



TOWN OF CARVER

Office of Planning & Community Development

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Planning Board Minutes May 21, 2013

The Carver Planning Board met on May 21, 2013, at the Carver Town Hall, Meeting Room # 1, 108 Main Street, Carver, MA. The meeting was opened at 7:00 pm.

PRESENT: Bruce Maki, Chair; Kevin Robinson, Secretary; Chad Cavicchi, Member; William Sinclair, Member

ABSENT: Rosemarie Hanlon, Vice-Chair

ALSO PRESENT:

Jack Hunter, Director of Planning and Community Development; Atty. David Eldredge; Richard Rheume, Prime Engineering; Robert Belbin; Atty. Lawrence Winokur, George Rogers, A.D. Makepeace; Bill Madden, G.A.F. Engineering; members of the public.

NEW BUSINESS:

A. Sign Permit – Atty. Eldredge -100 Main St. (#13-S-XXX)

Atty. David Eldredge, representing 100 Main Street LLC, owner of the old Bridgewater Savings Bank, presented a sign permit request for 100 Main Street (Exhibit 2). The building has been redesigned in the interior to accommodate three offices. The proposed sign will fit in the present sign frame, with room for three individual signs. Mr. Sinclair asked if the sign will be illuminated. Atty. Eldredge replied that it will be lit by current landscape lighting.

MOTION: by Mr. Sinclair to approve the sign, conditional on maintaining the current landscaping and a building permit

SECOND: by Mr. Cavicchi

UNANIMOUSLY VOTED

B: Receipt of Plans – Form C – Rocky Meadow Development Corp. (#13-C-410)

Mr. Richard Rheume of Prime Engineering presented an overview of the proposed plan to create a subdivision of three lots, two buildable and one as a conservation-drainage lot (Exhibit 3). This is the same property that was approved for a solar system. Filing Form C allows for the continuance of the Zoning at the time of permitting. It will require a Technical Review.

MOTION: by Mr. Sinclair to schedule a public hearing on June 18, 2013, at 7:15pm

SECOND: by Mr. Cavicchi

UNANIMOUSLY VOTED

C: Receipt of Plans – Form A – Plymouth Street – Antoni – (#13-A-409)

Mr. Hunter presented an overview of the submitted application to subdivide two lots into three lots (Exhibit 4). It meets the By-law requirement of a minimum 150' street frontage for each lot. Mr. Hunter did a site visit to determine if there is real access for each lot, and there is. The applicant, Mr. Jamie Emerson, will be in on June 4, 2013, for consideration of endorsement.

OLD BUSINESS:

D: 7:15pm Public Hearing – Road Acceptance – Marion Drive - (#13-RA- 406)

At 7:20pm Mr. Maki opened the Public Hearing to hear comments regarding the street acceptance of Marion Drive, to be presented at the Annual Town Meeting on June 3, 2013 (Notice Exhibit 5-A). Mr. Hunter said that SLT and MBO have entered into a purchase and sales agreement with Agway, conditional on the acceptance of Marion Drive as a public road. Mr. Shawn Martin of Fuss & O’Neill inspected the site and submitted a punch list of work yet to be done on the site (Exhibit 5-B). The Planning Board has a covenant on Lot 1 which well covers the work yet to be done. Mr. Hunter presented a map showing Marion Drive with the four abutting lots (Exhibit 5-C).

MOTION: by Mr. Sinclair to close the public hearing on street acceptance of Marion Drive

SECOND: by Mr. Cavicchi

UNANIMOUSLY VOTED

Public Hearing closed at 7:22pm.

MOTION: by Mr. Sinclair to recommend to Town Meeting that Marion Drive be accepted as a public road

SECOND: by Mr. Cavicchi

UNANIMOUSLY VOTED

E: 7:20pm Public Hearing – Proposed Zoning Amendments – Changes to definitions and Accessory Apartments by Citizens Petition (#13-Z-403/404) (Notice Exhibit 6-A)

Mr. Hunter solicited opinions of the proposed definition changes (Exhibit 6-B) from legal counsel, the Board of Health, the Building Commissioner, and the Assessor. Attorney John Goldrosen of Kopelman and Paige stated that the language is close to pushing the law but legal (Exhibit 6-C). Mr. Robert Tinkham, Jr., the Health Agent, submitted comments (Exhibit 6-D) but has no issue with the proposed definition changes. Ms. Ellen Blanchard, Director of Assessing, responded (Exhibit 6-E) that the proposed would have no effect on how a property is classified.

Mr. Robert Belbin of 26 Gate Street, Carver, presented to the Board a packet of information (Exhibit 6-F) and read out some of the content, including the Planning Board’s duty related to petition articles for Town Meeting, a summary of area towns’ definitions (or lack thereof) of “Family,” and an amended definition change for “Family.”

In response to Mr. Belbin’s presentation of the Planning Board’s duty, Mr. Hunter read the following from the Commonwealth of Massachusetts’, The Zoning Act, Massachusetts General Laws Chapter 40A, Section 5:

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council . . .

Mr. Sinclair would like the proposed definitions screened by legal counsel prior to Town Meeting, and to address the legal issue of the definition of “Family” in relation to “Family Dwelling.”

There was no other public comment with regard to the proposed zoning changes.

Mr. Hunter presented an email from Atty. Goldrosen (Exhibit 6-H) with regard to the Medical Marijuana Moratorium (Exhibit 6-G) and ANR plans. In Atty. Goldrosen’s legal opinion, filing an ANR plan would not exempt the land from the Moratorium.

Mr. Belbin stated that he believes any medical marijuana treatment center should be limited to a specific area in town, such as the adult section.

There was no other public comment with regard to the Medical Marijuana Moratorium.

MOTION: by Mr. Sinclair to close the public hearing on proposed zoning amendments and the medical marijuana moratorium

SECOND: by Mr. Robinson

UNANIMOUSLY VOTED

Public Hearing closed at 7:59pm.

MOTION: by Mr. Sinclair to table the Zoning Petition articles until more information is received from Town Counsel

SECOND: by Mr. Cavicchi

UNANIMOUSLY VOTED

MOTION: by Mr. Sinclair to endorse the Medical Marijuana Moratorium

SECOND: by Mr. Cavicchi

UNANIMOUSLY VOTED

F: 7:30pm Public Hearing – Proposed Zoning Map Amendment –Federal Road - (#13-Z- 397)

At 8:01pm Mr. Maki opened the Public Hearing to consider an amendment to the Zoning Map to change from Residential-Agriculture (RA) to Industrial “A” (IA) certain parcels of land on Federal Road (Notice Exhibit 7-A). Attorney Lawrence Winokur, representing A.D. Makepeace, gave an overview of the proposed change in zoning to allow for a soil mixing facility. He presented handouts to the Board, in which were included a Proposed IA Zoning Sketch (Exhibit 7-B), a Zoning Proposal Fact Sheet (Exhibit 7-C), a letter of support from Ocean Spray Cranberries, Inc (Exhibit 7-D), a Traffic Impact Assessment done by Vanasse & Associates, Inc. (Exhibit 7-E), and a Penalty Tax chart for A.D. Makepeace from the Town of Carver Assessor’s Office (Exhibit 7-F).

Of the area proposed to be changed from RA to IA, 199 acres are owned by A.D. Makepeace and 102 acres by Ocean Spray Cranberries. Ocean Spray Cranberries, Inc is in support of the proposed re-zoning, as stated in the submitted letter. There would be minimal increase in traffic, as per the assessment done by Vanasse & Associates, and there would be a penalty tax due the Town by A.D. Makepeace of \$21,588.73.

Mr. Bill Madden of G.A.F. Engineering, on behalf of A.D. Makepeace, presented the boundaries of the parcel which would be re-zoned, highlighting the area to be used for soil mixing, which is about 29 acres.

Mr. George Rogers, Senior Vice-President of A.D. Makepeace, expounded on the details of the proposed facility. A site was located that had been previously disturbed so as to cause minimal impact. The facility would include multiple buildings used for mixing and storing, located well off the road and so not visible to the public, plus an office building visibly near the road. Potential revenue could exceed \$5,000,000, plus an additional \$100,000 in taxes would be payable to the Town when the facility is fully built out. The facility would mix specialty soils, such as ball field clays, loam, golf course sand, any mix of clay, compost, sand & loam.

Mr. Maki stated that members of the Planning Board visited the site and determined that it is an excellent area for this type of development. Mr. Sinclair clarified that this is a pre-existing business in Canton that wants to move to Carver.

Mr. Sean Bogart of 116 Cranberry Road, Carver, an abutter to the proposed site, expressed his concerns about light spillage at night and inquired why re-zone 300 acres if the proposed facility site only encompasses 29 acres. He also wanted to know if the tree line would be maintained as a sound barrier. Mr. Rogers responded, saying that re-zoning the larger area would allow for the potential to expand, that the buildings are in a depression so should inhibit any light or sound spillage, and that more trees would be added as a buffer if needed.

There was no further public comment.

MOTION: by Mr. Sinclair to close the public hearing on proposed zoning map amendment

SECOND: by Mr. Cavicchi

UNANIMOUSLY VOTED

Public Hearing closed at 8:25pm.

MOTION: by Mr. Sinclair to recommend the proposed zoning map amendment on Federal Road

SECOND: by Mr. Robinson

UNANIMOUSLY VOTED

G: 7:45PM Public Hearing (continuance) – South Coast Development – 303 Tremont St. - Special Permit/Site Plan Review: Gas Station/Drive through Restaurant (#13-SP/SPR-401)

Shawn Martin of Fuss & O'Neill submitted a memorandum (Exhibit 8-A) stating that the applicant had addressed their prior comments. Mr. Bill Madden of G.A.F. Engineering distributed to the Board revised plans (Exhibit 8-B), which were approved by the Conservation Commission on May 17, 2013. The fire safety concerns have been addressed, so that there is now a 12' fire land and 12' drive through lane. The drive through window was moved in the building to accommodate four queuing spaces from the window and eight spaces from the menu board. More parking spaces were added above the underground fuel storage tanks. The infiltrations system has been increased and the dumpster pad relocated.

G.A.F Engineering submitted a revised landscaping plan for the front area and depicting snow storage. They also submitted a request (Exhibit 8-C) for a waiver associated with the landscaping requirements. The owner would like to plant seasonal vegetation to accommodate snow storage. The parking spaces on the east side can also be used in times of extreme snow fall, but there is enough snow storage space on the site for average storms.

Mr. Hunter informed the Board that with the submittal of the sign special permit application for South Coast Development, it was discovered that the taxes are currently not paid. They were current at the time of the original application, but there has been another billing since then. Receiving a building permit will be conditional upon the taxes being paid.

The Board commented that this is a great looking project. There was no further public comment.

MOTION: by Mr. Sinclair to close the public hearing for the application by South Coast Development for a Site Plan Approval and Special Permit

SECOND: by Mr. Cavicchi

UNANIMOUSLY VOTED

Public Hearing closed at 8:42pm.

MOTION: by Mr. Sinclair to accept the development of 303 Tremont Street as proposed by South Coast Development, with standard conditions, revised landscaping, language included for snow storage, and taxes being paid

SECOND: by Mr. Cavicchi
UNANIMOUSLY VOTED

OTHER BUSINESS:

H: Planning Board Notes: None

I: Planners Notes:

Mr. Hunter attended the Carver Board of Selectmen's meeting on May 14, 2013. They did not hear the petition articles, but did approve the budget.

Mr. Hunter is still working with ServPro about Commerce Way. They are looking at other lots.

The Dunkin Donuts on Montello Street installed their sign as proposed in October 2012. It looks as if it is intended to be internally lit, which is not allowed in Carver without Zoning Board approval. The Planning Board's approval of the sign permit did not allow for internal lighting. The application (Exhibit 9) shows gooseneck lighting for the sign.

J: Approval of Minutes: May 7, 2013 (Exhibit 10)

MOTION: by Mr. Sinclair to approve minutes of May 7, 2013 as written

SECOND: by Mr. Cavicchi

UNANIMOUSLY VOTED 8:45pm

K: Correspondence

The Town Clerk received a request (Exhibit 11) from Katherine Bailey of Law Offices of Robert L. Brennan, Jr., P.C. for copies of all Carver Planning Board meeting minutes from the last five years in which Richard M. Serkey, Howard M. Kelman, or Lawrence I. Winokur appeared before the Planning Board.

The Department of Environmental Protection has determined that the surety provided by Ravenbrook Farms for the decommissioning of the landfill can be reduced to \$241,328.00 and still be sufficient to cover expenses (Exhibit 12).

The Shady Acres Campground is considering expanding by approximately 40 sites (Exhibit 13). The Zoning Board initially permitted 300 sites on the property, so they are grandfathered as a campground site.

Mr. Frank DeFelice is the new Building Inspector. He will be working 19 hours per week.

L: Adjournment

MOTION: by Mr. Sinclair to adjourn

SECOND: by Mr. Cavicchi

UNANIMOUSLY VOTED

The Carver Planning Board meeting was adjourned at 9:48pm on May 21, 2013.

Table of Documents

Exhibit 1	Meeting Agenda - May 21, 2013
Exhibit 2	Sign Permit Application from David Eldredge for 100 Main Street (#13-S-411)
Exhibit 3	Form C Application and Plans for Sunshine Preserve/Rocky Meadow Development Corp. Definitive Subdivision Plan (#13-C-410)
Exhibit 4	Form A Application and Plan for Plymouth Street Subdivision (#13-A-409)
Exhibit 5-A	Public Hearing Notice – Marion Drive Road Acceptance
5-B	Fuss & O’Neill Punch-list Memorandum
5-C	Marion Drive Definitive Plan
Exhibit 6-A	Public Hearing Notice – Proposed Zoning Amendments
6-B	Proposed Changes to Definitions
6-C	Email from John Goldrosen, Esq., Kopelman & Paige, P.C., May 15, 2013
6-D	Letter from Robert Tinkham, Jr., Town of Carver Board of Health Agent, May 9, 2013
6-E	Email from Ellen Blanchard, Director of Assessing, Town of Carver, May 21, 2013
6-F	Robert Belbin handout
6-G	Medical Marijuana Moratorium
6-H	Email from John Goldrosen, Esq., Kopelman & Paige, P.C., May 20, 2013
Exhibit 7-A	Public Hearing Notice – Zoning Map Amendment
7-B	Proposed IA Zoning Sketch
7-C	A.D. Makepeace Companies Re-Zoning Request Fact Sheet and Maps
7-D	Ocean Spray Cranberries, Inc. Letter of February 15, 2013
7-E	Vanasse & Associates, Inc. Letters of February 6 & 14, 2013
7-F	Town of Carver Assessor’s Office Penalty Tax Schedule for A.D. Makepeace
Exhibit 8-A	Fuss & O’Neill Memorandum re: South Coast Development, 303 Tremont Street
8-B	G.A.F. Engineering, Inc. Revised Site Redevelopment Plan
8-C	G.A.F. Engineering, Inc. South Coast Development Waiver Request
Exhibit 9	Copy of View Point Sign & Awning Sign Permit Application for Dunkin Donuts
Exhibit 10	Planning Board Minutes of May 7, 2013
Exhibit 11	Request from Katherine Bailey, RLB Law Offices of Robert L. Brennan, Jr., P.C.
Exhibit 12	Letter from Jeffrey Chormann, Commonwealth of Massachusetts DEP
Exhibit 13	Shady Acres Campgrounds West Expansion Plans