

**Carver Select Board  
Meeting Minutes  
Town Hall  
December 21, 2021 - 6:00pm**

In Attendance: Chair Mark Townsend, Vice-Chair Sarah Hewins, Jen Bogart, Jim Hoffman  
Interim Town Administrator Rick LaFond & Assistant Town Administrator Elaine Weston.

Robert Belbin joined meeting at 6:40pm via remote participation

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

**Citizens Participation:** Alan Dunham thanked LaFond for everything he has done for the Town as Interim Town Administrator, especially in the last 6 months and getting ready for the transition including the preparation of the budget.

**Recognition of Ellen Blanchard, Board of Assessors:** The Town was without an Assessor and Ellen went over and above with her service to the Town. Hewins stated the Board appreciates her time that she dedicated to helping the Town prepare for the tax classification hearing. Bogart thanked her with the magnitude that it deserves. Hoffman thanked Ellen for putting in the time to help the Town. LaFond is not aware of other towns that have been in this situation and considering what it takes to set a tax rate and without Ellen, the Town would have had to find a consultant that was not familiar with the town and Ellen did not charge the Town for her work.

**Update on North Carver/Route 44 Development Project:** Savery Moore & Sharon Clarke of the Redevelopment Authority (RDA) present as well as Fire Chief Craig Weston present. Clarke stated there is a site in North Carver which is the 300-acre site in North Carver behind Aubuchon Hardware -the old 'Whitworth' property and is bounded by Plympton, the Middleboro Landfill, Route 44 and Montello St. The property is owned by Hillwood, a Perot company which is out of Texas. There are a lot of hoops to jump through to make this project happen and the RDA has been working tirelessly on this, meeting several times a month. The land is a green business district. In March of 2021, LaFond developed a working group which brought together the Fire Chief, RDA, Planning, Assessing and Finance which has proved invaluable for keeping the lines of communication together. A warrant article was submitted in regards to this development. These zoning by-law amendments are designed to bring a state-of-the-art facility to Carver and are reasonable for a green business park. Plans for the facility are not finalized and the goal is to have public outreach through website & public meetings. They are seeking input on any concerns the Select Board may have.

Moore has been working on public relations and website. Moore stated the zoning by-law change encompasses 6-7 different things. The major zoning change is an increase in height to 65' from the current 40' in order to accommodate the racking system that is used in most warehouses for palletized cargo. This is the best use of the land and will attract the best

tenants and therefore more money for the town. The tenant is not known, that will depend on the facility that is built. The Town Meeting needs to know what a no vote and a yes vote means. Currently, it is zoned and allowable for a facility approximately double the size of Shaw's, for a point of reference, and 22 of them can be built. All of the information on the zoning changes are being rolled out to the public via a website managed by the RDA. The main area of the website will be a question and answer section. There will also be the ability for residents to post questions and for the RDA to answer on this site. This is anticipated to be up and running on January 10, 2022. The RDA is encouraging questions so the public has the information they need to make an educated vote at Annual Town Meeting. The RDA has hired a consultant to assist with outreach. This consultant is the Plymouth Economic Educational Foundation and the consultant fee is being paid for by the developer, not the Town.

Chief Weston has been focused on the fire hazards of the building. The anticipated size of the facility is equivalent to the MHS school building, fields and parking lot all under one site. One of the zoning articles is to increase the allowable building height from 40' to 65'. This has the potential to create safety hazards of the fire department. The Fire Chief has been working with the developer since March. A fire protection engineering firm has been hired by the Fire Department- Jensen Hughes, and is being paid for via a professional consultant fund, funded by the developer and the funds are controlled by the Town to pay the firm and the firm was chosen by the Fire Chief. Fire suppression equipment is being requested from the developer that will be needed specifically for the facility, although the Chief noted, that the Carver Fire Department is a well-trained department and is equipped to handle the current facilities that we have. There is also a request that a minimum 1 million gallons of water be on-site for fire protection. The Chief is also in discussions of a Fire Mitigation Agreement which includes equipment, suppression capabilities & training on site. Once the Fire Mitigation Agreement is done, it will need to be reviewed by Town Counsel and most likely approved by the Select Board prior to Annual Town Meeting. Items that were looked at in the Fire Mitigation Agreement are a minimum amount of water systems on site, which is required to be stated in the agreement, back-up fire protection systems, state of the art sprinkler systems, aerial apparatus and many other items. This will all be funded by the developer to ensure safety in and around the building. It is the goal to have all safety concerns completed by the Annual Town Meeting to let the voters know that public safety concerns have been addressed or not. Chief Weston commended the RDA for their efforts put forth in making this a viable project for the benefit of the Town of Carver.

Townsend acknowledged all the time the RDA and the Fire Chief have put into this and all of their efforts.

Hewins thanked the RDA and the Chief as well. Hewins had concerns about truck traffic. The working group has been told by Mass. Environmental Policy Act (MEPA) that they have to keep their trucks on Route 44. She questioned how this will be enforced. (applicants need to get approval from MEPA prior to a project).

Clarke stated she does not know how it will be enforced, however, this will be addressed to Police Chief Duphily to develop a plan.

Moore added that most trucks have GPS positioning and there will be technical and site review plans. Each of these will have orders of conditions and that is where the MEPA regulations can be enforced and addressed. There could be a system of fines to either the company or the drivers themselves. He stated one of their main goals is to be sure the trucks don't use Route 58.

Belbin joined the meeting via remote participation at 6:39pm.

Bogart stated that traffic is a major concern. She has seen articles on EZPass violations on trucks for the companies. She would like details on how truck infractions are going to be dealt with. Bogart asked about the Fire Mitigation Agreement based on the height change. Chief Weston stated the Agreement would be in effect regardless of the height and regardless of how Town Meeting votes on the articles.

Bogart stated she does not like it when zoning changes are brought up for a specific project and stated spot zoning has been done in the past. Moore noted that spot zoning is when a zoning change is for a particular business, and that this zoning change is for the whole green business park district. Moore stated the zoning will eliminate some tenants and will be a different level of quality of tenant as well as the length of the lease which effects the potential revenue to the Town. He stated there are a lot of moving parts and are dependent on the zoning by-laws.

Hoffman asked if there was only a 40' height, would there still be a tenant for that. Moore stated there is no guarantee, however a 65' height would bring a better tenant and a building that is worth more which will benefit Carver. The developer, Route 44 Development, purchased all of the adjoining property, mitigated the property, brought in clean truckloads of earth to level the site and have the site ready for a building suitable for a developer to build on the property. They found one that would like to build at 65'. They would need to go out to find a developer to build at 40'. There are many facilities that, by right, can go into that site based on the current zoning, without any special permits. The town has the choice right now to decide what goes there and that is the better financial return for the town. This is a major commercial project which requires a special permit.

Hoffman asked if there are traffic lights in the plan. Moore stated the long-term plan as part of the MEPA study is that there will be lights on both sides of the intersection. After the facility is approved and underway, they will re-vamp that intersection. The MEPA study is on the RDA page of the website. The Montello St. project is the first step in addressing the traffic at the intersection. Hoffman thanked the RDA, the working group, LaFond and the Fire Department for their work on this project.

Belbin stated his main concern is that the Fire Department has the equipment needed for the facility and does not have a problem with any height. He also wants to be sure the soil is not

contaminated again. He asked if this includes the area of the strip mall along Montello St. Moore stated it only includes the Green Business District and is not sure the Silo Marketplace is part of that district.

Townsend stated that something is going to be at the site and it is incumbent upon them to get the best project for the town. Belbin stated people are concerned about truck traffic. Townsend asked about the fire at the QVC facility. Chief stated the building was built in 2000 in North Carolina and was fully sprinkled and noted that is why it is important and to be proactive and to develop a Fire Mitigation Agreement as well as work with Fire Protection Engineers and that is why they need to be adopted prior to Town Meeting. He is confident the Town is heading in that direction.

LaFond stated that the majority of the RDA is on other Boards and Committees in Town and they have experience and are working in concert so that there aren't any issues and concerns in Town that they are not in tune with.

Clarke stated the RDA plan is to meet with all the Boards in informal sessions –the North Carver Water District, updates to the Select Board, etc. The launch of the website will be informative for the Town and the economic analysis will let them know what it will mean to the town and that is an important piece of the puzzle and the residents need to know what they are going to get.

Moore stated the Planning Board will be holding public hearings on all zoning articles.

**Chapter 61A request- 16 Indian Street:** tabled

**Finalizing of Town Administrator Screening Committee (TASC)-consideration of Finance Committee representative:**

Motion by Bogart to extend an appointment to Kevin Tracey to the screening committee, second by Belbin.

Hewins stated the item listed for discussion is to include consideration of the Finance Committee representative.

Townsend stated the agenda item is to finalize the TASC, including consideration of the Finance Committee representative.

Bogart stated it is sketchy & she does not see why the Board would not appoint Tracey upon his acceptance of the request and based on the discussion at the last Select Board meeting.

Townsend stated he does not think it is sketchy that it was spoken about at the last Select Board meeting he stated there was not a full Board and he wanted the full Board present to make the decision and that this item would be on the agenda at the next meeting.

Hewins stated it is extremely important to have a member of the Finance Committee on the TASC due to the important role the Finance Committee has with the Town Administrator and the Finance Committee has voted for their representative.

Belbin stated that he does not feel that Mr. Germain is the best option and the Finance Committee does not have all of the information that the Select Board has and cannot see him as a representative.

Vote 2-3 (Townsend, Hewins, Hoffman)

Motion fails

Motion to appoint Germain, the Chair of Finance Committee, to be the Finance Committee representative to the Screening Committee by Hewins, second by Townsend.

Bogart stated that based on the professionalism she has seen at public meetings and based on conversation in Executive Session, she stated she does not feel that it is appropriate.

Townsend stated at the 11/2/21 meeting the make-up of the committee was voted on by the Select Board and that would have been the time to change the make-up of the committee.

Hoffman stated he would like to clear up a few comments from the 12/7/21 Select Board meeting. It was stated by Mr. Germain that if the Finance Committee choice wasn't approved by the Select Board, then the Finance Committee would not be represented. Hoffman stated that both Pat Meagher and Walter Cole are also on the TASC although they are not on the TASC as the Finance Committee representatives, they are still members of the Finance Committee and the Finance Committee will be represented. In addition, he stated that Germain stated at that same meeting that the charge of the TASC was to have a representative of the School Committee, Planning Board and Finance Committee to be chosen by their respective committees and the Select Board did not have the choice for these appointments. Hoffman stated that was correct, but that was for the previous TASC voted on May 18. On November 2, the Select Board discussed and voted on whether to vote on the representatives of the Planning Board, School Committee and Finance Committee and that was a change from the first TASC and the vote was unanimous.

After much thought, Hoffman stated that agendas, making things personal, respect and moving on- Hoffman referenced emails sent to the Finance Committee from Select Board member Belbin. The reaction to some of the emails personally attacked members of the Select Board because people didn't agree with the way he voted and he takes offense to these. He noted that because he listens to people, does not mean he agrees with everyone he talks to. He would like people to respect decisions made. He respects the Finance Committee choice and it

does not mean that he agrees with it. He requests that private agendas and personal attacks stop.

Vote 3-2 (Bogart, Belbin)

**Chapter 61A- 16 Indian St- Plymouth County Registry of Deeds Book 20 Page 333, Lots 4, 5, 6 & 7:**

Hewins stated the Plan does not appear to meet the zoning requirements. The main requirement is that there be 70% upland. One of the lots has 78,000 sq. ft. of wetland approx. and 62,000 of upland on a 2.4 acre parcel. Lot 4 does not meet these requirements as well. The lots don't conform to the zoning requirements.

LaFond suggested that Hewins speak to the Chair of the Planning Board and the Zoning Enforcement Officer to make sure everyone is on the same page.

Motion by Hewins to not exercise the first right of refusal, second by Hoffman.

Belbin stated that he would like to talk to the developer. Hewins stated she will have a discussion with the chair of the Planning Board and the Zoning Enforcement Officer to make sure the lots are compliant. Belbin stated that these should be looked at for affordable housing.

Hoffman asked for clarification on the option to purchase the land. Hewins stated you would need to have the money, discussions would need to be had with Community Preservation Committee.

Belbin stated, as he has before, that he would like these to come before the Board prior to going to permitting boards. LaFond stated this process cannot be changed due to the time frames when applications are submitted. Hewins stated once a Form A is submitted to the Planning Board, the clock starts ticking.

Vote 3-2 (Bogart, Belbin)

**Town Administrator Update:**

Plymouth St Water Line Update: The Health Agent has met with residents and 12 of 20 residents have committed to hooking up and some of the hook-ups will be done as early as the end of this week on Hines Ave. KP Law has drafted a hold harmless agreement for those residents that choose not to hook up and that will become part of their deed. Health Agent Forgeue noted that it may be hard to find a plumber for the hook up as the industry is backed up.

LaFond noted that the Assistant Veteran's Agent Lisa Eriksson has been a tremendous help to the Veteran's in Town. This is well beyond what an hourly Town employee would be doing.

Belbin joined the meeting in person at 7:33pm.

Townsend thanked Health Agent Forgue for his work on the Plymouth Street Water Line. He has gone out of his way to meet individually with people which is not always easy to do.

Hewins thanked LaFond for all he has done as well.

**Next Meeting:** 1/11/21

Unforeseen 48 hours in advance of meeting:

Townsend recused himself for this item of the meeting;

**Request for One Day Special License:** Friends of Carver Council on Aging 2/5/22 noon-5:00pm.

Motion to approve by Hoffman, second by Bogart.

Belbin stated that Town buildings are not the place for alcohol. If it was not on town property he would not have a problem with it.

Vote 3-1 (Belbin)

**Select Board Community Announcements:**

Bogart: Wished everyone a Merry Christmas and thanked LaFond for his professionalism during all meetings.

Belbin: Thanked the Board for accommodating him during his absence as well as Area 58. He wished a Merry Christmas to all.

Hoffman: Wished everyone a Merry Christmas and Happy New Year and thanked LaFond for his time in the Town.

Hewins: Thanked LaFond for the 18 ½ years he served the Town and he will be missed very much.

Townsend: Thanked LaFond as he was not here for his first tenure, but was here for the 18 months he was Interim. His guidance through the pandemic was great for the Town. Other Town Halls were closed for long periods of time and that speaks to his guidance. He has been able to work with LaFond in different capacities and appreciates everything he has done. Wished all a Merry Christmas and Happy New Year.

**Select Board notes:** None

Motion to adjourn into Executive Session by Belbin at 7:40pm, second by Bogart

Roll Call: Affirmative – Bogart, Belbin, Townsend, Hewins, Hoffman

**Open Session 8:15pm:**

Motion to ratify the Interim Town Administrator Contract of Robert Fennessy by Belbin, second by Hewins.

Roll call- affirmative: Bogart, Belbin, Townsend, Hewins, Hoffman.

**Townsend announced the full membership of the Town Administrator Screening Committee:**

Jenn Pratt: School Committee Rep.

Alan Germain: Finance Committee Rep.

Bruce Maki: Planning Board Rep.

Craig Weston: Public Safety Rep.

Thomas Walsh: Public Safety Rep.

Mary Ross: At-Large member

Patrick Meagher: At-Large member

Ellen Blanchard: At-Large member

Walter Cole: Business Community Rep.

Motion to adjourn at 8:22pm by Hewins, second by Belbin.

Vote 5-0