

**Carver Select Board  
Meeting Minutes  
Town Hall - 108 Main Street  
February 7, 2023 - 5:00pm**

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

Absent: Sarah Hewins

Motion to adjourn into Executive Session pursuant to the provisions of G.L. c. 30A, §21(a)(3) to discuss strategy with respect to litigation, as an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares: Federal Multidistrict Litigation vs. CVS, Walgreens, Walmart, Teva and Allergan by Hoffman, second by Bogart.

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

Motion to adjourn Executive Session at 5:07pm and to go into open session at 5:30pm by Hoffman, second by Cotter.

Roll call: Affirmative: Cotter, Bogart, Townsend, Hoffman

**Open Session:**

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.

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

**Citizens Participation:** None

**Applicants for Appointment to Recreation Committee:** Jackie Lake & Donnie Beland

Jackie Lake: Lake stated that in general, she likes to serve and would like to find new things to bring to the table and look for grants for new programming. She is currently on the wellness committee for the school district. She has worked with kids for 20 years.

Bogart asked how she found out about the opening. Lake stated she has been looking for a while and found the opening on the Town's website.

Lake stated she is also the Treasurer of the Girl Scouts.

Donnie Beland was not present. The Select Board Chair placed the vote on hold and will return for the vote after the presentation from the Redevelopment Authority.

**Redevelopment Authority (RDA) check presentation to Select Board:**

Johanna Leighton and Savory Moore, Vice Chair of the RDA present. The RDA has had a property in their care at 90 Forest St. for quite some time. The RDA had a buyer approximately 6 months ago that went through with the sale. The Redevelopment Authority sold the property for \$175,000 and with the deductions of the lawyers' fees, administration costs, RDA payment of back property taxes, etc., the RDA presented a check to the Town in the amount of 105,893.09.

Savery thanked the Zoning Board of Appeals for their help in the process.

Leighton stated that since 2009, the RDA has sold 11 properties. The RDA inception was in 2006. The RDA created a model of having a Memorandum of Agreement, paying the back taxes and selling the property. In the past 13 years, the RDA has returned \$649,209.93 back to the Town. There are administration fees of 10%.

**Applicants for Appointment to Recreation** Committee: Jackie Lake & Donnie Beland, reconvened for vote.

Motion by Cotter to appoint Jackie Lake to the Recreation Committee, second by Hewins.

Vote 5-0

**Discussion of proposed 40B 'Edaville Residences':**

Cotter recused himself and left the table.

Town Planner Tom Bott presented information on the Master Planning Process which went into the Housing Production Plan.

Bott stated if a Town does not have 10% of their housing stock as deed restricted affordable, they are susceptible to a 40B development that allows a developer to override local zoning with a comprehensive permit to the Zoning Board of Appeals (ZBA).

Carver currently has under 3.1% as of 2010 of its housing listed as deed restricted affordable- 142 units. Another 344+/- units and an updated Housing Production Plan are likely needed to qualify for 'safe harbor', where the Town could say no to a future 40B.

A 'Friendly 40B' project has local support due to a contribution it can make to the community's need for more diverse housing options, and the contributions the developer agrees to make to local needs such as infrastructure, public safety, land protection, etc.

Bott stated that affordable homes, apartments and condos are for those who make less than 80% of regional median household income. Bott stated 40B housing is not low-income housing. The 2022 median income for the area based on the Boston Metropolitan Statistical Area is \$140,200. 85 Units would be affordable, based on an income between \$78,300 for 1 person to \$111,850 for a family of 4. Affordable rents are capped at \$1,950 for a studio, \$2,097 for a one-

bedroom unit, \$2,517 for a two-bedroom unit and \$2,908 for a three-bedroom unit, not including utilities.

Bott stated that Carver aims to meet its annual production goals of 23-45 affordable housing units eligible for inclusion on the Subsidized Housing Inventory. Meeting the targeted goals will allow the Town greater control over the provisions of Chapter 40B.

Bott noted that a 40B development can go into any zoning district.

Hoffman asked if there was a 200-unit proposal, would 25% of those units still be affordable. Bott stated yes- the rest of the units would be at market rate.

Hewins asked what the rent amount that is considered affordable. Bott stated that the rent that is in Boston is the same they would get here. That amount is approximately \$2,000+/- month.

Hewins asked if Bott could explain affordable vs. low-income. Bott stated there is a range of incomes that can be covered under 40B. Bott stated that a 40B is not low-income housing. Affordable means 80% of median household income based on the Boston Metropolitan Statistical Area and low-income means 30% of median household income.

Hoffman asked about Section 8 vs. 40B. Bott stated there are section 8 developments. If someone has a voucher and qualifies for a unit, they can get a unit, but the development cannot change from a Chapter 40B to a Section 8.

Hoffman asked what would stop the developer from putting in additional units in the same area under a different plan. Bott stated the State looks at segmentation of things and Delli Priscoli does not have a 'phased' plan. Bott stated it is possible that could happen.

Hewins asked if the Select Board were to enter into negotiations first, would the conditions still go to the ZBA. Bott stated the vote goes to the ZBA and the conditions proposed by the Select Board would be required by the ZBA as part of their approval.

Hewins asked if a 40B can still go through if the ZBA votes it down. Bott stated the 40B can be built without the Town's approval at a maximum of 200 units. Hewins stated that means we don't really have a choice about 200 units.

5 minute break at 6:10pm

#### **Citizens Participation on proposed 40B development at Edaville:**

Donna Forand: would like to see a push for 55-and-over 40B and not all for families. This would result in less impact on the community. She also stated concern for the parking plan of 1.5 parking spots per unit.

Mary Dormer: Asked that the Board not to approve 336 units. She stated it will be like Algonquin Heights in Plymouth and we will get families. She asked why the mobile parks in

Town aren't counted as affordable housing. She stated that a development effects the water and once the state tests it they won't be able to build because the water will be contaminated.

David Burnes: He would like any 40B to be owned by the Town and not by Jon Delli Priscoli. Priscoli has been remiss about several things in this Town and believes Priscoli is behind on his taxes. He would like to see the property taken through eminent domain.

Kerry Santos: There has been a drainage problem with her neighbor Alan Germain from Edaville. Germain's property has been filled with sand and now all the water from Edaville is going into her property because there is nowhere for the water to go and the development will make it worse

Brenda, North Carver (no last name given): asked who is maintaining the application process, how many units are 1br, 2br, etc. and how would the Town find out this information so we know what is coming down the pipeline.

Dan Ferini: Would the Board allow the property to be taken by eminent domain. Asked if anyone in Town Hall met with the Edaville Group. The Board stated there was a site visit. Hewins stated there are no Town Hall employees that work for Edaville. She stated that the only person at Town Hall who works for Edaville is SB member John Cotter and he recused himself from this meeting.

Glenya Moakley: (218 Tremont St.) The traffic plan presented by the developer was not accurate and stated the Edaville ticket sales for the last 10 years would be a better indicator of the potential traffic. Edaville was not set up for more than trains, a few rides and cranberry bogs. Edaville was family oriented and even children know the difference between holiday charm and sales. The native history is gone. The sand mining is effecting the people and property.

Tim Beane: Thanked Hewins for clarifying that the Town doesn't have a choice for the first 200 units. He asked that the Board work with Mass Fish and Wildlife to get an impact study and any issues with the aquifers. From a trash standpoint, the DPW does a great job, but this will add to what is already there.

Kevin Bezanson: Asked what the Town is going to do about the schools and how many additional children would be added with 344 units. Our taxes will increase. If it is going to go through, he would like to see it be 200.

Tami Fougere: Concerned about taxes being increased and stated that many people in town are already struggling. Something like this changes the Town. She asked how it is possible to put this development in an area that is not suited for it. She would like to see the Board do something to not put the development in that location.

Sarah Angley: She is a business owner in Town and is appalled that all she has heard is that the Town has to take the units. She would like to see a traffic study done. She would like the Town to find a way and will fight this.

Jesse Boncek: He sees this development as taking the attraction away from the beautiful town.

Steve Domuczicz: Stated that the traffic with King Richard's Faire made it unable for him to leave his home and feels the same will happen at Edaville.

Nancy Ryan: The rent amount doesn't make sense. She stated the luxury building at Harbor Walk in Plymouth was with problems & 40B housing.

Mrs. Karen Lapham (Main St) asked what the allotment is that the state requires. She asked what happens if another development comes in, would they be able to build as well.

Townsend invited public safety officials to speak on the 40B proposal:

Chief of Police Marc Duphily, EMS Chief Mike Ryan and Fire Chief Craig Weston present:

Weston stated their plan is to address the Board and the impacts of the potential 40B. In speaking for the Fire Department concerns, any facility that is built needs to be fully sprinkled. There are concerns on the height of the buildings and the occupancy amount. The current department does not have the apparatus needed to protect the potential development to reach the roof. Even with a high occupant load, an aerial apparatus would still be needed to safely allow the department to do their job. There is a lack of a reliable water source in the area for a large-scale fire in that area. The water sources in the area are very seasonal and additional reliable water sources will be needed. Those water sources currently do not exist. The road width is also an issue to be sure the apparatus can safely fit in the roadway. Adding 200-300+ units will bring approximately 800+/- people which will increase the amount of calls for assistance which will have a negative impact on the department.

Ryan stated the negative impact on EMS will be the increased call volume. This will result in wear and tear on equipment, increased supplies, crews and could impact the staff negatively, where the department depends on in-town staff respond to calls during off-shift and may increase the need to staff more heavily which will increase the cost of salaries.

Duphily stated the Police Department currently operates with 17 officers. In 2018 a strategic plan was done that recommended the Town should have 1.9 officers for every 1,000 residents & the Town is hiring two additional officers in the next two years to be at 19 officers. The number of calls coming into the department was also looked at. It was determined that each officer could handle approximately 720-740 per year to maintain the same level of service. The Town currently has 1.4 officers for every 1,000 residents. If the number of residents increased with the 40B, the Town would need approximately 22 officers. It would have an impact not only on Police, but on all public safety in Town.

Townsend asked Weston whether it matters if it is a 2-story or 3-story building in terms of what apparatus is needed? Chief Weston stated we would still need equipment. There are 14 units per floor, approximately 3-4 people per unit. This develops concern of mass evacuations and putting that amount of people in one area makes it difficult to protect them all. Certain pieces of apparatus can help that. Dumphily stated that any incident to that extent would involve all three public safety departments and tax all of their resources for the entire event and take away from anything else happening in town.

**Board discussion on 40B proposed project:**

Bogart stated she does not feel this site is appropriate for a 40B project. Bogart read a statement of the definition of a 'Friendly 40B'. She stated the Board does not have to accept the 200 units. Bogart noted that in researching input from other town's input on 40B application comment letters, the State disregarded them. Bogart noted that Reading sent in two comment letters. Their concerns were water quality; in Southborough, Mass Housing took into account a site inspection which is adjacent to existing building types. Bogart stated the development could be opposed by being on an Aquifer Overlay District. She did not find an example of where the State did not overturn a negative ZBA decision. She would not support entering into a development at all.

Hoffman stated we were told we had two options and do we have a third option. Fennessy stated the third option is to do nothing and then they would file a standard 40B proposal. Hoffman stated that either way, whether there is a 'Friendly' discussion or not, there is a 30-day comment period. Hoffman stated it is a slim possibility it could be zero.

Fennessy stated that the Board can decide to vote to have a team negotiate a mitigation, or to not enter into a 'Friendly 40B', or to just let the developer file.

Townsend stated once the developer files with the State, the Town does not have an opportunity to mitigate. The developer can pull out the application if it hasn't moved forward.

Townsend stated the area and road is not right for the development. Townsend feels the public safety challenges could be proposed to the State by the Board.

Hewins stated 336 units are being proposed. She researched under the National Association of Home Builders. The average number of children anticipated for the development is 99 for the 'Friendly' and 59 for the 'Unfriendly'. The cost for the students would be approximately \$1.2 million for the 'Friendly' and approximately \$800,000+ for the 'Unfriendly'. Hewins clarified that the Board is not 'rolling over' and that 40B is a State Law. She said she agrees with Bogart about the aquifer, that it is our most important resource; she agrees with Townsend about public safety challenges, and she agrees with Hoffman that our third option—writing the comment letter—would be best. She would like to take the chance of doing nothing and submit the appropriate comments during the review period. Hewins said she'd like to address a few remarks that were brought up by the public. Hewins first asked Fennessy if it could be made

into a 55 and over community. Fennessy stated that it is up to the developer. Hewins then asked Fennessy if it could turn into an 'Algonquin Heights'. Fennessy stated the units that are not apportioned as low-income could be used as Section 8 housing. Hewins then asked Fennessy if the Town could purchase the property and build their own affordable housing? Fennessy stated that could happen, but would be speculative, and towns are not in the business of building apartments. Hewins then noted that, contrary to what a member of the audience said, the Town Planner and the developer are not telling the Town what to do. The planner has presented only the facts to the Board.

Motion by Hewins to not enter into negotiations for a 'Friendly 40B' by Hewins, second by Hoffman.

Vote 4-0 in favor of not entering into negotiations for a "Friendly 40B."

5 minute break at 7:35pm

John Cotter returned to the table

**Appointment of Select Board delegate to the Old Colony Regional Vocational Technical High School Committee Appointing Committee:**

The current members are Mark Townsend, Sarah Hewins and Jen Bogart. Townsend stated his wife is on the committee and he is stepping down so there is no conflict.

Hoffman nominated John Cotter for the committee, second by Hewins.

Vote 5-0

**Review of Annual Town Meeting Articles:**

Cemetery Perpetual Care: Tabled

North Carver Water District (NCWD) repayment to the Town: Motion by Hewins to recommend, second by Hoffman.

Fennessy stated the informational summary will be changed to reflect the MOA. Bogart questioned which accounts will be used. The NCWD Enterprise funds will be returned to ARPA funding account. Hewins said that returning the money to the ARPA account was her motion when we entered into that MOU.

Vote 5-0

Personal Property Exemption: Fennessy read a statement from the Town Assessor in regards to the article. The Board of Assessor's voted to recommend this at their December 20, 2022 meeting. As of FY23 there are 115 accounts with a value of \$1,312.39 in tax dollars. The tax levy will be spread among the remaining taxable parcels.

Motion to recommend by Hewins, second by Hoffman.

Vote 5-0

Town Meeting Quorum By-Law:

Motion to recommend by Hewins, second by Cotter.

Vote 5-0

**Town Administrator Update:**

North Carver Water District - There was a continued delay in getting the well pump wet end and the blower unit, due to ongoing component shortage and supply chain issues.

The blower unit, which is necessary for the proper operation of the membranes should be in shortly, if not already in. The wet end is back ordered and should be in in 8-10 weeks. In the meantime, NCWD continues to use the Middleboro water, and is appreciative of their ongoing desire to assist the town.

The NCWC's are keeping an eye on the ongoing maintenance and repair.

Hoffman asked how long after receiving the parts will it take to be back online. Fennessy stated testing will need to be done before going back on line so it would be several weeks thereafter.

**Approval of Minutes:**

Motion to approve minutes of 1/17/23 by Hoffman, second by Cotter.

Vote 5-0

Motion to approve minutes of 1/24/23 by Hoffman, second by Hewins.

Vote 5-0

Request for use of Shurtleff Park for Farmer's Market on Sundays June-October 10:00am-5:00pm.

Hewins noted that this is a Town organization and the fee will be waived.

Motion to approve use of Shurtleff Park by Hewins, second by Hoffman.

Vote 5-0

**Select Board Community Announcements:**

Cotter: None

Bogart: Thanked Townsend for an extended public comment forum.

Hewins: Thanked all that showed up and stated it was a productive meeting. Reminded everyone not to forget Shane Gives Thanks food pantry.



Hoffman: Thanked all that showed up tonight to voice their opinion.

Townsend: Thanked the public and it is important to hear from the public.

Fennessy stated there was a lot of concern that the Board may not be having a forum, but stated that Townsend made sure there was a full Board present for the 40B discussion to be scheduled.

**Next Meeting**: February 21, 2023

Motion to adjourn at 8:05pm by Hoffman, second by Hewins.

Vote 5-0

Listing of Exhibits: Redevelopment Authority 13-year sales breakdown, application of Jackie Lake, application of Donnie Beland, PowerPoint of 40B presentation