

**Carver Select Board  
Meeting Minutes  
Town Hall - 108 Main Street  
January 3, 2023 - 5:30pm**

In Attendance: Chair Mark Townsend, Vice-Chair Sarah Hewins, Jen Bogart, John Cotter, Jim Hoffman, Town Administrator Robert Fennessy and Assistant Town Administrator Elaine Weston.

Motion to adjourn into Executive Session in accordance with G.L. c. 30A, §21(a)(3), to discuss litigation strategy with respect to the Town's potential joinder in multi district litigation against suppliers, manufacturers and other parties responsible for PFAS and other chemical contamination that may be present within the Town, if discussing the matter in open session will have a detrimental effect on the Town's litigating position and the chair so declares by Hewins, second by Hoffman.

Roll call - affirmative: Cotter, Bogart, Townsend, Hewins, Hoffman

Motion to adjourn from Executive Session at 5:46 pm and to reconvene in open session at 6:00pm by Cotter, second by Hoffman.

Roll call - affirmative: Cotter, Bogart, Townsend, Hewins, Hoffman

**Open Session**

Chair led the Pledge of Allegiance and Cotter read the community prayer.

**Citizens Participation:**

Carol Hamill in regards to high tension wires. Townsend stated that topic is related to a public hearing beginning at 6:10pm and she should address the concern at that time.

**Application to revise license:** Ferreira's Used Cars and Repairs, Inc. to change name of license to: Ferreira's Used Cars. Kevin Ferreira present and requested the name change on the license.

Motion by Hewins to approve the change of name on the license, second by Hoffman.

Vote 5-0

**Solar & Battery storage bylaw decision of the Attorney General:** Chair Bruce Maki of Solar/Battery Storage Moratorium Study Committee. Maki stated that the first meetings started in August of 2022. The letter from the Attorney General came in November. Maki read an excerpt from the letter. Under Article #26 & Article #38, moratoriums were approved at Annual Town Meeting. The Attorney General states in the letter that both moratoriums violate Mass General Law Ch. 40A §3 and are not grounded in articulated evidence of public health, safety or welfare concerns sufficient to justify the moratoriums.

Maki stated the committee is still continuing. They have met with KP Law and they explained the law and what they could and could not do under that law. They have met with solar companies and have asked where they are looking to place solar in town. They have spoken to Eversource representatives and how they connect solar to the power lines and have spoken to Cape Cod Cranberry Growers Association as well. The committee has a list of concerns of solar projects which is still to be addressed. There currently are three placeholders on the Annual Town Meeting warrant, one for solar, one for battery storage and one for a new bylaw for the battery storage. They are looking to have someone come in to speak on battery storage as well as have a resident speak. Any revisions to the bylaw will be reviewed by KP Law prior to going to Annual Town Meeting so it does not get turned down from the Attorney General again. The committee will be dissolved after Annual Town Meeting.

Hewins added that Town Planner, Tom Bott, was looking to have someone from the State Fire Marshall office to speak to the committee. The Attorney General will not allow a bylaw that prevents battery storage from being built.

**Eversource Public Hearing:** Install an additional 115kv line within Right of Way #240 between NStar's existing Carver substation #726 in the Town of Carver to the Kingston Substation #735 located at 136 Pembroke St., Kingston.

John Perron with Cornerstone Energy Services stated they are here for the approval of electric conductors to be installed, which are the high tension electric transmission lines.

Townsend asked if anyone from the public would like to speak on the project.

Carol Hamill (5 Peltola Ln) asked if this was in addition to the project that already exists. Perron stated that it is the same project, not an additional project. The project was approved by the state and this portion needs to be approved on the local level.

Karen Durman & Roy Dawes (184 center St) is concerned that everything is stripped away due to her easement with Eversource. She is concerned that more structures will affect her property value. Andrea Burton from Eversource ensured that anything that is done to the property will be restored or better to its original condition. The towers for the new lines will be next to the old lines. They are concerned about a transformer going in. Eversource employees will be in touch with residents about their right of way.

Bogart asked why all new poles are going in and not a monopole. Perron stated if one of the structures go down, there is a back-up and the wires can't be on the same pole. Elizabeth Parsons of Cornerstone Energy Services stated the reliability aspect is to create an alternative circuit when wires go down so that people are not without power for 3-4 days. Parsons could not answer why, but her colleagues would be able to answer those questions. Parsons stated it is a reliability issue.

Bogart would like to ensure that Carver Police Officers are offered details in place of flaggers.

Ryan Earle, Eversource Community Relations Specialist, stated that their process is that they will contact Carver Police Department first and if they are not able to provide the details, then they will use flaggers. They follow this process in other municipalities as well.

Hewins read the locations listed on the application of where the transmissions are going: Main St. at a location approximately 1,000' south easterly of the intersection near Silva St, Silva St. at a location approximately 800' easterly of the intersection near Main St., Surry Drive at a location approximately 100' from John's Pond Rd., Center St. at a location approximately 800' south easterly of the intersection with Plymouth St., Plymouth St. at a location approximately 900' westerly from the intersection with Godfrey Circle & High St. at a location approximately 500' easterly from Brook St.

Motion by Hewins to approve the installation of an additional 115kv line within Right of Way #240 between NSTAR's existing Carver Substation (#726) in the Town of Carver to the Kingston Substation (#735) located at 136 Pembroke Street, Kingston, second by Hoffman.

Vote 5-0

**Earth Removal Committee update on Great Meadow neighborhood well:** Hoffman stated he attended the last Earth Removal meeting and there has not been any issues with the wells and Ryko has met with abutters on the sand issues and will help them out as well. Hoffman stated the project should be done mid-July. Townsend stated another agenda item on this may not be needed. Fennessy will follow-up.

#### **Town joining multi -town pfas Litigation**

Motion that the Board vote to appoint the firm of Napoli Shkolnik to represent the Town in multi-jurisdiction litigation against suppliers and manufacturers of PFAS and related substances and to authorize counsel to take such actions as it deems necessary to advance the Town's interests in said litigation, including but not limited to entering an appearance and filing pleadings on the Town's behalf by Hewins, second by Hoffman.

Vote 5-0

Cotter recused himself and left the table.

#### **Housing Development on Edaville property off Pine Street:**

Fennessy stated that this is a 40B project proposal which is affordable housing. There is a 10% inventory requirement by the state for affordable housing.

Town Planner Tom Bott spoke in regards to 40B and the different types of affordable housing. This was adopted in the 1970's based on a housing crisis in Massachusetts. If a town does not have 10% of the housing stock as deed restricted as affordable housing, a 40B project can come into Town. The proposal must have 20-25% of affordable units. When the proposal goes to the state, the state subsidizing agency (there are 4), goes to the Town and the Town has 30 days to

reply back with their concerns of the 40B. After that, the agency will make a decision and the applicant can make an application to the Town. From the date of that application, the Zoning Board of Appeals (ZBA) has 180 days to render a decision, unless that is extended by mutual consent of the developer and the ZBA. When the ZBA closes the hearing, they have 40 days to render a decision. Townsend stated if this was to become an actual application, the ZBA would need to have a public hearing. Bott confirmed that this is accurate. Bott stated that developers can go directly to the state without presenting the proposal to the Town first.

Bott added that the State is cognizant that a Town should not be overwhelmed by the size of a 40B. There are parameters of how many units can be built in a 40B project. In Carver, this is capped at 200 40B units. The ZBA can deny a project larger than this. There are also 'home ownership' & 'rental' 40B projects. When you do a home ownership, 25% of the units are affordable and go on the subsidized housing inventory. If it is rental, 100% of the units are counted towards the subsidized housing inventory.

Bott stated Carver is currently at approximately 3.2% of affordable housing. The Town needs approximately 344 units to meet the 10% required by the state and provide 'Safe Harbor'. Once you reach Safe Harbor, future 40B projects can be denied by the Town. If a 40B project is denied by the Town, it goes to the housing appeals committee.

Developer Jon Delli Priscoli present to speak on the development: He has owned the property, which is part of the Edaville property, for approximately 25 years. He would like this to be a collaborative effort and it is a unique project. This is an informative session for the Town to share information on the project and to bring the Town into the discussion and to see how to move forward in a collaborative way.

The concept is to take a piece of the existing Edaville parking lot and move the train to its original position. He would like to have open space on the property and potentially open that up to the public as well as residents of the development. All recreation on the property would be passive recreation and it would be permanent open space under a conservation restriction. Part of the development would be built on the property where there are two unfinished rides that did not come to fruition.

Priscoli introduced his team: Lynne Sweet, 40B specialist, Bob Machard, Traffic Engineer, Scott Richardson, Gorman Richardson Architects, Scott Goddard, Consultant & Arthur Borden, Civil Engineer.

Lynne Sweet, LDS Consulting Group based in Wellesley, gave an overview of the steps of the project: Project Eligibility application process: A letter of request goes to the Dept. of Housing and Community Development (DHCD) for a Project Eligibility Letter. The State has 7 findings that it needs to make such as site control, is the site appropriate for affordable housing, etc. Approval needs to be given by Housing & the Select Board. The approval gets submitted to the DHCD and the Town has a 30-day comment period. A site walk will be held with the DHCD and

Town Officials and Boards will be invited. The Project Eligibility letter is typically issued in 60-90 days.

Sweet reviewed the Zoning Board of Appeals (ZBA) process. A comprehensive permit application is filed. The Town can request the Mass Housing Partnership (MHP) grant for Board & Department Head training and technical assistance. The Town has 180 days to close the public hearing. They may be asking for waivers of local zoning bylaws. In this instance it will be density. The end of the process will be discussing waivers and conditions. Conditions could consist of construction hours, and other things. A regulatory agreement documents the affordability on the unit going forward. A cost certification is done and a profit limitation is put on the affordable units. An income certification is done for the residents of the units. The current proposal is for 336 rental units in 7 residential buildings, a clubhouse, walking trails, private water and sewer with 512 parking spaces.

Townsend requested a site walk earlier on in the process for the Select Board's approval.

Bogart asked if the Town deems that a project this large is not in the best interest of the Town or fitting in the space with the characteristics of the single-family homes, that it becomes an unfriendly 40B, does anything change other than limiting it to 200 units instead of 168% of 200 units. Sweet stated if there is no positive vote from the Select Board, they would be applying for less units. Less units would impact the economics of the project. A wastewater treatment center needs to be built for the site and currently Sweet does not know what those issues are at this time. The 10 state stormwater principles need to be applied and she is not sure what would need to be taken off of the table. If their request is not approved, they would go through a subsidizing agency instead of DHCD. Sweet stated the Zoning Board of Appeals can enforce a safe harbor.

Bogart asked if the Safe Harbor limit is 200 units, then why would a larger amount be proposed. Priscoli stated that a larger amount would solve the whole 10% issue without any other developments. He stated that if the proper mitigation and open space is being done, then the Town has a chance to guide the whole process.

Traffic Engineer Bob Michard, Managing Principal of MDM Transportation Consultants in Marlborough: He has been engaged to look at traffic impacts and parking characteristics of the project. This is following MA DOT guidance. His company has done more than 30 projects of this nature across the Commonwealth. They look at ground conditions. This process started in October of 2022. They look at conditions during different instances such as when Edaville Railroad is in its busy season, when King Richard's Faire is open, etc., and document those conditions. They have performed automatic traffic counts during a typical day. They also project how much additional traffic this project will create. Townsend requested that the exhibits he was using be emailed to the Board. It is anticipated that there will be an additional 30-60 vehicle trips per hour.

They will anticipate the amount of delay people will experience and what improvements may be necessary to improve those situations.

Michard stated their team is satisfied with the parking plan compared to similar projects that have been completed. There are 1.6-1.65 spaces per unit. A typical plan is 1.5 spaces per unit. This will be fine-tuned as the project evolves. They are looking at traffic speeds and it is possible that a car share company could place cars at this location as well if people did not own as many vehicles.

Scott Goddard, owner of Goddard Consulting, has approximately 30 years as a wetland and environmental expert in Massachusetts: He looks at environmental impacts and wetland resources around the project. He is in charge of researching environmental constraints and impacts of the project and to facilitate the appropriate permits. There is no direct wetland impact from this project. There is minimal impact as most of the project is being placed on existing lots. There is going to be a wastewater treatment plant will have an environmental impact. All environmental considerations will be taken into account through the required state process.

Scott Richardson, Architect: Richardson reviewed the preliminary site plans. They are looking to occupy a major part of the parking area with this development. Seven buildings are being proposed with 3 stories and approximately 16 units per floor, and parking will be around each building.

The train tracks will be relocated to the perimeter of the buildings. There will be two crossings of the track to enter the complex.

There will be a community building at the south end of the site, which is a one-story building. Additional amenities may be added to this area. They are looking to add walking paths to the site.

Priscoli noted that the parking is being addressed. Half of the current parking lot will remain and Edaville park rides that did not come to fruition will be demolished to create more space. He stated the amount of being parking provided is nearly identical to what there is today.

Hewins asked when the site walk will happen. Priscoli would like to do it soon while the weather is cooperating. Townsend stated Fennessy will set this up. Hewins would like the environmental consultant and Arthur Borden present at the site walk.

Townsend stated that this is not a public hearing, and public comment is not normally offered at this time of the meeting, however Priscoli offered to answer questions.

Jaime MacLean asked about the lots auctioned off recently and if it has to do with the plan. Priscoli stated that everything being presented is on the current Edaville footprint. She asked if the site walk is open to the public. Priscoli stated if she reaches out he would be happy to accommodate.

Becky Foley asked if any or part of this happens, would sidewalks be installed so residents can continue to take walks. Priscoli they are creating walking paths on the project in the open space. Michard stated that is one of the things they look at during their traffic study. During the process they are going to take input from the public and incorporate it into the plan. Priscoli stated they will not overlap with King Richard's Faire. They have not had the traffic problems that King Richard's Faire has had. The last thing he wants is an uncomfortable neighborhood.

Cotter returned to the table.

#### **Town Administrator Update:**

The Fire Department has been awarded a grant of \$19,000 for the purchase of a thermal imaging camera, as well as a rescue chainsaw. The Town would need to fund these ourselves without the grant. Fennessy thanked Chief Weston for his work on the grant.

Joint Budget meetings for Department Heads with the Select Board, Finance Committee and Capital Outlay Committee are being set up for January 28.

Services have been engaged with a part-time Building Commissioner, Rod Palmer who is retired from Falmouth and is a Carver resident. He has a lot of experience and knows the Town.

Fennessy received notification that the Town has been awarded a Green Communities competitive grant of \$199,000. More details will be given on the grant. Fennessy thanked Elaine Weston, Dave Siedentopf and Tom Bott for their work on the grant.

Townsend asked for an update on the North Carver Water District at the next meeting.

Hoffman asked if the Town is on schedule with the budget process. Fennessy stated due to a maternity leave at the state level and their replacement being out sick, free cash is not certified, however, it was submitted on time by the Town. The budget process is currently being put together.

#### **Approval of Minutes/Licenses, etc.:**

##### **Minutes of 12/20/22:**

Motion to approve by Hewins, second by Cotter.

Vote 4-0-1 (Bogart abstain)

##### **Executive Session minutes of 12/20/22 for approval and not for release:**

Motion to approve and not release by Hewins, second by Hoffman.

Vote 4-0-1 (Bogart abstain)

#### **Select Board Community Announcements:**

Cotter: Wished everyone a Happy New Year

Bogart: None

Hewins: Reminded everyone not to forget Shane Gives Thanks Food Pantry. They accept fresh food

Hoffman: Wished everyone a Happy and Healthy New Year

Townsend: Wished everyone a Happy and Prosperous New Year

**Next Meetings:**

January 10 & 17, 2023

Motion to adjourn at 7:54pm by Hoffman, second by Cotter

Vote 5-0

Listing of Exhibits: Class II License application, Eversource Hearing documentation from Cornerstone Energy Services, 40B Proposal plans & process from LDS Consulting Group