the board regarding her concerns of the board's voting decisions and reminds the board they were voted in to make fair and legal decisions that benefit both the businesses and residents of Carver. Chairman Shea indicates that it sounds like an accusation and caution should be taken when making statements along those lines.
- John Gaskey brings up the Bridgestone Development matter and Chairman Shea states the matter is before the town council.

D. Minutes: Chairman Shea will accept a motion to approve the minutes of September 13, 2022. Ellen Sordillo 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, Chairman Shea vote's aye, Kevin Robinson vote's aye and Ellen Sordillo vote's aye. Unanimously approved 5-0-0.

E. Adjournment: Chairman Shea will accept a motion to adjourn. Kevin Robinson makes said motion and it's seconded by Ellen Sordillo. Members of the board all vote aye. Unanimously approved 5-0-0.

Documents for 10/18/2022 PB Meeting

Carver Planning Board Operating Procedures

10/14/22 memo from Thomas Bott to Planning Board re: Lot Releases for Ricketts Pond Subdivision

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10/16/22 memo from Thomas Bott to Planning Board re: Jellystone Site Plan Minor Mod for Campers only Waterpark

Elevations for Jellystone Waterpark

Plans dated September 20, 2022 for Jellystone Waterpark

Ltr dated 10/12/22 from Robert Rego of River Hawk Environmental re: 0 Forest Street response to Fuss & O'Neill comments

9/26/22 Memo from Andrew Glines to Planning Board re: 0 Forest Street

Revised plans dated 10/12/22 from River Hawk on 0 Forest Street

Ltr 10/13/22 to Cara Dahill cc: Planning Board from Michael Facchini of Bridgestone Development, Inc. re: Notice of Constructive Approval

10/18/2022 memo from Andrew Glines to Planning Board re: 0 Forest Street

10/18/22 revised plans from River Hawk for 0 Forest St