



TOWN OF CARVER

Office of Planning & Community Development

108 Main Street
Carver, MA 020

Phone: (508) 866-3450
Fax: (508) 866-3430
E-mail: jack.hunter@carverma.org

Planning Board Minutes November 19, 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 November 19, 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; Brian Grady, GAF Engineering; Mrs. Farouk Ahmed, Carver Gas; Kevin Wrightington, Wrightington Gas; Stephanie Billings, Aunt Steph's Doggie Daycare; Robert Belbin; members of the public

NEW BUSINESS:

A. Sign Permit – Cornerstones – 93 N Main Street (#P-429-13-S)

Mr. Hunter informed the Board that the application for Cornerstone's had been withdrawn.

B. Minor Modification – Timeless Stoneworks – 316 Tremont Street (#P-428-13-MM)

Mr. Brian Grady of GAF Engineering presented the application of Timeless Stoneworks for a minor modification (Exhibit 2) to a permit from 2008 or 2009. They wish to build a 60'x60' storage building behind the existing building. It will have electricity and radiant heat and be used for storing stone slabs, no adhesives. There would be 15' between the buildings (distance determined by the Fire Chief) and no public access. Mr. Grady said there would be a roof overhang connecting the buildings. Mr. Hunter said he will pass the plans to public safety and Board of Health for comments.

MOTION: by Mr. Sinclair to schedule a site visit for Timeless Stoneworks on November 25, 2013, at 4:00pm

SECOND: by Ms. Hanlon

APPROVED UNANIMOUSLY

OLD BUSINESS:

C. Sign Permit – Carver Gas (continuation) – 249 Tremont Street (#13-S-414)

Mrs. Farouk Ahmed was present to represent Carver Gas. Mr. Hunter told the Board that Carver Gas would like to have one sign on the island at Tremont and South Main Streets. Mr. Maki asked of what material the sign and post would be made. Mr. Hunter was not sure, but said it was being made by Signs By Design. Ms. Hanlon asked what other signs are on the island and if it would be on a post with another sign(s). Mr. Hunter said there are other signs, but it would stand alone.

MOTION: by Mr. Sinclair to approve the directional sign for Carver Gas, with the conditions that it be located on the island at Route 58 and Tremont Street, location to be

approved by the Interim DPW Superintendent, there be a building permit, and the sign to be constructed by Signs By Design out of a permanent material, with a metal post

SECOND: by Ms. Hanlon

APPROVED UNANIMOUSLY

D. Minor Modification – Wrightington Gas (continuation) – 312 Tremont Street (#P-425-13-MM)

Mr. Hunter reported that there was a site visit to Wrightington Gas and that the Board received review letters from the Board of Health (Exhibit 3-A) and Fire (Exhibit 3-B) and Police (Exhibit 3-C). The BOH approved the Title 5 septic system and had no further issues. The Fire department said the drive should be constructed of all-weather material and would like to review fire prevention material once construction begins. Mr. Brian Grady of GAF Engineering said the drive will be made of recycled asphalt. Mr. Hunter said that the fire prevention will be worked out between Fire and GAF when the building is permitted.

MOTION: by Mr. Sinclair to approve the minor modification for Wrightington Gas as presented

SECOND: by Ms. Hanlon

APPROVED UNANIMOUSLY

E. Auntie Steph's Doggie Daycare (continuation) – Annual Review (#12-SP-387)

Ms. Stephanie Billings of Auntie Steph's Doggie Daycare submitted a request to the Board (Exhibit 4-A) to modify the trash pick-up condition due to the low quantity of trash being generated. Ms. Michelle and Mr. Matt Deignan submitted a list of conditions (Exhibit 4-B) they believe to be violated by the Daycare. They said there were five conditions being violated: the hours of operation; trash pick-up; grooming; licensing; and the number of dogs being walked.

Mr. Maki stated that Ms. Billings had addressed the concerns of the reported violations and met the conditions.

Mr. Hunter spoke with the Board of Health Agent who verified there had been no violations by the Daycare with regard to the waste dumping. Mr. Sinclair read the statement of the Agent (Exhibit 4-C) about disposing dog waste. He also informed the Board that he had sat in the driveway of the Daycare two different times to survey the noise, and found there to be none. Ms. Hanlon also parked nearby to listen for any exceptional barking but heard none.

MOTION: by Mr. Sinclair to modify condition #10, adhering to the recommendation of the BOH with regard to proper disposal, and to not require a review next year

SECOND: by Ms. Hanlon

Discussion: Ms. Hanlon was concerned about condition #22, requiring a 6' fence to be constructed within two years. Ms. Billings said she intends to have it built. Mr. Sinclair suggested that it can come before the Board again. No more discussion.

APPROVED UNANIMOUSLY

F. Read Custom Soils – follow-up

The Fire Department and Town Engineer reviewed and responded to the plans for Read Custom Soils (Exhibit 5-A & B). Mr. William Madden of GAF Engineering submitted a letter and revised plans (Exhibit 5-C) to be in compliance with all the issues raised.

G. Marion Drive Request to Release R&I Moneys

Mr. Hunter presented the request of Mr. Peter Opachinski of SLT Construction Corporation (Exhibit 6) for the release of remaining funds from the review and inspection account for the Marion Drive North Carver Business Park. Mr. Hunter told the Board that Marion Drive has

been accepted at Town Meeting as a Town road and that there is \$1,535.29 left in the review and inspection account.

MOTION: by Mr. Sinclair to refund the Marion Drive review and inspection funds in the amount of \$1,535.29, payable to North Carver Business Park, LLC

SECOND: by Ms. Hanlon

APPROVED UNANIMOUSLY

H. Potential Zoning Amendments for 2014 Town Meeting, including proposed Medical Marijuana Facilities, Accessory Apartments, Residential Use in Commercial Buildings, North Carver Landfill Zoning, Signage, Morrissey Blvd (Exhibit 7-A)
Mr. Hunter asked the Board for direction on the following:

1) Proposed Medical Marijuana Facilities – Ms. Hanlon told the Board that the zoning by-law is ready to be presented (Exhibit 7-B). The by-law format was based on those of several towns and adapted to Carver. The facilities are to be located in the Industrial A zoning district, which would be the Ravenbrook Landfill area in North Carver and Decas area in South Carver.

2) Signage – Mr. Hunter asked the Board if they would like to take over the question of internally lit signs, to expedite the process for applicants. Mr. Sinclair said internally lit signs have always been an issue and should be incorporated into the site plan review process. Ms. Hanlon agreed.

3) Residential Use in Commercial Buildings – Mr. Hunter told the Board that Mr. Anthony Alonge would like to put two residential units on the second floor of the Landmark Building and also on the first floor. (letter to BOH re: change Exhibit 7-C) This is not allowed by the By-laws. Mr. Sinclair said the issue of residential above commercial was initially presented for the village district, so residents could live and work in the same place. Having residential units in a commercial setting is problematic due to parking, hours of operation, noise, etc. M. Hanlon asked Mr. Hunter to do further research into the question.

4) Kennels – Mr. Hunter asked the Board if more direction and guidance are needed for kennels. The Board responded that it was not necessary.

5) North Carver Landfill Zoning – Mr. Hunter informed the Board that a request for proposals was sent out for solar on the North Carver Landfill. A bid was chosen, but the Town Attorney ruled it unqualified due to a tax issue. It will have to be re-bid. General Business zoning does not allow solar, so perhaps the landfill zoning could be changed to residential.

6) Morrissey Blvd – Mr. Hunter was reminded by Mr. William Halunen that Morrissey Blvd is not an accepted way.

7) Accessory Apts - Mr. Robert Tinkham wrote some comments (Exhibit 7-D) after reviewing the Accessory Apartments language that was submitted by Mr. Robert Belbin. Mr. Tinkham believes that the CMR code referenced by Mr. Belbin only applies to rental units. Ms. Hanlon stated that the issue of accessory apartments has come before the Town the last two or three years and has gone nowhere, so advised that no more time be spent on the subject. Mr. Sinclair agreed that it should not be brought before the Town this year.

APPOINTMENT:

I. Robert Belbin – Accessory Apartments

Mr. Robert Belbin submitted a proposed by-law change (Exhibit 8-A). He supported his change based on the language in the judge's Decision (Exhibit 8-B) for his case against the ZBA. Mr.

Belbin specifically made reference to the language on page 13 under “Condition D,” arguing that what the judge stated was his interpretation and not law with regard to accessory apartments. The Board took what he said under advisement.

OTHER BUSINESS:

J. Planning Board Notes: None.

K. Planner’s Notes:

Mr. Hunter informed the Board that he will be meeting with the new owners of the Whitworth property and they would like to do an industrial park. They will be looking at surrounding properties.

Mr. Hunter also informed the Board that there was a discrepancy between Article 2 of the Town Meeting and the approved budget with regard to the Planning Board’s salaries. He has filed a form with the Finance Committee to correct the discrepancy.

L. Approval of Minutes: Minutes not ready to be approved.

M. Correspondence:

Refreshing News (Exhibit 9) is an online newsletter that has been started by the Business Development Committee.

N. Adjournment:

MOTION: by Mr. Sinclair to adjourn

SECOND: by Ms. Hanlon

APPROVED UNANIMOUSLY

The Carver Planning Board meeting was adjourned at 8:37pm on November 19, 2013.

Table of Documents

Exhibit 1	Meeting Agenda – November 19, 2013
Exhibit 2	George Ajami Application for Minor Modification & Plans
Exhibit 3-A	Board of Health response to Wrightington Gas Minor Modification
Exhibit 3-B	Fire Department response to Wrightington Gas Minor Modification
Exhibit 3-C	Police Department response to Wrightington Gas Minor Modification
Exhibit 4-A	Stephanie Billings email of 11/6/13
Exhibit 4-B	Deignan Violation list 11/7/13
Exhibit 4-C	Robert Tinkham email of 11/13/13
Exhibit 5-A	Fire Department response to Read Custom Soils Site Plan Review
Exhibit 5-B	Fuss & O’Neill response to Read Custom Soils Site Plan Review
Exhibit 5-C	GAF Engineering letter of 11/15/12 and revised plans
Exhibit 6	Peter Opachinski email of 11/13/13
Exhibit 7-A	List of potential zone changes for 2014 Town Meeting
Exhibit 7-B	Proposed Medical Marijuana Facilities Zoning By-law
Exhibit 7-C	Flaherty & Stefani letter of 10/16/13
Exhibit 7-D	Board of Health response to Accessory Apartment zoning change
Exhibit 8-A	Robert Belbin proposed By-law change
Exhibit 8-B	Superior Court Decision Robert Belbin v. Town of Carver...
Exhibit 9	<i>Refreshing News</i>