



TOWN OF CARVER

Office of Planning & Community Development

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Planning Board Minutes June 3, 2014

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

The Carver Planning Board met on June 3, 2014, at the Carver Town Hall, Meeting Room # 1, 108 Main Street, Carver, Massachusetts. Ms. Rosemarie Hanlon opened the meeting at 7:05pm.

PRESENT: Rosemarie Hanlon, Chair; Bruce Maki, Vice-Chair; Jim Hoffman, Secretary; Chad Cavicchi; Kevin Robinson

ALSO PRESENT: Jack Hunter, Director of Planning and Community Development; Shawn Martin, Fuss & O'Neill; Peter Allegrini, Signs By Design; Atty. Richard Serkey; Jon Delli Priscolli; Brenda Johnson; Arthur Borden; Darren Grady, Grady Consulting, LLC; Shawn Martin, Fuss & O'Neill; George Millett, Marketplace Square; David Zaff; Kathy Kay, Administrative Assistant; members of the public

NEW BUSINESS

A. Receipt of Plans: Sign Permit – Norfolk Power Equipment – 45-47 North Main St (#P-400-14-S): DISCUSSION AND POSSIBLE VOTE (Exhibit 2)

Mr. Peter Allegrini of Signs By Design, 72 North Main Street, presented the Sign Permit application for Norfolk Power Equipment. He said it will be an 18sf carved sign, painted, mounted on granite posts, with a manufactured block base with a built in flower planter. It is the same as at their Walpole site. Board members asked if there would be lighting and if Mr. Allegrini knew what kind of plants were going to be in the planter. He said there will be landscape lighting and does not know about the plants, only that they will be maintained. Mr. Hunter reminded the Board that a condition of the Norfolk Power permit mandates the maintenance of the landscaping.

MOTION: by Mr. Maki to accept the sign with the conditions of a building permit and landscape lighting

SECOND: by Mr. Robinson

APPROVED UNANIMOUSLY

B. Receipt of Plans: Sign Permit – Live, Love Dance Studio – 160 North Main St (#P-437-14-S): DISCUSSION AND POSSIBLE VOTE (Exhibit 3)

Mr. Allegrini presented the Sign Permit application for Live, Love Dance Studio. The proposed sign is 12-14sf, but Mr. Allegrini asked the Board to consider the size up to 20sf, to be in keeping with the Dollar Tree sign size. He believes the sign needs to be bigger than 14sf to match the rest of the building signs and be seen from the street. Mr.

Hunter said that the Dollar Tree sign size was calculated on the size of just the letters and not the spacing in between, as they are attached directly to the building. He suggested that Mr. Allegrini could submit a Special Permit application for a sign over 14sf. There will be no lighting on the sign.

MOTION: by Mr. Maki to accept the sign permit for up to 14sf, with a building permit if needed and no lighting

SECOND: by Mr. Cavicchi

APPROVED UNANIMOUSLY

C. Receipt of Plans: Davenport BCCH LLC – Minor Modification – Off High St (#P-169-14-MM) – DISCUSSION AND POSSIBLE VOTE on application for Minor Modification of site plan for Whistleberry Glen (Exhibit 4)

Atty. Richard Serkey presented the minor modification application on behalf of Davenport BCCH LLC for the conveyance of lots A and B (page 3 of Exhibit 4) from AD Makepeace, the current owner of record, to Davenport. These lots are maintained as open space at the entrance to the Davenport subdivision and will be conveyed with the condition that they be maintained as open space and not to be built on. Mr. Hunter stated that it is a mandate of changing ownership within a subdivision that there be open space. Mr. Robinson asked if there will be taxes assessed to Davenport since the transfer is from a not-for-profit to a for-profit. Mr. Hunter answered that the responsibility would go to Davenport.

MOTION: by Mr. Maki to approve the Minor Modification for Davenport

SECOND: by Mr. Cavicchi

APPROVED UNANIMOUSLY

D. Petition for Rescission of Approval of Subdivision Plan: EDA-E1, LLC – “Patricia Place” Definitive Subdivision Plan, approved April 4, 2006, endorsed July 18, 2006 and “Proposed Sidewalk Easement” for Edaville USA – DISCUSSION AND POSSIBLE VOTE (Exhibit 5)

Mr. Hunter introduced the request of Jon Delli Priscolli, Manager of EDA-E1, LLC, to rescind the subdivision of ‘Patricia Place,’ prepared for Ellis D. Atwood and approved April 4, 2006 and endorsed July 18, 2006, and grant an easement to the Town for a sidewalk. Mr. Priscolli, along with Brenda Johnson, manager of Edaville, and Arthur Bored, engineer, requested the rescission so that the planned streetscape for Edaville could be completed, which incorporates an easement to the Town for a sidewalk. He said the berm is completed, but the sidewalk cannot be built until the easement is accepted.

MOTION: by Mr. Maki for the rescission of ‘Patricia Place’ subdivision of July 18, 2006 and approve the proposed sidewalk for Edaville

SECOND: by Mr. Hoffman

APPROVED UNANIMOUSLY

OLD BUSINESS

E. 7:15 PM PUBLIC HEARING: TJA Solar – Special Permit/Site Plan Review – 0 Solar Circle (#P-559-14-SP/SPR): DISCUSSION AND POSSIBLE VOTE on the application of TJA Solar requesting Site Plan Review and Special Permit for the

construction of a ground mounted solar photovoltaic array to produce approximately 1.5 megawatts of power, covering 24.8 acres

Ms. Hanlon read out the notice (Exhibit 6-A) and opened the public hearing for TJA Solar at 7:36pm, and welcomed the Chair and two members of the Planning Board of Plympton, who were holding their public hearing in conjunction with the Carver Planning Board.

Mr. Darren Grady of Grady Consulting, LLC, presented the application of TJA Solar and Miriam McGrath, Marob Trust (property owner) for a Special Permit and Site Plan Review for a ground mounted solar photovoltaic installation on Solar Circle (Exhibit 6-B). The site encompasses 24.8 acres in Carver and 5 acres in Plympton, with the legal frontage on Solar Circle. The proposed plan meets the 200' setback for residential zone in Carver and a 100' setback in Plympton. There are wetlands on the property, and the project is going before the Carver Conservation Commission on June 4, 2014. There is a road circumscribing the array, as per the request of Deputy Fire Chief Germaine, with 12' wide gates and wide turn-arounds. Mr. Grady would like to move the fence outside of the road to allow access to the array.

The Board raised questions of clearing of trees and the elimination of a buffer with abutters, lighting and security. Mr. Grady explained that the site is an old gravel pit and is mostly clear, but would be willing to work with planting trees to create a buffer. There will be no external lighting, but there will be a 6' tall chain link fence with locks on the gates. Mr. Grady is asking for the elimination of the border fence required between Plympton and Carver. The Plympton Planning Board Chair stated that they have worked with TJA Solar on an abutting solar project and had no abutter problems.

Mr. Hunter said that there had been two technical reviews (responses Exhibit 6-C). Pinebrook Consulting was hired to do the conservation review. Mr. Hunter noted that Solar Circle is a private way, and it is up to the property owners to allow access. Mr. Shawn Martin of Fuss & O'Neill presented his concerns for the proposal, which included wetland buffering, ground cover under the arrays, restoration of vegetation, and regarding of depressions which create wetland.

Ms. Hanlon inquired about the lifespan of the array and the plan for decommissioning. Mr. Hunter said that there would be a decommissioning surety bond for TJA Solar to dismantle and dispose of the array.

PUBLIC COMMENT: Mr. William Sinclair of 5 Lillian Way asked if there is an earth removal permit for the property and said that a regrading plan may exist from the previous site plan. He also expressed concern that the road have a wide enough turning radius for fire prevention vehicles.

Mr. Daniel Somers and Ms. Kayla Cotrell of 3 Solar Circle asked how high voltage was being brought to the site; if access was from Solar Circle; what security there would be; and expressed concern for the potential damage that could be caused to the road during construction. Mr. Grady said the high voltage would be above ground up to the site and in ground on the site; that access would be off Solar Circle; there would be 24 hour surveillance coverage during construction; and there would not be a lot of truck deliveries during construction. Mr. Hunter said there would need to be an assurance that Solar Circle would be returned to its current state and asked the applicant to consider putting the high voltage lines underground along Solar Circle.

Mr. Daniel May, a direct abutter, said that there is only one house currently abutting the site, but there is a plan to build a second house, and he would like to attend the site walk.

MOTION: by Mr. Maki to continue the public hearing for the Site Plan Review and Special Permit for TJA Solar to June 17, 2014, at 7:15pm

SECOND: by Mr. Hoffman

APPROVED UNANIMOUSLY

MOTION: by Mr. Hoffman to schedule a site visit on June 9, 2014, at 4:30pm at Solar Circle

SECOND: by Mr. Maki

APPROVED UNANIMOUSLY

F. 7:30 PM PUBLIC HEARING (continuation): to provide interested parties with an opportunity to comment on proposed changes to the Carver Zoning Bylaws, including the following: changes to Section 2110 of Article II and Section 3570 of Article III; creating a new Section 4680; deleting Section 4950; and adding a new Section 4950 of Article IV: DISCUSSION AND POSSIBLE VOTE

Mr. Hunter informed the Board that he had asked Town Counsel for a legal opinion with regard to Mr. Robert Belbin's comments (Exhibit 7-A) that the Clerk did not have copies of the proposed changes as stated in the public hearing notice (Exhibit 7-B). Atty. Greg Corbo of Kopelman and Paige opined that the procedural irregularity does not invalidate the amendments if they are accepted at Town Meeting (Exhibit 7-C). The Board chose to hold to the legal opinion. Mr. Sinclair asked that the cost of the legal opinion be made public.

Town Counsel recommended two changes to the proposed articles (Exhibit 7-D).

MOTION: by Mr. Maki to recommend that the changes be approved and recommended to Town Meeting

SECOND: by Mr. Robinson

APPROVED UNANIMOUSLY

G. 7:35 PM PUBLIC HEARING (continuation), in conjunction with the Road Commissioners – to receive comment regarding the street acceptance for Morrissey Drive, which will be presented at the Annual Town Meeting on June 2, 2014: DISCUSSION AND POSSIBLE VOTE (Exhibit 8)

MOTION: by Mr. Maki for the street acceptance of Morrissey Drive, to be presented at Town Meeting

SECOND: by Mr. Cavicchi

APPROVED UNANIMOUSLY

H. 7:45 PM PUBLIC HEARING (continuation) – Marketplace Square LLC – 124-128 Main St. – Special Permit – Apartments Above Commercial and Minor Modification (#P-433-14-SP/MM): DISCUSSION AND POSSIBLE VOTE (Exhibit 9)

Mr. George Millett of Marketplace Square and Mr. David Zaff, development consultant, presented their application to install six new residential apartments above the commercial space. There are three currently grandfathered with the site. Mr. Hunter said that no building permit will be issued without BOH certification of approved septic. Zoning requires nine parking spaces and they are adding thirty. Four apartments would be added

in Phase I and two in Phase II. The well is permitted for 30,000 gallons per day (gpd), and currently only 14,000 gpd are being used. The bathrooms are already approved by the Board of Health and DEP. Mr. Zaff said the apartments will all have covered, heated and lit access, and the property will be safer with 24 hour occupancy.

There is also a minor modification proposed of the shed around the pump house. Mr. Millett explained that the current 16x12 shed would be demolished and a bigger shed built to be used as a maintenance shed. DEP requires that the pump be separated by a wall from the maintenance area.

There was no public comment.

MOTION: by Mr. Maki to continue the public hearing for Marketplace Square to June 17, 2014, at 7:30pm

SECOND: by Mr. Cavicchi

APPROVED UNANIMOUSLY

OTHER BUSINESS

I. Planning Board Notes: None.

J. Planner's Notes

Mr. Hunter said that the approved articles for Town Meeting on June 16, 2014, need to be given to the Selectmen by Thursday.

Mr. Hunter told the Board that he had received a request to park a hot dog cart in the parking lot of Quickeez on North Main Street (Exhibit 10). He would like guidance from the Board as to whether this is an allowed use, if it should be submitted as a minor modification, or if a full special permit application is needed. The members agreed that it should come before the Board as a minor modification.

Mr. Hunter informed the Board that an abutter to Map 2, Lot 3 on Shaw Road (Exhibit 11) has appealed a building permit issued for a Form A in 2010.

K. Approval of Minutes: May 20, 2014 (Exhibit 12): discussion & possible vote

MOTION: by Mr. Hoffman to approve the minutes of May 20, 2014

SECOND: by Mr. Cavicchi

APPROVED 4-0-1 at 8:56pm

AYE: Cavicchi, Hanlon, Hoffman, Robinson

ABSTAIN: Maki

L. Correspondence: None

ADJOURNMENT

MOTION: by Mr. Maki to adjourn

SECOND: by Mr. Cavicchi

APPROVED UNANIMOUSLY

The Carver Planning Board meeting was adjourned at 8:57pm on June 3, 2014.

Respectfully submitted,
Kathy Kay

Table of Documents

Exhibit 1	Meeting Agenda – June 3, 2014
Exhibit 2	Sign Permit Application for Norfolk Power Equipment by Signs By Design
Exhibit 3	Sign Permit Application for Live, Love Dance Studio by Signs By Design
Exhibit 4	Application for Minor Modification to Site Plan by Davenport BCCH LLC
Exhibit 5	Petition for Rescission of Approval of Subdivision Plan by EDA-E1, LLC
Exhibit 6-A	Public Hearing Notice for TJA Solar Site Plan Review and Special Permit
Exhibit 6-B	Grady Consulting Cover Letter and TJA Solar SPR & SP Applications
Exhibit 6-C	TJA Solar technical review comments
Exhibit 7-A	Robert Belbin email of 6/2/14
Exhibit 7-B	Public Hearing Notice for proposed changes to Zoning Bylaws
Exhibit 7-C	Gregg Corbo email of 5/23/14
Exhibit 7-D	Proposed Town Meeting Articles with suggested changes
Exhibit 8	Public Hearing Notice for Morrissey Drive street acceptance
Exhibit 9	Marketplace Square proposed plans and review comments
Exhibit 10	Robert Miceli email request of 6/3/14 for hot dog cart
Exhibit 11	Plan of Map 2 Lots 1 and 3
Exhibit 12	Planning Board meeting minutes of 5/20/14
Exhibit 13	Planning Board 6/3/14 meeting sign-in sheet