



Approved 5/28/19

## Town of Carver, Office of Planning and Community Development

Planning Board Meeting Minutes, April 23, 2019, Carver Town Hall, Meeting Room #11. This meeting was videotaped for cable cast area 58, channel 15.

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

Also Present: Stephen Cole, Planning Director; Andy Glimes, Fuss and O'Neil

Absent: Kevin Robinson, Member (arrived at 7:10)

Bruce Maki, Chairman, opened the meeting at 7:00 7:00 PM, followed by the pledge of allegiance.

---

### Approval Not Required:

Dennis Brolin – Center Street – Receipt of Plans (Map 14, Lot 98)

Mr. Cole – Typically we receive plans at one meeting; followed by discussion at the next meeting.

### Public Hearing – (continued):

- On the application of David Mulcahy, 1929 Development, LLC of Kingston, requesting a Special Permit and Site Plan Review pursuant to Sections 2230 and 3100 of the Carver Zoning by-Law, for property located at 157 North Main Street, on Assessors Map 24 – Lot 4A, Carver, MA

*Mr. Sinclair – After discussion with developer and Town Planner I will make a motion to continue –*

*Motion to continue the Public Hearing for David Mulcahy, 157 North Main Street to May 14, 2019, at 7:00: Mr.*

*Sinclair*

*Second: Ms. Bogart*

*Approved: Unanimous (4-0)*

- On the application of RBPB, LLC requesting approval of a Definitive Subdivision Plan pursuant to the Carver Rules and Regulations Governing and Subdivision of Land for Property located on "Spring Street", on Assessors Map 32, Parcels 3,5-E, 5-AN, 6-EN, 6-DN, 6-CN, 6-BN and 6-A in Carver, MA showing 6

proposed lots associated with 10 mixed use office/storage buildings and 9 storage buildings located in the Spring Street Innovation Zoning District.

Mr. McKenzie - We were last here about 4 weeks ago. Andy was here from Fuss and O'Neil. We have since had a TRC Meeting and a site visit. We received a review letter from F&O, which we responded to on April 12<sup>th</sup>. There were only a handful of minor changes, regarding extension of walls and concern over steep walls. We made the changes. There were minor changes to construction details. In response to our 4/12 submission, Fuss and O'Neil submitted a memo 4/19. There was note of certain things to be addressed during site plan review.

Mr. Cole -- The memo that Mr. McKenzie cited is in front of you. The conditions listed are usually addressed during a site plan review.

Mr. Maki -- Anyone from the audience with questions or comments? None heard.

Mr. Sinclair -- This has been a long process stemming from the Business development district. Very excited that we won that bid. I am happy he is here and I look forward to the next step.

Public Comments -

Mr. Germain, -- As the Finance Committee chairman, this is exactly what we are looking for in this town. This is a win-win for everyone. It's commercial property tax. When we go forward to study sustainability's, this is the kind of thing that we will be talking about. I personally know this developer and can't speak highly enough on his work.

Mr. Robinson -- I agree! And thank you all who stayed at the meeting last night.

*Motion to close the public hearing: Mr. Sinclair*

*Second: Mr. Robinson*

*Approved: Unanimous (5-0)*

Conditions - In the subdivisions rules and regulations there are mandatory conditions, which are also listed here.

1. Prior to the Planning Board's endorsement of the final plans, a true copy of the Planning Board's decisions as registered at the Plymouth County Registry of Deeds shall be submitted to the Carver Planning Department.

2. A copy of the change in ownership of said property and responsibility of said subdivision shall be filed with the Town Clerk within thirty (30) days of recording of said instrument
3. There shall be no burying of stumps anywhere on the approved subdivision property
4. Any outstanding balance of the Review and Inspections Deposit Account shall be paid prior to the Planning Board's endorsement of final plans.
5. Prior to the Planning Board's endorsement of final plans, all easements, deed restrictions and conveyances, if any, as submitted to the Planning Board shall be executed and recorded at the Plymouth County Registry of Deeds and shall be submitted to the Carver Planning Department.
6. Applicant shall maintain all streets and utilities within the subdivision. Until a street within a subdivision is accepted by Town Meeting as a public way, all streets and other improvements within the street layout, including drainage systems, shall be operated and maintained by the developer or a Homeowners Association.
7. In accordance with Massachusetts G.L. c. 41, sec. 81B, the applicant shall consent to allow members of the Planning Board and other persons acting under the authority of the Planning Board as its agents, to enter upon any lands and carry out such surveys and inspections as may be deemed necessary, and place and maintain monuments and marks.
8. The applicant shall cooperate and assist the Planning board and Town Officials with verification that the layout, design and construction work are satisfactory and conform to the Town specifications and requirements of the Planning Board.
9. The applicant shall agree to construct streets and complete all other work specified on the Definitive Plan or required under the Subdivision Rules and Regulations, meet all relevant provisions of the Carver Zoning by-Laws and other by-Laws, including installation of all required utilities in such subdivision, and all work incidental thereto, such as grading of lots to provide drainage, construction of retaining walls and other details, as outlined in Section 7 of the Subdivision Rules and Regulations.
10. The applicant shall complete the construction of all ways and municipal services within three years of the date of endorsement of the Definitive Plan. Failure to so complete shall result in the automatic rescission of the approval of such plans, unless the Planning Board extends said period, for good cause shown, after the written request of the applicant prior to the expiration of said period.

There were waivers requested. It's not clear how the site will be laid out. Mr. McKenzie - There are 4 waivers

1. 6341 Observation pit data – The site is an earth work operation now. I think Fuss and O'Neil agreed to waiver.
2. 735G – No low point area in cut areas – The whole area is cut. Fuss and O'Neil supported waiver
3. Dead end road – In a TRC meeting, the deputy fire chief said he would support with additions.
4. Sidewalk waiver – I don't feel it would be useful in this light industrial use setting.

Mr. McKenzie – In regards to the conditions listed, I agree with all except the reference to the build-out of the individual lots. It should not reference 6 buildings. It's appropriate to reference the plan, roadway and 6 lots. You are not approving, at this point, the grading and the buildings. Mr. Cole – I don't believe that the 6 buildings are an actual condition.

Mr. Sinclair – The condition of waivers – The dead end layout. As long as the fire department has a second means of access, I am okay with that. The sidewalks – depending on what types of business go in, may determine necessity. It's adjacent to a neighborhood as well. Up at commerce way, a lot of people walk that at night. Mr. Robinson – I agree. It will make for a good presentation and feel welcoming; you should only need to do one side. Mr. Sinclair – The tie in from Sysco leaves potential. Mr. McKenzie - We are okay with relinquishing that request. Mr. Sinclair – I am pleased with how well you are keeping the roadway up there. Mr. Maki – This will never be a public road? Mr. McKenzie – My intent is to keep it private. Mr. Sinclair – Are you going to condo the units? Mr. Opachinski – We are. Mr. McKenzie - The lots can be sold individually. Mr. Sinclair – So you will have a legal document for the association developed? Mr. McKenzie - Yes. Mr. Robinson – That was your goal from the beginning? Mr. Opachinski - Yes. Mr. Hoffman – On the findings, re: the subdivision AND LAND (should be added). Mr. Cole – Noted. Ms. Bogart – Page 2 #6, capitalize the T in Town Meeting. Ms. Bogart – Anything in writing from the fire department? Mr. Cole – Yes.

*Motion to approve the definitive plan , as presented, including waivers and conditions: Mr. Sinclair*

*Second: Mr. Hoffman*

*Approved: Unanimous (5-0)*

#### Other Business

›

#### Planning Board Member Notes:

- Mr. Sinclair – Reminder that elections are coming up.
- Mr. Maki –
- Ms. Bogart –

- Mr. Robinson –
- Mr. Hoffman – The Kane strong golf outing is May 18. We are still looking for raffle donations. I would also like to thank Ms. Dahill for donating for the ball drop
- Ms. Dahill – I was at the meeting with signs but was unable to attend the meeting due to wet clothes and feeling under the weather.

**Planning Director Notes:**

Thank you all for coming and thank you for your leadership. Good luck in the upcoming election.

*Minutes of Regular Meetings on February 26, March 12 and March 26, 2019*

*Motion to table the minutes of the 2/26/19 Meeting until clarification: Mr. Sinclair*

*Second: Mr. Hoffman*

*Approved: Unanimous (5-0)*

*Motion to table the minutes of the 3/12/19 Meeting: Ms. Bogart*

*Second: Mr. Hoffman*

*Approved: Unanimous (5-0)*

*Motion to table the minutes of 3/26/19 Meeting: Mr. Sinclair*

*Second: Ms. Bogart*

*Approved: Unanimous (5-0)*

*Minutes – Zoning Amendment Meeting Minutes from February 26, March 5 and March 12, 2019*

*Motion to approve the minutes of 2/26 Zoning Amendment Meeting, as amended: Mr. Sinclair*

*Second: Ms. Bogart*

*Approved: Unanimous (5-0)*

*Motion to approve the minutes of the 3/5/19 Meeting for verification: Mr. Hoffman*

*Second:*

*Approved: Unanimous ( )*

Mr. Germaine - Point of order – Wouldn't we want to have a second point of verification? Mr. Cole will review.

*Motion Rescinded: Mr. Hoffman*

*Motion to table the minutes of 3/12/19 Zoning Amendment Meeting: Mr. Sinclair*

*Second: Mr. Robinson*

*Approved: Unanimous (5-0)*

Mr. Sinclair – For future meetings, prior to the meeting, information should be provided to staff re: issues. This is important. Ms. Bogart will get information to Mr. Cole

*Next Meeting date:*

*Motion to schedule next meeting for May 14, 2019, at 7:00 PM: Mr. Sinclair*

*Second: Mr. Hoffman*

*Approved: Unanimous*

*Adjournment:*

*Motion made to adjourn at 8:00 8:01 PM: Mr. SinclairSinclair*

*Second: Mr. Hoffman*

*Approved: Unanimous 5-0)*