



# TOWN OF CARVER

## Office of Planning & Community Development

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### Planning Board Minutes October 15, 2013

Posted in Accordance with the Provisions of M.G.L. Chapter 30A, Section 20B, authorized person Jack Hunter.

The Carver Planning Board met on October 15, 2013, at the Carver Town Hall, Meeting Room # 1, 108 Main Street, Carver, MA. Mr. Bruce Maki opened the meeting at 7:00 pm.

**PRESENT:** Bruce Maki, Chair; Rosemarie Hanlon, Vice Chair; Kevin Robinson, Secretary; William Sinclair, Member

**ABSENT:** Chad Cavicchi, Member

**ALSO PRESENT:** Jack Hunter, Director of Planning and Community Development; Mrs. Farouk Ahmed; Kevin Wrightington, Wrightington gas; Kevin Forgue, GAF Engineering

#### NEW BUSINESS:

##### A. Sign Permit – Carver Gas, 249 Tremont Street (#13-S-414) (Exhibit 2)

Mr. Hunter presented an overview of the proposed directional sign for Carver Gas. Mrs. Farouk Ahmed was present to represent her husband, the applicant. He had initially applied in August of this year, but taxes were owed on the property so it was not brought before the Board. Taxes are now all current. Mr. Ahmed has applied to install one directional sign. Mr. Hunter believed the request was to place it at the intersection of Tremont and South Main Streets, but Mrs. Ahmed said they wanted to place it 300' before the turn for Route 58, near where there is a sign for the Little Red Smokehouse. Mr. Hunter told Mrs. Ahmed that the Board also needs to know what the sign will look like and of what it will be constructed. Mr. Sinclair asked that Mr. Hunter speak with Mr. Ahmed to determine the exact location and if there are any public safety issues.

**MOTION:** by Mr. Sinclair to continue the sign permit application for Mr. Ahmed to November 5, 2013

**SECOND:** by Ms. Hanlon

**APPROVED UNANIMOUSLY**

##### B. Site Plan Review – Wrightington Gas, 312 Tremont Street (#P-425-13-SPR) (Exhibit 3-A)

Mr. Kevin Wrightington of Wrightington Gas and Mr. Kevin Forgue of GAF Engineering appeared to present the application of Wrightington Gas for a site plan review of the proposed construction of a storage building to keep equipment out of the weather on the property at 312 Tremont Street. Mr. Forgue stated that it would be a Morton building, to be built behind the gas tanks and not be visible from the road. He submitted a plan (Exhibit 3-B) showing the proposed location of the building on the site and a letter (Exhibit 3-C) asking for waivers to be reviewed by the Board before the public hearing. Mr. Forgue presented the waiver requests to the Board, most of which are due to the simplicity of the structure and its function and the location on the site.

Mr. Sinclair commented that the proposed building is similar to what is on cranberry bogs, but was concerned about what restrictions there would be if the property were sold. Mr. Forgue stated there would be electricity, heat, and a bathroom, and so would meet all the plumbing requirements.

Ms. Hanlon said she would like to see drawings or plans for the finished landscaping. Mr. Forgue replied that there would be recycled asphalt leading directly to the apron of the building, with no sidewalks or curbs, and that landscaping would impede access to the building, affirming that there would be no public access to the building and that it is out of sight from the road.

Mr. Hunter said that the proposed could be considered a minor modification to the site, needing no public hearing, but that he would want a public safety review of the proposal.

**MOTION:** by Mr. Sinclair to consider the application of Wrightington Gas as a minor modification and to schedule it for the Planning Board meeting of November 19, 2013

**SECOND:** by Ms. Hanlon

**APPROVED UNANIMOUSLY**

Mr. Sinclair requested that Messrs. Wrightington and Forgue work with Mr. Hunter on the issues discussed and that a site visit be scheduled.

**MOTION:** by Mr. Sinclair to schedule a site visit for Wrightington Gas on November 4, 2013, at 4:00pm

**SECOND:** by Ms. Hanlon

**APPROVED UNANIMOUSLY**

#### **OLD BUSINESS:**

##### **C. 7:15 PM Public Hearing (continuation) – Crop Production Services - Special Permit/Site Plan Review: Warehouse/Retail Space (#13-SP/SPR-414)**

Mr. Hunter told the Board that the public hearing for Crop Production Services needed to be continued due to the fact that Mr. Chad Cavicchi was absent and Mr. Kevin Robinson was absent at the first hearing and four members are needed for a special permit. Mr. Hunter said that Mr. Mike Utley is working with the corporate side of Crop Production Services to meet the Massachusetts regulations.

**MOTION:** by Mr. Sinclair to continue the Public Hearing to November 5, 2013, at 7:15pm

**SECOND:** by Ms. Hanlon

**APPROVED UNANIMOUSLY**

#### **APPOINTMENT**

##### **D. Robert Belbin – Potential Town Meeting Article - Accessory Apartment By-law (request Exhibit 4-A)**

Mr. Robert Belbin presented the Board with a packet of information (Exhibit 4-B) with reference information and diagrams pertaining to single family homes, set-backs, and accessory apartments, as well as his proposed article amendment for Town Meeting. He read out loud the first page of his handout, explaining his reason for the proposed amendment. Mr. Belbin referenced his case and the Wimperis case, and stated that his case has gone to trial and is awaiting a decision. He was asked not to refer to his case, as a decision has not been issued.

Mr. Belbin cited information from the Department of Public Health's Health and Safety Laws (as presented in his packet) and said that the Town's zoning by-laws have to comply with these

health codes. He also stressed that an accessory with a kitchen cannot be considered an apartment without having locking doors to separate the accessory from the main part of the house.

Mr. Belbin asked the Board for their help in submitting to Town Meeting his proposed change in the zoning by-laws Article VI. Definitions, third paragraph, to include language referencing the MDPH Health and Safety Code 104 CMR 410.000.

Mr. Hunter confirmed that Mr. Belbin was correct in his presentation of set-backs and said he would like to hear the opinion of the Board of Health with regard to the Public Health regulations. Mr. Hunter will give a copy of the packet of information Mr. Belbin presented to the BOH and the Building Inspector for their opinions.

Mr. Maki said that the Board would take Mr. Belbin's proposal under advisement.

**OTHER BUSINESS:**

**E. Planning Board Notes:**

Mr. Sinclair said he would like to make it a standard part of the application process to submit an electronic pdf of all drawings and plans. He would also like to thank all those who participated in Kayla's Walk.

**F. Planner's Notes:**

Mr. Hunter informed the Board that a cut-sheet for the overhead LED for the Shepherd Funeral Home sign was submitted.

Mr. Hunter received a Release of Covenant (Exhibit 5) for a subdivision on BA Drive. The Treasurer has searched for the \$75,000 surety but has found no record of it. The attorney who has requested the release of the 1994 covenant is looking for a release of the lots, not the money. Mr. Hunter will ask the former Treasurer about the surety and find out if the road is accepted and maintained by the Town. He will also have DPW look at the road to verify its condition as it is 30 years old.

Mr. Hunter informed the Board that the special permit issued to Auntie Steph's Doggie Daycare is due for an annual review as per the Decision of October 17, 2012, condition #20, which states:

*This permit is valid for one (1) year from the date of issuance, at which time the Planning Board shall conduct a meeting with the applicant at a regularly scheduled Planning Board meeting and all abutters shall be notified. At that time a progress report shall be given by all parties including the Animal Control officer. At that time the Board may take any action necessary to further mitigate the proposal or may initiate proceedings to rescind the application.*

Mr. Hunter said the review can be scheduled for November 5, 2013, which allows sufficient time for notifying the abutters.

**G. Approval of Minutes: October 1, 2013 (Exhibit 6)**

**MOTION:** by Mr. Sinclair to approve minutes of October 1, 2013 as written

**SECOND:** by Ms. Hanlon

Mr. Hunter said the minutes need to be amended in Section C where it says, "Mr. Hunter told the Board that the Vice-Chair of the Zoning Board . . ." It was the Chair, not the Vice-Chair.

**MOTION:** by Mr. Sinclair to approve minutes of October 1, 2013 as amended

**SECOND:** by Ms. Hanlon

**APPROVED UNANIMOUSLY at 8:05pm**

**H. Correspondence:**

The Board received notification from the Board of Selectmen (Exhibit 7) that the Special Town Meeting has been postponed until November 12, 2013, at 7:00pm, and that the warrant article deadline is October 15, 2013, at 4:00pm.

Mr. Hunter received a copy of the legal appeal of Rocky Meadow Development and Borrego Solar Systems (Exhibit 8).

**I. Next Meeting**

The next regular Planning Board meeting would be scheduled for November 5<sup>th</sup>, which is Election Day. Mr. Hunter checked with the Clerk and there will be no voting in Carver, so the meeting will go ahead as planned.

**J. Adjournment:**

**MOTION:** by Mr. Sinclair to adjourn

**SECOND:** by Ms. Hanlon

**APPROVED UNANIMOUSLY**

**The Carver Planning Board meeting was adjourned at 8:08pm on October 15, 2013.**

**Table of Documents**

Exhibit 1	Meeting Agenda – October 15, 2013
Exhibit 2	Sign Permit Application, Carver Gas
Exhibit 3-A	Site Plan Review Application, Wrightington Gas
Exhibit 3-B	Wrightington Gas Site Plan, 312 Tremont Street
Exhibit 3-C	GAF Engineering letter of 10/2/13
Exhibit 4-A	Request to Planning Board from Robert Belbin
Exhibit 4-B	Robert Belbin packet of information
Exhibit 5	Release of Covenant, BA Drive
Exhibit 6	Planning Board Meeting Minutes of October 1, 2013
Exhibit 7	Board of Selectmen memo 10/9/13
Exhibit 8	Rocky Meadow Development and Borrego Solar Systems appeal