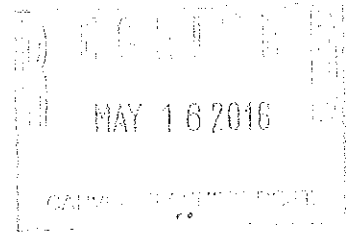


Planning Board Minutes
Tuesday, May 10, 2016



The Carver Planning Board met on May 10, at the Carver Town Hall, Meeting Room #1, 108 Main Street, Carver, Massachusetts. This meeting was videotaped for cable cast area 58, channel 15.

Chairman Bruce Maki opened the meeting at 7:00 p.m.

PRESENT: Bruce Maki, Chairman; Chad Cavicchi; James Hoffman; Kevin Robinson; William Sinclair

ALSO PRESENT: Marlene McCollem, Director of Planning and Community Development; Christine Champ, Recording Secretary

Mr. Sinclair asked the Board if they could take correspondence first, regarding Pine Ridge Development. Chairman Maki said yes. Ms. McCollem referred the Board to the two correspondence in their packets of May 4 and May 10 which were received for the Board's consideration at the evening's meeting.

All members read the correspondence and Chairman Maki questioned the contents of same. Ms. McCollem went over the two letters and the special permit copy dated May 5, 2015. She said the trustees and the owner had brought to the Board's attention the issue, looking into phasing 1, 2, 3 and 4, and making clarification to it or not, and they needed to decide if it should be scheduled for a meeting.

Chairman Maki suggested someone must have thought there was a violation. Ms. McCollem said Chairman Maki could not discuss as it was a violation of open meeting law, not being on the agenda. The Board would take a look at it and if there was a problem, they would put it on the agenda. Ms. McCollem suggested putting it on the agenda to discuss and decide what steps were necessary, if any. Chairman Maki asked if it would be open and Ms. McCollem said it was at his discretion. Mr. Sinclair motioned to put it on the next agenda, scheduling for the two letters to be on the agenda for discussion for May 24, 2016. Chairman Maki told the audience this would be scheduled but could not be talked about now because of the violation of the open meeting law.

Public Hearing:

Implementation of the FY14 Community Development Block Grant Program (CDBG).

Chairman Maki read the notice into the record, noting there was a sign-in sheet for the public. Ms. McCollem discussed the item. She said Carver and Halifax applied jointly for funds for Community Development Block Grant Program. She said the amount was just under \$500,000.00 for the two subsidies included in the program. She also said the target was for 17 units, which was exceeded by 1. There were 12 in Halifax and the balance was in Carver.

It was discussed that a hearing should be held for the implementation of the program. People could comment at the end regarding how the plan was run and how things went and it would be taken into consideration for the future implementation of the same plan. The Board would hold a needs hearing again, if so. Ms. McCollem noted there was a \$5,000 limit on child care and over the course of the program, there were about 25 people who were assisted with the program.

Chairman Maki invited the public to speak about the program. There was no response. Mr. Sinclair noted just

the implementation, itself, was well done and he thought it should be done again. Ms. McCollem agreed. Mr. Sinclair suggested it be pursued again. He thought it was a good implementation of the money.

Mr. Robinson asked if they could get feedback from the community and Ms. McCollem said the names were private so they could not be given out. She added that people had come in and talked to her. Mr. Robinson was wondering if others would be able to hear testimonial type things and Ms. McCollem said when the program became well established, people would come back again. Ms. McCollem added, as it became more normal, you'd see more and more people come.

Chairman Maki asked how you would apply for the program and Ms. McCollem said the applications were due in February. She said they would do it again with Halifax and Halifax did not use as much for childcare; that the childcare was mostly used by Carver residents. Ms. McCollem said Halifax would need another program that they wanted to implement. They did not reapply this past February. Halifax did not have another program. The time frame was 2014 and some childcare recipients were upset it did not run again. Ms. McCollem said they would look at it again and possibly they could reapply for the February deadline. Chairman Maki said this shows there's a real need.

Mr. Sinclair motioned to close the public hearing. Mr. Cavicchi seconded the motion. It was voted unanimously.

Sign Permit:

Sign Permit for Northeast Water Well Supply Co. at 71 Main Street in a General Business Zone.

Chairman Maki read the notice into the record. Mr. Greg Brenner of Brenner Signs & Awnings of Plymouth represented Northeast Water Well Supply Co. Mr. Brenner showed a picture of the sign he had on paper. Mr. Brenner said it was an aluminum sign with vinyl graphics. Mr. Brenner also stated he was looking for 2 signs, including one at the pile that's on the road with one on each side. Chairman Maki inquired about them moving to Main Street and Mr. Brenner answered yes. Chairman Maki asked Ms. McCollem if the signs complied and she said yes.

Chairman Maki asked if anyone had any questions. Mr. Sinclair inquired if there would be any lighting on the sign and Mr. Brenner said no. Mr. Brenner stated the one on the street had a light at the top. Chairman Maki asked for any other questions or comments and there were none.

Mr. Sinclair motioned to approve the sign for Jim Kopolis with the conditions of the building permit. Mr. Hoffman seconded the motion. It was voted unanimously. Ms. McCollem gave Mr. Brenner the building permit application and Mr. Brenner left at 7:22 p.m.

Discussion:

Review of final plans submitted for Linbia's Path, Definitive Plan Decision dated May 26, 2015.

Ms. McCollem said she received the memo back from Fuss & O'Neil saying that everything was complete and she stated they have the sign-off on that. She also stated she had the Mylar and the lotting plan and there were no changes to that so they could sign off on those that night. Ms. McCollem said the conditions had all been met and after construction there would be more conditions to fill but this was the next step in the procedure.

Procedures for staff review of plans, submitting recommendations for the Board's record, Sec. 53G accounts and peer review.

Chairman Marki read the notice into the record. Ms. McCollem said she wanted to go over what was in the package for everyone's review. This included the draft procedure, the minutes from 2011, the copy of the Chapter 44 section and a copy of the slide presentation. Ms. McCollem noted there was a lot to talk about and she started with explaining what the written rules say and what the practice had been. She wanted to focus on the employees of Carver (Town of Carver departments) and who they would want assisting them.

Ms. McCollem said in the next week she wanted to talk about 53G and Meg would be there to talk about same. She went on to say they used Fuss & O'Neil and Meg wanted to be there to talk about the financing end of it.

Ms. McCollem wanted input about how they wanted this to work and she felt she wanted the Board to be "driving the bus" here. Ms. McCollem said that some past practices didn't match all written rules and some plans were being amended before they got to the Board. Ms. McCollem felt an applicant had a right to come before the Planning Board and show their project and the staff can input whatever they want but the decision is the Board's.

Ms. McCollem said the plans were not meeting standards of bylaws in the past. So, she had taken time to think about how to get a thorough and responsible review without changes by someone outside and any revisions to the plans should be through the Planning Board. She proposed the plans be received at town hall and she would send them to department heads. She could then facilitate a meeting. The plans would not be changed based on meetings. The Board would see the plan as designed with referrals from department heads but it would be the Board's decision to make. The Board would decide what changes get made. The Board could do a site visit and have questions for Ms. McCollem to take back to the departments.

After the Planning Board meeting, Ms. McCollem could discuss with departments. The Planning Board would weigh all with answered questions and they would make the decision. The formal staff review would not happen until after staff hearing. That would be the difference or change; instead of staff before, they would be after. In this way, the Board gets information back from the departments. Ms. McCollem would feel better if it's clear that these are the Board's rules and regulations, their decision.

Mr. Maki asked for any comments. Mr. Sinclair liked the plans coming to the Board first and the staff second. He questioned why the applicant didn't attend the meeting. Mr. Sinclair felt the attendance of the applicant helped him. Mr. McCollem said she felt it was important for the town to have full, frank open discussions without the applicant repeating the conversation. Also, at a staff level meeting, there were no open meeting requirements. Ms. McCollem added, more importantly, if you had a project, and you were allowing others to attend, she felt abutters were not being allowed to attend. (Opposition, abutters.)

Ms. McCollem said it needed to be before the Board. She didn't want to set up unbalanced access and stated, we need to be internally consistent with this plan. Ms. McCollem felt the Board needed to have the meetings without them, applicants, repeating to third parties. Mr. Sinclair noted it was only two more meetings. Mr. Sinclair saw it as an open meeting. The staff would look at, there would be a third meeting, it comes back to the Board. There would be a fourth meeting, hearing revised plans with possible voting. Then maybe a fifth meeting to tweak.

Ms. McCollem said the issues could be narrowed down. She added, she would talk to her associates and then bring it back to the next hearing. Chairman Maki thought this was a good idea. Ms. McCollem said it could be on a trial basis, 3-5 months and if it does not work, they could try something else. She said she thought it made decision-making better and people could follow along every step of the way.

Mr. Sinclair asked if the staff meeting would include the engineer. Ms. McCollem said yes and added, on the Thursday following the meeting, if there was an issue, yes, he would be there. She continued to make clarifications on the plan to the member's specific questions. She then clarified the steps to Chairman Maki. Ms. McCollem would like to send them out to all the department heads instead of a group, as in the past. (The group was narrowed in the past.) Ms. McCollem said those that wanted to write back, great.

Chairman Maki asked for any other comments. There were none. He thought it was a good idea and that it would be smoother. Ms. McCollem wanted to try it on a pilot basis, then hold a hearing to put in the rules and regulations and codify. Chairman Maki agreed.

Other Business:

A. Planning Board Member Notes

Mr. Sinclair wanted to remind all of the master plan meeting on Monday at 7:00 p.m. and invited all to come.

Chairman Maki, stating that money was still available, asked if anyone called regarding mortgage assistance. He stated they could contact Ms. McCollem and she could give assistance to see if they met the requirements.

Mr. Hoffman said the golf outing for Zack Kane on May 21, 2016, is now full and he wanted to thank everyone. He said they are still in need of raffle prizes.

B. Minutes - April 26, 2016

Under reorganization, Mr. Hoffman made the change of a second motion for vice chairman of the board instead of member of the board. Mr. Sinclair motioned to approved the minutes as amended. Mr. Cavicchi seconded the motion. It was voted unanimously.

C. Correspondence (if any)

Done previously.

D. Next meeting date: May 24, 2016

Mr. Sinclair made a motion for the next meeting date of May 24, 2016. Mr. Hoffman seconded the motion. The date was approved unanimously. Chairman Maki asked what was going to be on for that meeting. Ms. McCollem answered, Sampson's Pond; Meg, regarding 53G; the site plan review for the new elementary school and the special permit for the solar installation off of Ward Street. Mr. Sinclair asked if Ms. McCollem could look into Sampson's Pond approved plans as he did not receive a copy and he wanted it prior to the meeting. Mr. Sinclair wanted to know how the R & I accounts are doing for Sampson's Pond. Ms. McCollem said she

would find out.

E. Adjournment

Mr. Sinclair made a motion to adjourn the meeting. Mr. Cavicchi seconded the motion. It was voted unanimously to adjourn at 7:53 p.m.

EXHIBITS

- A. Agenda
- B. Minutes of May 10, 2016
- C. Sign Permit Application of Jim Kopolis-Northeast Water Well Supply Co. (71 Main Street)
- D. Section 53G
- E. Staff Review Information Sheet
- F. Peer Review and 53G Slide copies



TOWN OF CARVER

Office of Planning & Community Development

PUBLIC MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A, SECTION 20B

PLANNING BOARD MEETING AGENDA

May 10, 2016

7:00 PM

Carver Town Hall Room #1

Public Hearing:

Implementation of the FY14 Community Development Block Grant Program (CDBG).

Sign Permit:

Sign Permit for Northeast Water Well Supply Co. at 71 Main Street in a General Business Zone.

Discussion:

Review of final plans submitted for Linbia's Path, Definitive Plan Decision dated May 26, 2015.

Procedures for staff review of plans, submitting recommendations for the Board's record, Sec. 53G accounts and peer review.

Other Business

- A. Planning Board Member Notes
- B. Minutes –April 26, 2016
- C. Correspondence (if any)
- D. Next meeting date: May 24, 2016
- E. Adjournment

Staff Review for the Planning Board's Special Permits, Subdivisions & Site Plan Reviews

1. The Director will distribute plans to the Dept. Heads and ask for any initial written comments. Those referrals will be sent to the Planning Board and the applicant in advance of the public hearing.
 - a. When a Dept. Head indicates that they would like more information about a plan, prior to submitting comments to the Board, the Director will facilitate an informational meeting with all interested Dept. Heads and the applicant. The applicant shall not make any plan revisions based on this meeting without first confirming those changes are acceptable to the Board at the upcoming public hearing. The purpose of this introductory meeting is to better understand the scope of the project, the scope of the Board's jurisdiction, and alert the applicant to any early identified areas of concern.
2. The Planning Board will open the public hearing. The applicant will have the opportunity to present his/her preferred development proposal to the Board. Interested members of the public will provide input to the Board. The initial staff comments will be discussed and made part of the record.
 - a. The Board will request any revisions to the plan they feel are necessary.
 - b. The Board will vote to schedule a site visit, if they feel it is necessary.
 - c. The Board will provide the Director with a list of questions, comments, and requests for more information to be provided back to the Dept. Heads.
3. If needed, on the 2nd & 4th Thursday of the month, there will be a staff meeting at 9 AM to review the plans as a group, along with the issues raised during the hearing. If the Board has requested specific information from any Department, the Director will contact that Department directly in advance of the staff meeting.
 - a. The applicant or members of the public will not attend staff meetings.
 - b. The group will develop a list of questions and recommendations for the Planning Board's consideration.
 - c. The Director will distribute the group's comments to the Board and to the applicant.
4. At the continued public hearing, the Board will review the revised plans, all additional staff comments, and additional comments from the public. The Board will negotiate revisions to the plan directly with the applicant as part of the public process.
5. In needed, any unresolved issues will be carried back to the next Thursday staff review.
6. The process will continue for any given project until the Board is satisfied and takes a vote.

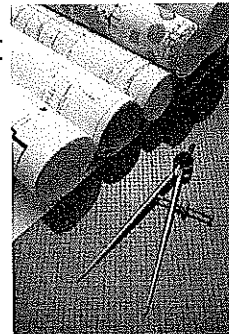
Peer Review and "53 G" ...

MAPD Annual Conference
June 3, 2010

Paige Duncan, AICP, Town of Wrentham
George G. Preble, P.E., Beals and Thomas, Inc.
Kristen D. Wilson, AICP, Beals and Thomas, Inc.

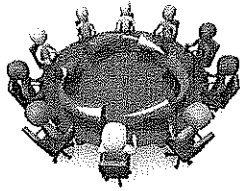
Presentation Overview

- Purpose of presentation
- Overview of MGL Chapter. 44, Section 53G
- Why municipalities hire peer review consultants?
- Engaging the peer review consultant
- Developing a process and schedule
- Role of the peer review consultant
- Peer review document contents
- Tricks of the trade
- Questions/ comments



Peer Review Defined

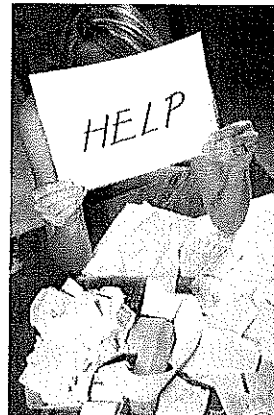
Peer review is the evaluation of creative work or performance by other people in the same field in order to maintain or enhance the quality of the work or performance in that field ¹.



¹ The word peer is often defined as a person of equal standing. However, in the context of peer review it is generally used in a broader sense to refer to people in the same profession who are of the same or higher ranking.

Why Hire a Peer Review Consultant

- In-house expertise not available (due to lack of personnel or workload)
- Need for specialized reviews (e.g., radio frequency engineer, traffic, etc.)



Section 53G of M.G.L. c.44

...authorizes Zoning Boards of Appeals, Planning Boards, Boards of Health and Conservation Commissions to establish special revolving funds for fees payable by applicants for permits and approvals. The boards and commissions may use revolving funds, without appropriation, to hire outside consultants to examine the applications. Once an applicant's project is completed or their application is denied, the unused portion of the fee is returned to them, plus interest.



53G funds may only be used for:

1. Zoning Boards of Appeals, M.G.L. c.40A, §§9 or 12
2. Low or Moderate Income Housing, M.G.L. c.40B, §21
3. Subdivision Control, M.G.L. c.41, §81Q
4. Boards of Health, M.G.L. c.111, §31
5. Conservation Commissions, M.G.L. c.40, §8C; M.G.L. c.131, §40; or any local wetlands ordinance or bylaw (added 2003).



Caveats ...



- M.G.L. c.44, §53G does not authorize the hiring of consultants or the imposition of fees to do so; it merely provides a means by which to pay the cost of certain consultants without appropriation.
- Municipalities may only hire these outside consultants without appropriation if they have promulgated rules for the hiring of outside consultants under one of the statutes listed in M.G.L. c.44, §53G.

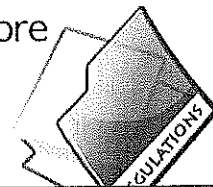
Rules for Implementing M.G.L. c.44, §53G

Section 53G of M.G.L. c.44 specifies certain administrative rules a municipality must enact prior to establishing a revolving fund.

RULES

Adopted Regulations Must ...

1. Impose a reasonable fee for the employment of outside consultants;
2. Provide a means to appeal the choice of consultants to the city council or town board of selectmen; and
3. Set qualifications for the consultants (e.g., education degree or three or more years practice in field).



Qualifications Requirements



For a procurement pursuant to M.G.L. c.44, §53G, your quality requirements must include at least one of the "minimum qualifications" listed by the statute: either an educational degree in or related to the field at issue, or three or more years of practice in the field at issue or a related field. You may choose to include additional quality requirements to fit the demands of your particular project.



Towns have encountered legal trouble by assuming M.G.L. c.44, §53G grants them the authority to hire a type of consultant that is not expressly authorized by the laws, and to impose those fees on applicants.

For example, one Zoning Board of Appeals enacted a rule providing that "in hiring outside consultants, the Board may engage ...lawyers...who can assist the Board in analyzing a project to ensure compliance with all relevant laws," and requiring the permit applicant to pay a "review fee" covering the reasonable cost of legal fees for that service.

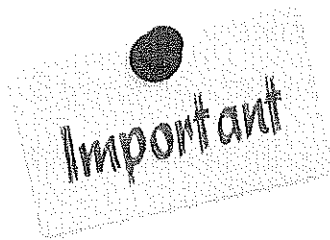


On its face, the rule appeared to be perfectly reasonable. However, the Massachusetts Housing Appeals Committee held that because the rule was promulgated under the authority of M.G.L. c.40B, which does not contain specific authority to hire lawyers, the review fee was invalid. The Housing Appeals Committee found, based on the language of the statute and cases interpreting it, that M.G.L. c.40B only allows fees to be imposed for "technical review" and not for legal services.

Consequently, the jurisdiction had to assume a cost of almost \$20,000 in legal fees it had charged to the applicant.

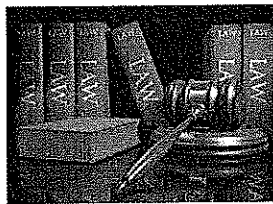
Play it safe ...

If you have any questions about whether a given fee or expense may permissibly be transferred to applicants, please check with your legal counsel **prior** to incurring the expense.



Legal ...

In Massachusetts, the law authorizing peer review is **MGL Chapter 44, Section 53G**.



Some procurements must also comply with the Uniform Procurement Act, also known as **MGL Chapter 30B**.

Breaking news ...



Chapter 30B. Uniform Procurement Act amended **11/1/09**

Section 1. Application of Chapter; **Exceptions.**

(a) This chapter shall apply to every contract for the procurement of supplies, services or real property and for disposing of supplies or real property by a governmental body as defined herein.

(b) **This chapter shall not apply to:**

(32A) contracts with architects, engineers and related professionals;

More on the 30B Exception

- Chapter 30B as revised on 11/1/09 includes specific definitions of professionals included in the exception.
- It is important to be sure the consultant hired under M.G.L. c.44, §53G is included in the definitions provided in the exception, otherwise the requirements of the Uniform Procurement Act will apply.
- See attached handout containing text of the revised section, including definitions. State's website is not updated!

Suggestions ...



- An attorney with the Office of Inspector General recommended, despite the exception, that an annual check of rates for comparable consultants be conducted.
- She also noted that due to the exception, acceptance of the lowest price/ bid is not required. Other factors can be taken into consideration (familiarity with town, etc). However, prices should not be so out of range that they can't be justified.

Specifics ...

- Once your Board/ Committee has promulgated rules for the hiring of outside consultants, it's time to select a peer review consultant.
- Some municipalities solicit three quotes for each project.
- Most towns have one or more "on call" peer review firms that they rely upon.



Things to consider ...



- Who will be point of contact with Consultant?
- What are the goals of the review?
- Is applicant (or his/ her engineer) permitted to contact or meet with the Consultant? How manage access?
- Keep budget on track. Phone calls, inquires, meetings all take Consultant's time (= money).
- Requiring applicants to submit a narrative describing the proposed project provides invaluable context and information, not only to Board/ Committee, but also to Consultant.
- In Wrentham, BTI has become part of our "team" since we do not have an engineer on staff.

Developing a Process and Schedule

- Paying the review fee into the town account before review begins (many towns require up front deposit towards review fee).
- Meeting between applicant, peer review consultant and Town prior to start of review (optional)
- Reviewing context of project
- Becoming aware of special circumstances
- Deadlines for peer review comments and responses before hearing
- Consultants present at public hearings

Notes

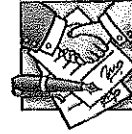
- Establish up front how consultant will interact with applicant.
- Ensure consultant fully understands budget limitations (you go over without authorization, you're out of luck).
- Ensure adequate review time for peer reviewer.
- Keep an eye on supplemental services (many projects require a second review; the costs of which are hard to predict at beginning of process).

A Case Study: Wrentham



- Beals and Thomas, Inc. (BTI) has served as Planning Board Peer Review engineer since 1996. Conservation Commission since 2009.
- BTI reviews (almost) all subdivision and special permit applications for the Wrentham Planning Board.
- After receiving an application, Planner makes recommendation to the Planning Board on whether engineering (or other) review is warranted for project. Board votes to authorize use of 53G for project.
- Planner instructs applicant to send full application package to peer review consultant; informs consultant of anticipated delivery.

Case Study Continued ...



- BTI prepares a Scope of Services for the project, which is then sent to the Planner. Upon receipt, Planner forwards Scope to applicant. Applicant has choice of appeal or to provide the funds to the Planning Board.
- Peer review cannot start until funds are received by the Town. No additional review or services may be performed unless authorized by the Planning Board (to avoid budget overruns).
- Lead time is typically at least a month (delays often occur waiting for deposit of review funds by applicant. Many towns require initial deposit at time of application, which could reduce delay).

Case Law Related to Peer Review

- In the Matter of Ruth Vecchione, Trustee; DEP WET 2009-004; Douglas
 - Land-owner filed an NOI for work involving crossing of an intermittent stream.
 - Land-owner refused to pay Douglas Conservation Commission for a peer review of the project.
 - Douglas Conservation Commission (DCC) denied the application on the basis of lack of information.
 - Land-owner sought a Superceeding OOC. MA DEP CERO affirmed DCC decision.
 - SOOC appealed- Presiding Officer found that technical expertise to evaluate stormwater warranted denial.
 - Commissioner did not adopt Presiding Officer's decision and found that there was sufficient evidence and information for the DCC to make a decision.
 - Commissioner remanded the NOI to the DCC to review the NOI

Role of the Peer Review Consultant

- Role of Professionals-Review May Include
 - Civil Engineering
 - Landscape Architects
 - Wetland Scientists
 - Certified Planners-AICP
 - Traffic Engineer
 - And Less Frequently:
 - Hydrogeologists
 - Architects
 - Radio Frequency Engineers (for wireless towers)
- Additional Review Coordination as Dictated by Specialized Projects
 - Hazardous Waste & Contamination (for Brownfield Sites)
 - Shadow Impacts
 - Noise

Role of the Peer Review Consultant

- Recognize that municipalities and board members have a finite amount of time for their review.
 - Board Members are volunteers
 - Municipal staff have many responsibilities
 - A thorough review is essential to minimize repeated public hearings
- Consideration for Selection of a Peer Review Consultant
 - Should serve as a resource for the municipality
 - NPDES
 - Low Impact Development
 - LEED
 - EPA Residual Designation
 - Chapter 40B Comprehensive Permit
 - Construction Issues
- Is able to assist with design considerations in addition to civil engineer
 - Landscape Architecture
 - Permitting
 - Wetlands
 - Brownfields/Remediation

Peer Review Document Contents

- State the purpose of the review - Site Plan Review, Special Permit, Earth Removal By-law, Watershed Protection, Subdivision Rules and Regulations.
- Confirm the documents received for review, including the revision date, preparer and information necessary to establish the administrative record.
- Provide a concise overview of the project.
 - Recognize that Board Members and members of the public need to fully understand the role of the peer review.
 - Identify significant elements of the design (i.e. retaining walls, substantial earthwork, grade differentials, proximity to abutters, etc.).
 - Summarize the important elements of the development program.

Peer Review Document Contents

- Identify limitations (if any) of the review.
 - For example: wetland boundary not field reviewed; limited to an evaluation of generally accepted engineering practices; septic system design capacity not reviewed.
 - Alternative jurisdictions within a municipality may review specific design elements
 - Board of Health - sewage disposal and stormwater
 - DPW - stormwater and utilities
 - Conservation Commission - wetlands delineation and stormwater
 - Recognize overlapping review jurisdiction and the need for non-conflicting comments to the Applicant.

Peer Review Document Contents

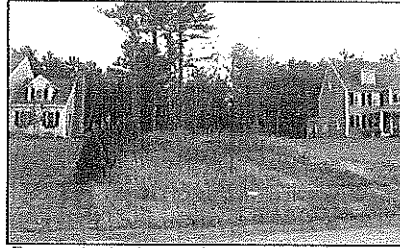
- Presentation of Review Comments:
 - Non-biased
 - Professional practice based comments
 - Present comments in a manner that invites cooperation
 - State if the project is well designed
 - Assist with an understanding of the relationship of a proposed project to existing development and neighboring land use
 - Capacity of existing infrastructure
 - Consistency with community plan
 - Compliance with zoning and development regulations
 - Conformance with standard engineering and planning practices.
 - Be judicious with repetitive technical comments

Peer Review Document Contents

- Overall Site Design
 - Roadway
 - Parking lot – spaces, aisles and landscape treatment
 - Pedestrian Circulation
 - Vehicular Circulation
 - Intersection/Stopping Sight Distance
 - Accessibility
 - Lighting
 - Landscaping
- Stormwater Management Comments
 - Compliance with DEP Stormwater
 - Local By-law
 - Erosion Control
 - Low Impact Development Techniques
 - Maintenance considerations
 - Homeowners Association requirements

Peer Review Document Contents

Use digital photography to assist with presenting comments



The proposed roadway location and intersection with Shallow Pond Lane

6. A retaining wall system is proposed adjacent to the roadway between existing residences at No. 52 and 60 Shallow Pond Lane. A detail for the construction materials and methods for the proposed retaining wall should be included on the detail sheet. In addition, screening of the roadway with plantings should be considered.

Applicant Response: The retaining wall has been eliminated as part of this revised design.

Current BTI Comment: Based on the revised grading along the roadway and elimination of the retaining wall, the comment regarding the retaining wall is no longer applicable. Landscaping has also been incorporated along the entry roadway.

◀ 1 of 1 ▶

Press Esc to exit full screen

Peer Review Document Contents

7. The Applicant should confirm that the headlights approaching the proposed intersection from the new roadway will not create a nuisance condition for existing homes.

Applicant Response: Landscaping will be provided on either side of the entrance to provide a buffer between the proposed roadway and existing dwellings. Also, there is not a dwelling directly across Shallow Pond Lane at the location of the intersection to be affected by headlights.



Current BTI Comment: The aerial photograph above shows the intersection of the proposed roadway and Shallow Pond Lane. Although there may not be a dwelling directly across from the proposed roadway, as vehicles maneuver and turn onto Shallow Pond Lane the potential for headlights to shine into the adjacent dwellings. We request that the Applicant consider providing a vegetative screen for the two homes across from the proposed roadway if acceptable to the homeowners.

◀ 2 of 11 ▶

Supplemental Review Document Contents

In an effort to establish clarity for the administrative record, we have included the original comments as presented in our letter dated November 16, 2009, followed by the Applicant's responses in *italicized font* (January 25, 2010 letter), followed by our current evaluation in **bold font** to provide the status of each original comment.

• Supplemental Review

- Require timely and responsive comments from the Applicant's consultant
- Comments should be presented by the responsible engineer for the Applicant, not from an attorney, unless it is a legal matter
- Format of the Supplemental Review
- Include the original comment, the Applicant's response and a status to establish the administrative

General Comments

1. The density calculations for the as-of-right plan should be provided on Sheet 3.

Applicant Response: This has been provided on Sheet 3 and 4.

Current BTI Comment: We consider this comment to be adequately addressed.

2. The proposed location of the emergency access route requires grading of a relatively steep hillside upgradient of Shallow Pond. We recommend that the Applicant consult with the Town of Plymouth Fire Department to consider the operational requirements for the emergency access route. If the emergency access route is advanced at the proposed location, it is recommended that the plans be revised to include additional stabilization methods on the hillside slopes upgradient of Shallow Pond, rather than just loam and seed as currently proposed. Plantings, erosion control blankets, and/or geotextile fabric are suggested.

Applicant Response: The emergency access road has been eliminated

Current BTI Comment: We acknowledge the proposed roadway layout revisions eliminate the emergency access road. However, we respectfully request that the Applicant provide the Planning Board with documentation that the revised roadway layout and turn-around have been approved by the Plymouth Fire Department. Note that "Turnaround Detail With Engine 1 Overlay" depicted on Sheet 9 includes a note that states, "Provide an area free of obstructions over 6-inches in height for fire truck overhang". The respective area necessary to accommodate the turning movement extends beyond the road layout. Accordingly, we recommend that an easement be provided to accommodate the turning movement. We also anticipate

Tricks of the Trade

- Peer review of project spanning two or more municipalities
 - If municipalities use two different peer review consultants normally, encourage them to use the same one for this type of project
- A Planning Board stormwater review can be used by the Conservation Commission (and vice versa)
- Word choice in reviews
 - "mistake" v. "inconsistent"
- No need to "edit" the applicants plans
- Proximity of peer review consultant to project
- Using portions of the review comments as conditions of the approval
- Engage not just a reviewer but also a practitioner
- Engage a consultant active with professional societies and current with regulatory advances
- The review letter should establish an administrative review

Planning Board Minutes

Tuesday, April 26, 2016

The Carver Planning Board met on April 26, at the Carver Town Hall, Meeting Room #1, 108 Main Street, Carver, Massachusetts. This meeting was videotaped for cable cast area 58, channel 15.

Mr. Bruce Maki opened the meeting at 7:00 p.m.

PRESENT: Bruce Maki, Chairman; Chad Cavicchi; James Hoffman; Kevin Robinson; William Sinclair

ALSO PRESENT: Marlene McCollem, Director of Planning and Community Development; Christine Champ, Recording Secretary

Public Hearing:

Bridgett Melville - Special Permit - 10B Montello Street (Assessor's Map 22-10-1-R) to allow a hobby kennel in the Green Business Park District. (Zoning Bylaw §§2300, 5300).

Filed with the Town Clerk: March 31, 2016

Last Meeting: May 23, 2016

Deadline: June 1, 2016

Chairman Maki read the public hearing notice into the record. He noted that it had been published in the 4/1/16 and 4/8/16 issues of the Carver Reporter.

Mr. Sinclair made a motion to take the Reorganization of Officers out of order. Mr. Robinson seconded the motion. It was voted unanimously.

Reorganization of Officers

Mr. Sinclair made a motion for Mr. Bruce Maki as Chairman. Mr. Robinson seconded the motion. It was voted unanimously.

Mr. Sinclair made a motion for Mr. James Hoffman as member of the Board. Mr. Cavicchi seconded the motion. It was voted unanimously.

Mr. Cavicchi made a motion for Mr. William Sinclair as Secretary. Mr. Robinson seconded the motion. It was voted unanimously.

The board returned to the public hearing regarding Bridgett Melville of 10B Montello Street. Ms. Melville stated she was seeking a hobby kennel license to breed dogs. She had five dogs at the time of the hearing. She stated she wanted to implement a breeding program to see how it would go. Ms. McCollem said, because she exceeded the number of dogs to be licensed, she needed to apply to the Planning Board for a special permit. Ms. McCollem said it is not to be used for boarding and grooming dogs and added, those were her personal dogs.

Chairman Maki asked for questions or comments.

Mr. Robinson asked what type of dogs and Ms. Melville said she planned on Great Danes but nothing was set in

stone. Ms. Melville said she just wanted to make sure she pulled the special permit to have the dogs. Mr. Hoffman asked how many dogs she had and she answered five, with some being puppies. Chairman Maki asked if there was a provision for fencing. Ms. Melville stated she had separate roofing and dog runs and proper facilities set up. Mr. Robinson inquired what the dog officer's participation would be? He also asked if, at most, 16 to 20? Ms. Melville said she planned on one litter a year. Ms. McCollem added they would still need to be licensed with rabies and all other regulations.

Chairman Maki asked the Board if there were any other questions or comments and there were none.

Chairman Maki opened questions to the public in attendance.

Ms. Jeanne Winslow of 28 Heather's Path, Plympton, addressed Ms. Melville, inquiring if she had any knowledge of eminent domain regarding her property. Ms. Melville said she was not aware but that her father owned the property.

Chairman Maki again requested any questions of the public. There were none.

Mr. Sinclair made a motion to close the public hearing. Mr. Hoffman seconded the motion. It was voted unanimously.

Chairman Maki read a prepared motion to approve the special permit for kennel into the record, with conditions.

Chairman Maki motioned to approve, with conditions, the special permit for kennel. Mr. Hoffman seconded the motion. It was voted unanimously.

Ground Effects Landscaping, Ltd. - Special Permit - 68 Main St. (Assessor's Map 71-9-3)-to allow a full-service landscape construction and maintenance company in a General Business District. (Zoning Bylaw §§2230, 5300).

Filed with the Town Clerk: March 17, 2016

Last Meeting: June 14, 2016

Deadline: June 15, 2016

Chairman Maki read the article into the record from the agenda. Peter Bishop and Shawn Bishop were in attendance. Mr. Peter Bishop said they were eager to share some of the changes they had made to get the approval that night. Going through the changes, Mr. Peter Bishop described (while referring to the plan on the board) the location of the office trailer, relocated from the entrance to the back, near the gate. He said this should alleviate concerns. Per Mr. Bishop, regarding the office layout, the Bishops included information of the office trailer in the information packet.

Mr. Peter Bishop said there was more information about the material bins. He said they were precast concrete blocks (3 X 3 X 6) and 6 feet high.

Regarding the next question, the storage containers, Mr. Peter Bishop said they were currently there and they would use them for off-season storage (i.e. in the winter, summer equipment and in the summer, winter equipment). He then went over the time table for yard operation. Mr. Peter Bishop said the retail portion is from April to December.

Regarding equipment parking, Mr. Bishop said the equipment trucks, trailers, machines, et cetera, would all be located behind the gated areas. They intended to park approximately 15 vehicles out back. Mr. Peter Bishop also said there would be about 15 to 20 employees.

He said the retail hours would be Monday through Saturday, 7:00 a.m. to 4:00 p.m. and the contracting hours would be Monday through Saturday, 7:00 a.m. to 5:00 p.m.

Regarding the debris transfer bin, Mr. Peter Bishop said they want to create it behind the building and behind the security gates. He referred to GreenWaste transfer bins being used which allows them to work in a more efficient manner. Mr. Bishop said they will keep to a two-week dump schedule, adding, avoiding breaking down the material. He said two weeks mitigates the smells.

Mr. Bishop stated they don't intend to load before 7:00 a.m. He said, regarding the vehicles spilling onto Main Street, they would mimic what other yards have as a policy. Someone watches out for any debris that would fall.

Peter Bishop said there would be no maintenance repairs on site; that all repairs would be off site. He said there could be minor repairs.

Also, he stated there would be no residential use of the property.

Regarding signage, Mr. Bishop said they would be moving 5 slats and replacing with one sign the size of those slats. He said there was no intention of a lighted sign and the graphics were in the handout.

He stated there were no current sales of fertilizer. Regarding dust control, Mr. Peter Bishop stated they don't anticipate any dust issues and they have procedures in place if it becomes an issue. If necessary, they would add sprinklers.

In addressing the fire department feedback, Mr. Bishop said the big concern is just combustible materials. He stated they had only two combustibles, black mulch and brown mulch. Mr. Bishop said they were not keeping a quantity that would combust and the bins can handle between 200 and 300 yards. Also, he added, the piles would not be sitting long and turning out quickly. He said the fire department wants them separated and they will separate with stone and make different piles. They also have designated parking spots as an emergency pile turnover area. Mr. Stephen Bishop also added, the pieces of equipment all have fire extinguishers. Regarding the gates, he said they are no less than 12 feet. He said that addresses the fire department concerns.

Chairman Maki asked for any questions from the Board.

Mr. Sinclair wanted an updated plan that stated the emergency plan. Also he asked about the actual storage container. Mr. Shawn Bishop said, yes. Mr. Sinclair asked that it would be in place (roll-off container). Shawn Bishop answered, as soon as full, the full truck load gets taken to dump. Mr. Sinclair thanked them for moving the trailer and he thought they would be successful.

Mr. Peter Bishop said they are not a manufacture and they strictly retail mulch. Mr. Sinclair said he was good with the information provided.

Chairman Maki asked the Board for any other questions or comments. Mr. Robinson stated he appreciated all concerns being quickly addressed.

Chairman Maki asked for audience questions. There were none.

Mr. Sinclair motioned to close the public hearing. Mr. Hoffman seconded the motion. It was voted unanimously.

Chairman Maki read the draft motion for Ground Effects Landscaping, a motion to approve, into the record, along with findings. Chairman Maki also read the 8 conditions into the record.

Mr. Sinclair wanted all the items that the fire department requested (1 through 8) to be added to the decision. He felt this was very important. Other items such as no-smoking signs, Board of Health comments (#2, request for MDEP special permit), Mr. Sinclair said he wanted added to the decision.

Mr. Sinclair motioned to approve the permit with the motion to add additional items. Mr. Robinson seconded the motion. (Mr. Cavicchi not eligible to vote.) It was voted unanimously.

Mr. Sinclair thanked the Bishops and wished them good luck. Mr. Bishop stated they expected to be up and running by June 1st.

Site Plan Review:

Jamie Emerson - Tremont Street (Assessor's Map 95-3-1)-for the construction of a 7,470 s.f. building and associated site work in a General Business District (Zoning Bylaw §3100).

Chairman Maki read the meeting notice into the record. Mr. Gregory Morse, a registered engineer, from Morse Engineering and Jamie Emerson were present. Mr. Morse said the Board had asked for a couple of things revising the plans and also, that the site walk took place. Mr. Morse said the Conservation plan had been approved and he went over the plan on the display board.

Mr. Morse said the parking lot was revised from 10 to 8 spaces. He said they also revised 10 feet of landscaped area and they were proposing 20 feet. He stated that the access around the building was proposed as a one-way around the building (traffic circulation). Mr. Morse also stated they reduced the isles around the building to 20 feet wide. He said he understood the fire department had concern regarding isle and access to the front of the building. Mr. Morse said they had changed to 6 feet of structural turf and said it was placed under grass to stabilize if a truck was on. He also stated there is access to all four sides of the property. Mr. Morse was looking for questions or comments.

Chairman Maki asked for any questions or comments. Mr. Sinclair wanted to hear from the fire department.

Deputy Chief Eric Germaine from the Carver Fire Department related the concern of the fire department was access for fire truck apparatus. He said they speak for all safety, to represent all four agencies. And also, they have the largest trucks. He said he appreciated the plantings. Deputy Chief Germaine spoke about the Cape Cod berm. He stated they don't drive public safety trucks over Cape Cod berms and plow trucks would not drive over them for plowing. He said that restricts it down to 14 feet. They tested with a pickup truck. Deputy Chief Germaine said realistically, it would be 12 feet from the front, with parking to edge of concrete. The

ambulance is 13 feet and it could not be parked in front of the building. He noted, this speaks volumes from a public safety perspective; you cannot put an ambulance or a fire truck there and operate. Deputy Chief Germaine said he does not think this represents the best interest of public safety. He agreed with good access around the back. He said he felt the renditions changed things. He also noted the new trucks soon would be 24 feet and that's how big things are today. Deputy Chief Germaine said he thought initially, the first revision was good. He now has concerns.

Mr. Sinclair wanted the engineer to talk about the deputy chief's concerns. Mr. Morse said there were a couple of options. One, would be to seek a variance on the 20-foot setback to 14 feet, which would allow them to pave the isle. Two, rather than do as a grass strip, they would eliminate the Cape Cod berm, making it flush with paver. They could put down a landscaped paver. Three, they could move the building back to accommodate that. Mr. Morse stated that the applicant doesn't want to move it back. So, Mr. Morse is leaning towards the first and second options.

Ms. McCollem described the purpose of the berm. Mr. Maki and Mr. Cavicchi agreed, this was what was around the town. Mr. Morse said he was willing to go with a structural paver. Ms. McCollem suggested the applicant provided the Board with the specs. for the same. Mr. Sinclair asked if they could provide this and Mr. Morse said yes. Chairman Maki said this sounds like it would work.

Ms. McCollem said this is not a public hearing but people are here. Chairman Maki asked if any of the public wanted to speak.

Reverend Hanson said he was an abutter from the church next door on Tremont Street. He stated he had concerns. He indicated the plan to have a 20-foot measure to meet the town bylaw. He then asked if it was just discussed to reduce. Mr. Sinclair answered, it was to support safety vehicles and it would not be paved; like cement to hold the weight of public safety vehicles. Mr. Hanson wanted to know if he could see the first one. Ms. McCollem said yes and that the applicant could apply for a delay or change and add conditions.

Reverend Hanson's other concern was the parking. He stated the town ordinances for commercial space required 1 space for parking for 250 square feet of building. He calculated the spaces differing. Mr. Morse addressed this inquiry. He stated the parking calculations, if for commercial use. He said they provided the calculations on the plan. (He refers to plan.) The plan exceeds the bylaw requirements, (10 versus 8) Mr. Morse said. Five warehouse (1.2 space each) and he provided Reverend Hanson with the calculations. Tradesmen space is typical to a plumber's, said Mr. Morse. Reverend Hanson thanked Mr. Morse.

Mr. Paul Newcomb of Carver inquired about Conservation. Mr. Morse informed him it already passed. Mr. Newcomb was asking about pavers and how many feet in reference to water flow, runoff design. Mr. Morse went over the drainage calculations for Mr. Newcomb. Mr. Newcomb asked if the pavement was going to be increased and said he would look at it when it was finished.

Mr. Ron Romard of 15 Tremont Street wanted to know what exactly was this project. He was concerned about children, et cetera. He also inquired about landscaping. Chairman Maki suggested he review the plan and that all of the landscaping had been covered. Mr. Morse said the commercial building is similar to Commerce Way with a commercial-style building broken into 5 units. Mr. Morse said a typical tenant would be a plumber with office and warehouse, and as far as traffic, one way in, one way out. He stated they did not do a full traffic analysis because there was not much traffic. Mr. Romard stated there were lots of trucks going by. Mr. Morse

answered his concern.

Mr. Romard wanted to know if there were signs. Mr. Morse told him yes. Mr. Romard wanted to know if they were at street level and Mr. Morse said they were level in the front but down in elevation in the back. He said the front was 84 and the back was 76. Mr. Romard said there were four houses across the street but he was unsure of the area.

Deputy Chief Germaine returned to speak. He said the number zero Tremont Street was actually a different location than Mr. Romard thinks. Mr. Romard apologized and thanked all for answering his questions.

Reverend Hanson wanted a point clarification. He was concerned about just office space and no retail sales. Mr. Morse said someone might come in to sit down and have a meeting at a tenant's office. Reverend Hanson wanted town ordinance that was quoted. Ms. McCollem said, Section 3330 talks of parking requirements. Reverend Hanson asked if it was under C for commercial space and Ms. McCollem said it was and also referred him to another section, clarifying amount of parking spaces correctly.

Reverend Hanson questioned the office space. Mr. Morse gave him the number and Reverend Hanson asked if there was a potential for customers coming to space. Mr. Morse said it was possible and said even if it was retail, the parking would not change. They further discussed the number of parking spaces. Mr. Morse suggested the Town had approved and Chairman Maki agreed it has been. Ms. McCollem said this is clearly for craftsmen, the building. The plans are not for retail use. She said the parking conditions are in conformance. Mr. Sinclair said it was on the plan and read it. Reverend Hanson said, so, not used for retail. Chairman Maki said we could make that condition.

Mr. Sinclair said the parking was by bylaw that is in place, what the Town has approved for this type of business and the parking conditions are the same as per the bylaw of the Town. He said we would not be able to see if a customer came in for retail. He suggested Mr. Morse was meeting the bylaw. Retail was the same as office parking spaces, per Ms. McCollem and Mr. Sinclair. The reverend said he was concerned about safety and where people are going to park for retail. He said they need customers to stay in business. Ms. McCollem informs the reverend, the usage is matched to the plan. The calculations would have to be confirmed again if use was going to change. Right now, for the use, the parking is adequate and any change in use would require modification. Reverend Hanson wants his concern noted, his safety concern regarding parking. He feels there is not enough parking. Mr. Sinclair thanked him.

Chairman Maki asked if there was a plan of what the building would look like. Mr. Morse said it would be a Morton-style building, one level in height. Mr. Robinson asked about a height requirement and Ms. McCollem said 40 feet. Chairman Maki said it met all the board's requirements. Mr. Hoffman questioned, on a business like this, are most tradesmen out of the building for most of the day and is there someone in the office? Mr. Morse answered, it will vary. Maybe bookkeeping or a crew setup. Mr. Morse did not anticipate this being a true office building.

Reverend Hanson wanted to know what business was going in and Jamie Emerson said noone had signed up yet, but typically tradesmen.

Chairman Maki read the draft motion into the record with findings and conditions. He asked if there were any additions.

Mr. Sinclair wanted the landscape paver to be submitted prior to the building permit. Also, he does not want the Cape Cod berm on the front. Mr. Sinclair inquired about the address. Ms. McCollem said the building commissioner would assign when he gets the decision. Mr. Robinson wants to make sure the pavers meet with the fire department apparatus information.

Mr. Sinclair moved to approve the site plan for Zero Tremont, Assessor's Map 95-3-1, with conditions and additional items that they motioned. Mr. Hoffman seconded the motion. It was voted unanimously.

Mr. Morse and Mr. Jamie Emerson thanked the Board and left at 8:25 p.m.

Discussion:

Review of final plans submitted for Linbia's Path, Definitive Plan Decision dated May 26, 2015.

Chairman Maki read the notice into the record. Mr. Cavicchi stepped out briefly. Ms. McCollem said the applicant brought the covenant to be signed and that piece was done from conditions of decision. She said the other condition prior to endorsement is #10, and plans must be approved by Town and engineer (Fuss and O'Neil). She said there were minor additions they would like added to the plan. Ms. McCollem recommended for as-built submission and said all could be easily addressed. She said, this way they could approve and get plan recorded with the covenant. There were some clarifications that could be added once they get into construction, maybe to accommodate realities they find.

Mr. Sinclair asked if adding was per Fuss and O'Neil's memo. Ms. McCollem said they don't need to approve, just endorse the plan. She said Fuss and O'Neil had a long list and she did not feel the board was jeopardizing by endorsing the plan now. She said the as-built plan would be after construction but before the road was accepted. Mr. Sinclair wondered if Fuss and O'Neil's memo was correct. He said they did not have the drainage report. Ms. McCollem said the drainage calculations were there. She said if they wanted to review more before they endorsed it, that was fine. Mr. Sinclair said #12 did not comply. He wanted to know what we had as a reference. He was worried that items were not on the plan they were signing. Ms. McCollem asked if the applicant's engineer should re-submit before they sign. Mr. Hoffman agreed with that. Ms. McCollem said she would have the applicant's engineer further answer these and re-submit.

Mr. Sinclair and Mr. Hoffman said that was what they would like, clarification, and bio-retention mix. Chairman Maki said they needed answers. Ms. McCollem said she would have them get it back to the engineer and then put back on the agenda. The Board was happy with that. Ms. McCollem said there was a lot of back and forth on the plan and that it was better to find this before the decision is rendered.

Other Business:

A. Planning Board Member Notes

Chairman Maki said he had something from SRPEDD (Southeastern Regional Planning and Economic Development District) meetings. He said he would continue unless someone else would be going. Mr. Sinclair made a motion to have Chairman Maki still attend the SRPEDDF meetings. Mr. Cavicchi seconded the motion. It was voted unanimously.

Mr. Hoffman wanted to remind everyone of the Zack Kane golf tournament on May 21, 2016, at Bay Pointe in Onset. He is looking for raffle prizes.

B. Minutes - April 12, 2016

Mr. Hoffman made a motion to accept the minutes of April 12, 2016. Mr. Robinson seconded the motion. It was voted unanimously. (Mr. Cavicchi abstained.)

C. Correspondence (if any)

None.

D. Next meeting date: May 10, 2016

Mr. Sinclair made a motion for the next meeting date of May 10, 2016. Mr. Hoffman seconded the motion. The date was approved unanimously.

E. Adjournment

Mr. Sinclair made a motion to adjourn the meeting. Mr. Hoffman seconded the motion. It was voted unanimously to adjourn at 8:39 p.m.

EXHIBITS

A. Agenda

B. Minutes of April 12, 2016

May 4, 2016

Carver Planning Board
Town of Carver
108 Main Street
Carver, Ma 02330

RE: Clarification of item #32 in Special Permit issued to Post Road Operations LLC (#12-SP-377) Pine Ridge Way originally approved on June 11, 2003, extended October 16, 2012 and recorded.

Book: 41572 Page: 101, as modified on August 16, 2004, February 15, 2005 and February 19, 2008 (the "Special Permit").

Review of approved grading and building plans on file with the town.


Dear Members of the Planning Board,

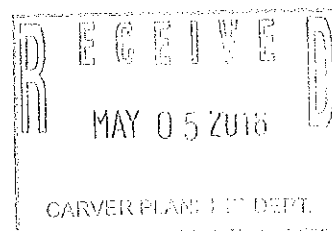
On behalf of the condominium owners, we, the Trustees of Pine Ridge at Sampson's Pond Condominiums, request clarification of the intent of the language in item 32 as written and approved in the Special Permit referenced above. Given the specific description of units 17-20 listed in Phase I, we interpret this to mean that Phase II may not commence until conditions described in Phase I have been met. We ask for the Special Permit to be modified to reflect the intent of the Board.

In addition, we request that the Board review the current approved building plans on file of Pine Ridge at Sampson's Pond with specific concerns to the walkout basements vs. bulkheads in buildings 4 and 5 as the grading is substantially different than the plan that was approved by the Pine Ridge Association members. As we were unable to obtain the latest building plans at Town Hall, we ask to be shown grading and building plans or any other documents that propose and authorize these changes.

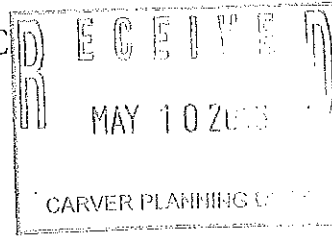
Please provide us with a full set of building plans so we can review and compare them to the ongoing construction to ensure that it is the same as the approved plans on file with the Town.

Very truly yours,

 Pat Lake, Trustee 508-274-1701
Jane MacNeil, Trustee 508-728-3126
Jane Madden, Trustee 781-690-0317



Sampsons Pond LLC
8 Temple Street
Medway, MA



May 10, 2016

Carver Planning Board
Town of Carver
108 Main Street
Carver, MA 02330

Re: Pine Ridge Development

Dear Members of the Planning Board:

It has come to our attention that the trustees of Sampsons Pond Condominium Association have sent a letter date May 4, 2016 hereby attached concerning a clarification for Section 32 of the special Permit which actually deals with curb cut access. I believe the item they are questioning is item 34. Item 34 deals with phasing and was always intended from Day 1 to mean that the first building (Building 5) was to be the first building constructed then the second building (building 4) then Building 1, etc. This phasing was never about how many buildings can be built, nor was it about the status of completion other than the construction was to begin at the closest point to the existing units and work away as the project proceeds for the benefit of the existing owners.

The intent of the board has always been to get this project finished. The market has finally rebounded and the project is moving forward with many interested customers. This permit condition had nothing whatsoever to do with slowing the developer down it was only to assist in the sequencing of construction. In fact, all five phases could be built in the phasing succession with different activities happening at each building which is specifically why the bond that was required and is still posted relates to the re-grading of the site in the event that the project was abandoned, nothing to do with the buildings or their status of completion. Item 19 specifically refers to the balancing of the site which is exactly what we are doing. It was the intent of the board and all involved to see this project finished as fast as possible and that is exactly what we are doing. The real reason behind the questioning of the permit conditions now, after all this time, is

May 10, 2016

Page Two

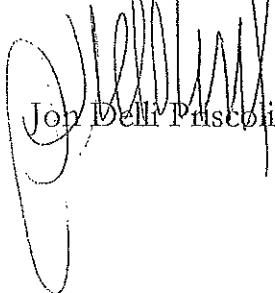
for the trustees, specifically Pat Lake and Jane Madden, to slow down the project altogether in order to use up the remaining time on the development rights which expires in October 2016. They can resell these rights for a financial windfall to unjustly enrich themselves. This entire issue is about money. Money the trustees want, free money on the back of the developer and nothing more, and they are attempting to use this board to interrupt the special permit to accomplish this, plain and simple. We find it also interesting that the owners at large have no knowledge of this letter to the planning board. It is truly annoying after years of delay and bad market conditions the time has finally come for this project, yet now the trustees don't want that even though in the minutes of the most recent meetings they were unified in their support of this project being finished in the fastest way possible, and to complete the project plus lower their condo fees. We truly hope the planning board can see this ruse for what it is.

On the second point of walkout basements vs bulkheads, this is completely dictated by the existing topography. Item 13 states that "buffers areas shall be retained in this natural state to maximum extent feasible" which when you look at the existing conditions several units must be bulkheads to protect that buffer and not cause water issues in basements nor damage to existing trees and root systems in the buffer zone. Also, other units have walkouts where the topography allows and the building plans reflect this as well as proper building standards dictate the same. It appears that even though the esthetics of walkouts vs bulkheads have no bearing whatsoever on the trustees or the other existing owners, the trustees are using the same theory as in the above paragraph to find a way to stop the project so the time runs out and they can secure a windfall for themselves.

Sincerely,



Maria L. Varrichione, Developer/Ower



Jon Dell'Iscoli, Site Manager



Cranberry Land U.S.A

Town Clerk

Lynn A. Doyle

Notary Public

lynn.doyle@carverma.org

108 Main Street

Carver, Massachusetts 02330

Tel: 508-866-3403 • Fax: 508-866-3408

**CERTIFICATE OF TOWN CLERK AS
TO PLANNING BOARD DECISION**

Petition of: Post Road Operations

Location: Pine Ridge Way
Book: 41572, Page: 101

Re: (#P-377-12-SP)
Special Permit Extended

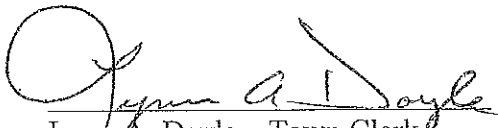
I, hereby certify that the decision of the Town of Carver Planning Board was filed in the office of the Town Clerk, May 13, 2015.

I further certify that twenty (20) days have elapsed after the decision has been filed in said office and that no appeal has been filed.

Date of Certification: June 2, 2015

Case: # 377

Issue Date: June 3, 2015


Lynn A. Doyle – Town Clerk

cc: Planning Board

LAD/njm



TOWN OF CARVER

Office of Planning & Community Development

108 Main Street
Carver, MA 02330

Phone: (508) 866-3450
Fax: (508) 866-3430
E-mail: jack.hunter@carverma.org

May 5, 2015

Ms. Lynn Doyle, Town Clerk
Town of Carver
108 Main St.
Carver, MA 02330

RE: Decision – Owner of Record: Post Road Operations LLC (#12-SP-377) Pine Ridge Way

Map 6, Lot 5

Special Permit originally approved on June 11, 2003, extended October 16, 2012 and recorded.

Book: 41572 Page: 101, as modified on August 16, 2004, February 15, 2005 and February 19, 2008 (the "Special Permit")

Dear Ms. Doyle,

In accordance to MGL Ch. 40A, Sections 9 and 11, and Carver Zoning By Law Sections 2230 and 5300, a public hearing duly posted and advertised was held on April 28, 2015, on the application of Post Road Operations LLC, for a Special Permit to extend the Special Permit for "Residences at Sampson's Pond" and the construction of the remaining 20 units.

Findings:

1. The Board finds 5 to 0 that the Special Permit extension has been reviewed by the Town Boards, Town Departments, the Town Engineer, and complies with Sections 2230 and 5300 of the Carver Zoning By Laws.
2. The Planning Board finds 5 to 0 that the proposed extension is compatible with surrounding neighborhood and complies with Section 3571 of the Carver Zoning By Laws.

2015 MAY 13 PM 9:05
TOWN CLERK
CLERK'S OFFICE

3. The Planning Board finds 5 to 0 that the proposed extension is not considered visual pollution and complies with Section 3572 of the Carver Zoning By Laws.
4. The Planning Board finds 5 to 0 that the proposed extension is not an obstruction to traffic, and or public safety and complies with Section 3573 of the Carver Zoning By Laws.
5. The Planning Board finds 5 to 0 that the proposed extension will be of a benefit to the community as a whole and complies with Section 3574 of the Carver Zoning By Laws.
6. The Planning Board finds 5 to 0 that the proposed extension as submitted does meet the social, economic and community needs and complies with Section 5331 of the Carver Zoning By Laws.
7. The Planning Board finds 5 to 0 that the proposed extension satisfies the parking and traffic requirements for the Town of Carver and complies with Section 5332 of the Carver Zoning By Laws.
8. The Planning Board finds 5 to 0 that the proposed extension as submitted is adequately served by the public utilities and public services and complies with Section 5333 of the Carver Zoning By Laws.
9. The Planning Board finds 5 to 0 that the proposed extension fits the neighborhood character and social structure and complies with Section 5334 of the Carver Zoning By Laws.
10. The Planning Board finds 5 to 0 that the proposed extension will have no impacts on the natural environment and complies with Section 5335 of the Carver Zoning By Laws.
11. The Planning Board finds 5 to 0 that the proposed extension will not have a negative fiscal impact, including impact on town services, tax base, and employment and complies with Section 5336 of the Carver Zoning By Laws.

With all five members present at the public hearing, the Planning Board, on April 28, 2015 voted unanimously to approve (Cavicchi, Sinclair, Maki, Hoffman and Robinson in favor, and none against), with conditions, the special permit pursuant to Sections 2230 and 5300 of the Town Zoning By-Law for the above referenced application. Said conditions supercede all previous conditions and are as follows:

1. A total number of twenty-nine (29) townhouse units shall be permitted to be constructed on the site.
2. Construction of all twenty-nine (29) units shall be completed prior to the December 31, 2017.
3. The applicant shall be permitted to request from the Planning Board an extension of time for the permitting and completion of this project if warranted due to unforeseeable market conditions, with proper notice and involvement of the Pine Ridge at Sampson's Pond Trustees.
4. The development must adhere to the original site plan as approved on June 2, 2003 and the final modification on October 16, 2008
5. Section 3910 – The development shall “preserve historical and archaeological resources” on the site by having a written report submitted to the Carver Planning Board and the Carver Historical Commission.
6. Section 3910 – The development shall “protect the natural environment” – to the satisfaction of the Natural Heritage and Endangered Species Program.
7. Section 3910 – The Development shall “perpetuate the appearance of Carver's traditional New England landscape”.
8. Section 3910 – The development shall “protect the natural environment” requirement as interpreted by the Town of Carver Conservation Commission as requiring all fertilization to be organic.
9. Section 3910 – The development shall “protect the natural environment” by complying with all applicable Carver Board of Health rules and regulations.
10. Section 3940 – Number of dwelling units – The total number of dwelling units allowed shall be twenty-nine (29), as per sections 3941 through 3945.
11. Prior to the issuance an Occupancy Permit for the final unit, the Town Engineer shall conduct a “Final Inspection” of the development as to conformance with the approved plans and all town regulations and by laws.
12. Section 3960 – “Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible”.
13. All storm water runoff from impervious surfaces shall be recharged on-site as per the design drawings on Sheet C4 of the approved plans, and substantiated in the Drainage report revised date February 2003. Such recharge shall be by surface infiltration though vegetated surfaces and underground infiltration, as per the design drawings on Sheet C4 of the approved plans.

14. All dry wells or leaching basins shall be preceded by oil, grease and sediment traps, as per the design drawings on Sheets C4, C8 & C9 of the approved plans.
15. Slopes and stockpiles shall not be allowed to remain exposed and inactive for more than 60 days, even if the area will be subject to future construction or activity; otherwise it must be loamed and seeded.
16. Trees severely damaged during excavation work shall be removed immediately to prevent future hazards.
17. The storm water pond and all slopes adjacent to wetland areas shall be constructed to finished grade, covered with permanent vegetation, and protected from future construction concurrent with road construction.
18. Grading and excavation for the buildings shall commence in phases to minimize land disturbances; stabilize and balance the site.
19. Construction waste shall be controlled and disposed of offsite in conformance with applicable state and/or federal laws;
20. Hazardous materials shall be stored in a secure facility to prevent unauthorized access in a location away from the wetland areas.
21. Activities requiring the use of hazardous materials, such as re-fueling equipment, shall be conducted away from wetland areas.
22. Spills of hazardous materials shall be reported to the Carver Fire Department, Carver Conservation Commission and Massachusetts Department of Environmental Protection as may be required by state laws;
23. Public roadways servicing the site (Tremont St.) shall be swept as needed during construction.
24. The Town of Carver or its representative shall conduct periodic site inspections to verify compliance with the approved plans and to determine whether additional erosion and sedimentation controls are required.
25. The developer is responsible for the proper operation and maintenance of the construction site and shall inspect, repair, replace, and supplement controls as needed to minimize soil erosion and sedimentation.
26. All visitor parking spaces (A.K.A.: "reserve parking") shall be built with the construction of the project.
27. Any major revisions to plans, at the discretion of the Board's consulting engineer, will require approval from the Town of Carver Planning Board.
28. Developer shall establish a limit of disturbance areas and mark them in the field prior to commencement of any construction, such as placement of construction fencing. No clearing of any vegetation shall be permitted in these areas at any time. Any disturbance to the area marked to remain shall be replaced, and any cost sanctions imposed by the Town shall be paid by the applicant. The limit of disturbance shall be approved by the Board's engineer before commencement of any construction.

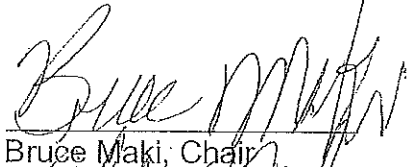
29. In accordance with the decision for Site Plan Review of Residences at Sampson's Pond, (A.K.A. Pine Ridge at Sampson's Pond) the applicant shall work with the Town of Carver's Building Commissioner in assisting the Building Department to process this project.
30. All Construction vehicles must use the first two new curb cuts, except when landscaping between the new and old units. Developer will post appropriate signs reflecting this condition.
31. Construction will be limited to Monday through Friday between 7 A.M. to 5 P.M. and Saturday 7 A.M. to Noon (interior work only). Unless otherwise expressly agreed upon by the Pine Ridge at Sampson's Pond Trustees.
32. The remaining development will be phased as such:
 - a. Phase I will consist of two foundations; the first foundation consists of units #17 through #20 next to existing unit #21 and units #12 to #16 in the second foundation. The first foundation of Phase I, units #17 to #20, will have two finished models and two units for sale. The second foundation of Phase I, units #12 through #16, will have a finished exterior shell and will be fully landscaped;
 - b. Phase II consist of units #1, 2, and 3;
 - c. Phase III consists of units 4, 5, 6, and 7; and
 - d. Phase IIII consist of the remaining units #8, 9, 10, and 11.

If substantial use and construction permitted by this Special Permit is not commenced within two (2) years from the date on which a copy of this Decision is filed with the Carver Town Clerk, excluding the amount of time required for the appeal period to expire or the amount of time required to pursue and await the determination of any such appeal, then this Special Permit shall expire.

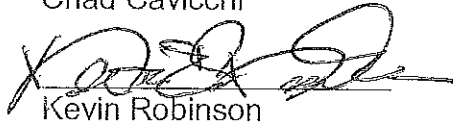
This Decision shall not take effect until a copy of this Decision, certified by the Town Clerk that twenty (20) days have elapsed since the Decision was filed with the Town Clerk without any appeal having been filed therefrom, or that any such appeal has been finally determined, has been filed at the Plymouth County Registry of Deeds, and a certified copy indicating such Registry recording has been filed with the Carver Planning Board.

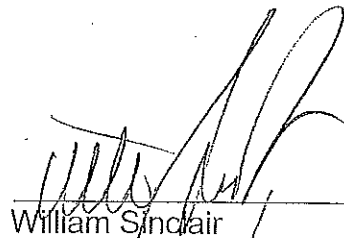
Any appeal of this decision must be filed pursuant to MGL Chapter 40A, Section 17, and shall be filed within 20 days of the filing of this decision with the Town Clerk.

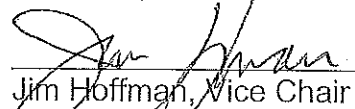
Carver Planning Board


Bruce Maki, Chair


Chad Cavicchi


Kevin Robinson


William Sinclair


Jim Hoffman, Vice Chair

Date

CC: Post Road Operations LLC
Mary McNeil, Building Commissioner

