

**Planning Board Minutes  
Tuesday, May 24, 2016**

APPROVED  
June 14, 2016

The Carver Planning Board met on May 24, at the Carver Town Hall, Meeting Room #1, 108 Main Street, Carver, Massachusetts. This meeting was videotaped for cable cast area 58, channel 15.

Chairman Bruce Maki opened the meeting at 7:05 p.m.

**PRESENT:** Bruce Maki, Chairman; James Hoffman; ~~Kevin Robinson~~; William Sinclair

**ALSO PRESENT:** Marlene McCollem, Director of Planning and Community Development; Christine Champ, Recording Secretary

**NOT PRESENT:** Chad Cavicchi (emergency work conflict); KEVIN ROBINSON

**Public Hearing:**

Carver Elementary School Building Committee - Site Plan Review - 85 Main St. (Assessor's Map 64-10) - for the construction of a new 112,350 sq. ft. elementary school with associated utilities, parking, athletic fields, and site improvements in the General Business District. (Zoning Bylaw § 3100).

Filed with the Town Clerk: April 26, 2016

Last Meeting: June 14, 2016

Deadline: June 24, 2016

Chairman Maki read the notice into the record. He stated it had been published twice in the Carver Reporter (May 6, 2016, and May 13, 2016).

Mr. Matt LaRue, the project manager, was in attendance with representatives from the design team to provide information and answer questions. (Chuck Kozlowski, Jennifer Johnson and Chad Crittenden.) Mr. LaRue walked through different aspects of the project and said he had had some initial feedback from Ms. McCollem. He was there to address the plans thus far. He described the drawings and oriented everyone to the maps on the board. He said there were two buildings on the site and described, where the playing fields are now is where the new school will be.

Mr. LaRue stated it would be a two-year-long construction period and he would have the logistics plans while it was being completed. Mr. LaRue stated, once it was complete, the existing buildings could be taken down and the parking would be addressed. He said the drinking water well would be put in with a protection zone built around it and it was in the process of getting approved. Mr. LaRue said the architect, Chuck, would talk about the general information of the plan and then Jennifer would speak to the site drainage. After that, he would be back.

Mr. Chuck Kozlowski said he had an overall site plan and he pointed out where things were. He went over the entrance and exit on the plan. Mr. Kozlowski went over the specifics of the placement of the driveways. He then described the circulation map, going over the drop-off area for parents. Mr. Kozlowski said if that were not enough area, they would eliminate and change to 1095 feet if necessary. He said, at any time they could have 39 cars parked there and there would be constant movement of the cars. At the bus drop off, the buses would be the same way, going to the back of the school to the drop-off zone for busses (19 busses would be accommodated). Mr. LaRue said there would be a maximum of 20 busses on site at one time. Mr. Kozlowski noted there would be 197 parking spaces, including 6 handicapped.

Mr. Sinclair asked if the congestion was looked at with private vehicles and busses leaving at the same time, and Mr. Kozlowski said he had looked at it and he thought it would work more than adequately. Jennifer said they did look at the widths of the driveway. Mr. Kozlowski said they were providing a double stacking area at the area for leaving and added that the busses get priority so there would be a staggered dismissal.

Mr. Hoffman inquired about this and Mr. Kozlowski said they were staggered so there was no leaving at the same time. Mr. Hoffman said it gets backed up on rainy days and Mr. Kozlowski thought the signage would help and said it would be staffed with people from the school.

Mr. Sinclair wanted to know if the outlaying was adequate. Mr. Kozlowski said the outlay added another 600 feet of stacking room.

Chairman Maki asked for other comments and there were none. He opened the meeting up to the public for any comments.

Mr. Kozlowski wanted to continue with his overview of the drop-off area and the front of the school. He said there would be an outdoor patio with seating under a canopy. He described play areas, a fenced area for pre-kindergarten, kindergarten, and grades 1 through 5. He showed each area for each group. Mr. Kozlowski continued, speaking to the locked gate, some painting of games, play equipment at different areas, a free play area, lawn and logs and a slide built into a hill, saying each group would have its own areas. Mr. Kozlowski said there would be some basketball nets also.

Mr. Kozlowski went over some images of what it would look like. He mentioned the area would be accessible for wheelchairs and he went over another drawing regarding the same, showing types of items they would use making it wheelchair accessible.

Showing the pre-kindergarten and kindergarten, Mr. Kozlowski went over the different types of structures, to give an idea of the activities. Mr. Kozlowski went over the third area of the drawing, (grades 1 through 5) for the kids who are little older, with climbing structures. Again, it would be wheelchair accessible and accessible for other disabilities. He then went over the free-play area which could accommodate drawing, story time, amphitheater, an outdoor slide built into a hillside, balancing beams. Mr. Kozlowski said the hillside helps to screen from other property.

Mr. Kozlowski spoke about the plantings, noting there would be trees that do well in this area. He said they would be replacing the memorial tree with a new memorial tree (Katsura) in front. Some others he noted were the Starburst, honey locust, Serviceberry, black Tupelo, Quercus X and elms and pines that are indigenous to the area. He also listed shrubs, hydrangeas, Red Twig Dogwoods and juniper.

Chairman Maki said it looked beautiful and asked if the board had any questions.

Mr. Sinclair asked if the gate would be closed where there was a back play area access and Mr. Kozlowski said there would be a swing arm at two spots. Mr. Sinclair wondered if they would be manual and Mr. Kozlowski said they would. Mr. Sinclair questioned, in case of emergency, would there be any way to have them automatically open, controlled by the emergency vehicles and Mr. Kozlowski thought so. He said he met with the fire department and he spoke about the different gates, saying the gate in there now was what the fire department requested. Mr. Sinclair thanked him for the information.

Mr. Kozlowski then presented the civil engineer, Jennifer Johnson. Ms. Johnson spoke about storm water management, saying it would be integrated into the overall design. She noted, we are lucky because of sandy soils which helps the area, collecting from different sites and sending them to other areas. She explained the yellow chambers on charts, so the water could flow into them and flow into the ground. Ms. Johnson explained, another one behind the building collects from the roof. She went on to describe in detail about the storm water management features, noting the water was required to be pre-treated. Ms. Johnson said a high level of treatment was happening. She noted that the existing play structures would have flow-through features.

Ms. Johnson said this was just a brief overview and inquired if there were any questions. There were none from the board.

Mr. Kozlowski gave a quick overview of the lighting, noting the plan represented illuminating levels. He went over the parking lot fixtures, explaining about pedestrian-height poles, along the front and between the wings and egress pathways. He then went over the building-mounted light fixtures saying they provided illumination around the buildings. Mr. Kozlowski said they were all LED-type fixtures which allowed them to be tailored for lighting just where you would want it, the illumination levels could be down to zero with light just where you need it. Also, the LEDs are long-life lights. He said they would allow good spacing to let them be very efficient with the poles, et cetera. Mr. Kozlowski said they would not need to be changed for many years.

Mr. Kozlowski asked for any questions. Mr. Sinclair asked if there was any proposed lighting for the ball fields. Mr. Kozlowski said he had not been asked that. He wanted to touch on the building, itself. He said it would be a two-story building with features on the front side (cafeteria, offices). He briefly went over the entry plaza design, entry lobby, back side of the school, wings and classrooms. Mr. Kozlowski went over some materials, saying it would be primarily a concrete-based architectural block with the feel of polished stone. He said it was used through most of the building and there would be glass to let light in with some translucent glass material and some regular glass material.

Mr. Hoffman had a question regarding the lighting, wondering about the back-facing business, would it be on all night? Mr. Kozlowski answered that it would be tied into the system which allows them to be programmed and at certain hours it could be dimmed down. He said it would be the usual practice but it would be worked out with the school department and can be changed down the line.

Chairman Maki had letters regarding the townhouses at Chance Court and deferred to Ms. McCollem. Mr. Maki said the representatives from Chance Court were in attendance and opened the meeting to the public. Mr. Ward wanted Chad Crittenden to address the board and then he would speak.

Mr. Chad Crittenden said he was working with the residents of Chance Court, to include provisions for a 6-foot stockade fence. The Building Committee assigned a target allowance. Mr. Crittenden referred to the drawing and said they were going to have a 440-linear-foot stockade fence indicated by the red line. He said there would also be new trees and they would tag and maintain the trees to help. He believed the concern had been resolved.

Mr. Dick Ward of 20 West Street (Chairman for the Carver Elementary School Building Committee) said he was representing the committee. He stated the Building Committee was diverse. Mr. Ward said he had been working on it for a long time and they fully supported their work.

Chairman Maki thanked him and asked if anyone else had anything. The representative of Chance Court said they were satisfied.

Chairman Maki stated he had correspondence from Fuss & O'Neill.

Shawn Martin questioned whether there was going to be a basement in the school and Mr. Kozlowski said there was not. Their review would be limited to drainage. Mr. Sinclair wanted to know if the water coming off from the site to Route 58 could be controlled? Shawn said it could, keeping more on the site, and he expected improvements to all.

Chairman Maki said there was a letter from the Conservation Commission and they were all set. There was also something from the Fire Department, who requested a site walk. Chairman Maki asked if there was a need now and Ms. McCollem said it should certainly be done but the Planning Board did not need to get involved. Ms. McCollem said if there were any review to the path or fire lane, it should be shown as a revision. Chairman Maki said there was also a letter in the packet from the Board of Health and that they were still reviewing.

Mr. Sinclair questioned the existing water source at the location where the proposed buildings were going. Mr. Kozlowski said he was correct and that they were both in the footprint. He said as the new building was done, they'd get water, then the old ones would be decommissioned. Mr. Sinclair then asked about water for landscaping and Mr. Kozlowski said the flow rate was too low for an irrigation system but they looked at it. He then mentioned a new irrigation well.

Chairman Maki said there was some concern about a dumpster location and Mr. Kozlowski said no clothing dumpster had been asked for; that there were others at the service area.

Chairman Maki said he had a letter from Ms. McCollem. She said it was a municipal facility so there should be a site plan review. Ms. McCollem noted during the conservation, all conform to the circulation patterns. She said the signs were exempted so there was no sign approval permits. She said the fence will be revised on the next set of plans. Ms. McCollem said at some point a Fire Department gate will be notated and shown wherever best located. For parking, she wanted to confirm the handicap and van accessible spaces. She wanted the board provided with the parking calculations (how they were calculated).

Ms. McCollem said the lighting and landscaping conformed to the standards. She said the Fire Department would have revisions to the hydrant locations. Ms. McCollem said she has not sat with the Deputy Chief but she will get back to him when she has more information. She also wanted to confirm that the playground pavement would be porous and wondered if there was a plan for it. Mr. Kozlowski said he thought it should be vacuumed every year. He said there were no maintenance specs but he thought they would be provided. Ms. Johnson said they could include it in their system. Ms. McCollem said the Board should make that a consideration for the plan, making it a condition.

Chairman Maki asked if the public had any questions and there were none.

Chairman Maki continued. Ms. McCollem would pass the information to the design team so they could do one plan. She said at the next meeting of June 14, 2016, it could be back on the agenda for that day and Kevin and Chad could vote then. They should have the site plan review on that date.

Ms. McCollem asked if the Board wanted a site plan visit. Chairman Maki and Mr. Hoffman said no.

Mr. Sinclair motioned to move the site plan to June 14, 2016. Mr. Hoffman seconded the motion. It was voted unanimously.

Borrego Solar System, Inc. - Special Permit - 19C Ward St. (Assessor's Map 120-6-0-R) - to allow a ground mounted solar power generating facility of approx. 2.77 mW in a Residential/Agricultural District. (Zoning Bylaw §§3100, 3580, 5300).

Filed with the Town Clerk: May 2, 2016

Last Meeting: July 19, 2016

Deadline: August 1, 2016

Mr. Rich Serkey, for Borrego, said they were in need of further approvals before they could proceed. This was continued to the June 14, 2016, meeting.

Mr. Sinclair asked to take, under Discussion, Pine Ridge, next. Chairman Maki answered yes.

**Discussion:**

Pine Ridge - Sampson's Pond Residences - Letters received by the Board dated May 4, and May 10, 2016, regarding compliance with the conditions of the Special Permit dated May 5, 2015.

Richard Searcy, Esquire, from Plymouth, spoke on behalf of Sampson's Pond, LLC. He listed the background of the condo documents, noting the Master Deed for the condo had been recorded. Mr. Searcy said the Master Deed gave a later date to include later phases. He continued listing when different units were added and what the Master Deed contained. Mr. Searcy said the name Post Road LLC changed to Sampson's Pond LLC and the condo documents had a deadline of 10/21/2016. The Planning Board documents had a note of special permit issued in June of 2013. He continued to go over the units and corresponding phases with deadlines. Ms. McCollem went over her list of dates and deadlines, as it was the intent of the Board to finish.

Mr. Searcy said the holder of the development rights was ready to return, as the market was back and it does not preclude Ms. Varrichione from continuing. He said, briefly, the holder of development rights was prepared to complete the project and include the remaining units by the deadline. Mr. Searcy questioned, why do authors want to stop completion of the project? He stated he would let them answer, themselves. There were two deadlines and they would comply with both, he said and he intended to abide by the deadlines.

Chairman Maki asked for speakers.

Patricia Lake, the chairman, (trustees), was not prepared to speak at the meeting. A letter of the Board's intent was submitted and they wanted a continuance so they could have representation as well.

Ms. McCollem said since they had received the letters, there were a number of things to bring to their attention. The last permit she could see was May 5, 2015, essentially an extension of the 2012 permit. Ms. McCollem said there were 32 conditions listed within it. She was also given two letters that the Planning Board had received from Kopelman and Paige dated 10/14/2010 and 7/16/2012. Ms. McCollem read the history from the Kopelman and Paige letter. She said the special permit was valid and she went over the conditions, noting #4 was problematic. Ms. McCollem said they must conform to the site plan of the date and the file was not

complete as to the plans.

She said Mr. Delli Pescoli gave the plan and the most recent revision was 2008 and that she had nothing later. Ms. McCollem said she could not do anything and the building commissioner could not do anything until they receive an updated plan. She read into the record #24 of the permit and said, again, when the plan was received, for the record, it would behoove them to make sure #24 was complied with.

Ms. McCollem continued, regarding #27, it should be determined (by Fuss & O'Neill) if any major revisions. She read #27 into the record. The language was difficult but the limit of work was supposed to be reviewed by the engineer. She did not have the record and did not have approved final plans. Ms. McCollem said, lastly, the phrasing referenced earlier, #32, phases, regarding unit numbers. She recommended the Board instruct that the building commissioner interpret, outlined in #32, as he interprets it; that he should do as he sees fit. She noted, this has its own separate decision track. Ms. McCollem said they could appeal as outlined in zoning act but it was not a condition open for Planning Board's review. So, she could not give an answer without more information about what new plans show. Ms. McCollem wanted the Board to make a decision as to what they wanted her to do. She asked that the October plan be provided in a large format plan that is readable, to ensure that everything has been done.

Chairman Maki said we needed revised plans of October, 2008. He asked for any comments.

Mr. Sinclair said that is a hang up and having plans is a must. He said the building commission had the jurisdiction to oversee all the conditions. Mr. Sinclair asked if they could get the correct year of that date to him. He felt with all the items mentioned, it was bothersome that they never got the plan, and the Board had to have it as part of the record.

Mr. Sinclair made a motion to have the Board request the 10/16/2008 plan and enforce all the conditions per the outline, having Fuss & O'Neill go out to the site and make sure all was done. Mr. Hoffman seconded the motion. It was voted unanimously.

Mr. Searcy said they could not locate the plan and Shawn Martin said they still probably had it. Mr. Searcy said the plan was done by Fuss & O'Neill. He said he would try to get the archives by Mr. Savage and he thinks the plan is here. Mr. Searcy stated, Arthur Borden is the civil engineer now. He spoke to how well Maria (Varrichione) was doing, selling lots. Mr. Searcy said he'd work with Shawn and try to find in Bruce's archive.

Ms. Lake spoke again, adding there had been a revision on the plan; that the grading was not the same. She said some of the units had been changed (several bulkheads) and the land had changed. She wanted to know about for clarification.

Mr. Searcy said if you look at the conditions, they were protecting the environment and the tree line. He said the units had walkouts into the tree canopy and as you go along in the project, there's hills. He said the permit explains and they are working with the topography, working with the grading that is there. He said that is what they did, not changes, just working with permits.

Mr. Sinclair noted he was not there at the time.

Chairman Maki asked if it was necessary for another building meeting. Ms. McCollem said she would work

with Mr. Morgan and Mr. Martin to recreate the plans and give an update on June 14th. She said she'd get revised plans and work with the building commissioner.

Ms. Lake wanted to know what would happen between now and then. Mr. Sinclair said they should abide by the Board's decision, to ensure the Board's people go out there to make sure that each item was addressed. He continued, the deadline that Mr. Searcy was talking about did not have anything to do with the Board's decision. Mr. Sinclair suggested they come back on June 14th to see what was found and hoped for a conclusion. Ms. Lake asked that if there were conversations with the developer, they could tell the trustees. Ms. McCollem said all discussions would be at the public meetings.

Chairman Maki questioned if the plans could not be found. Ms. McCollem said she would let them know, as she had searched and would continue. She asked Mr. Martin to look in the archives. Mr. Sinclair inquired if it was the obligation of the developer to provide and Ms. McCollem replied, absolutely. Chairman Maki said if approved, it should be signed and filed with the Registry. Ms. McCollem said it was a special permit but the decision is recorded. She added she had not found that these plans did go to the Registry.

Chairman Maki said they would look for the plans and thanked all for coming.

### **Other Business:**

#### A. Planning Board Member Notes

Mr. Sinclair said, at the last master plan meeting, there was no quorum so he hopes for a quorum at the next meeting. He also noted, the Redevelopment Authority has been working on the Urban Renewal Plan for North Carver. Mr. Sinclair wished for everyone to celebrate the upcoming Memorial Day weekend responsibly and he extended warm wishes to the family regarding the slain officer and asked all to keep them in their thoughts.

Mr. Hoffman thanked all for the great success of the Zac Kane golf tournament on May 21, 2016. Mr. Sinclair noted they did a great job.

#### B. Minutes - May 10, 2016

Mr. Sinclair motioned to approve the minutes. Mr. Hoffman seconded the motion. It was voted unanimously.

#### C. Correspondence (if any)

None.

#### D. Next meeting date: June 14, 2016

Ms. McCollem went over with all Board members the calendar for the summer. After discussion, all agreed on the date July 26, 2016, as the only date available to all. Unless they could meet on July 5, 2016, there would only be one meeting on the last Tuesday of July; July 26, 2016.

Mr. Sinclair made a motion to have the next meeting date of June 14, 2016. Mr. Hoffman seconded the motion. The date was approved unanimously.

E. Adjournment

Mr. Sinclair made a motion to adjourn the meeting. Mr. Hoffman seconded the motion. It was voted unanimously to adjourn at 8:55 p.m.

**EXHIBITS**

- A. Agenda
- B. Minutes of May 10, 2016



# TOWN OF CARVER

## Office of Planning & Community Development

### PUBLIC MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A, SECTION 20B

### PLANNING BOARD MEETING AGENDA

May 24, 2016

7:00 PM

Carver Town Hall Room #1

#### Public Hearing:

Carver Elementary School Building Committee—Site Plan Review—85 Main St. (Assessors Map 64-10)—for the construction of a new 112,350 sq. ft. elementary school with associated utilities, parking, athletic fields, and site improvements in the General Business District. (Zoning Bylaw §3100).

Filed with the Town Clerk: April 26, 2016

Last Meeting: June 14, 2016

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Borrego Solar Systems, Inc.—Special Permit—19C Ward St. (Assessors Map 120-6-0-R)—to allow a ground mounted solar power generating facility of approx. 2.77 mW in a Residential/Agricultural District. (Zoning Bylaw §§3100, 3580, 5300).

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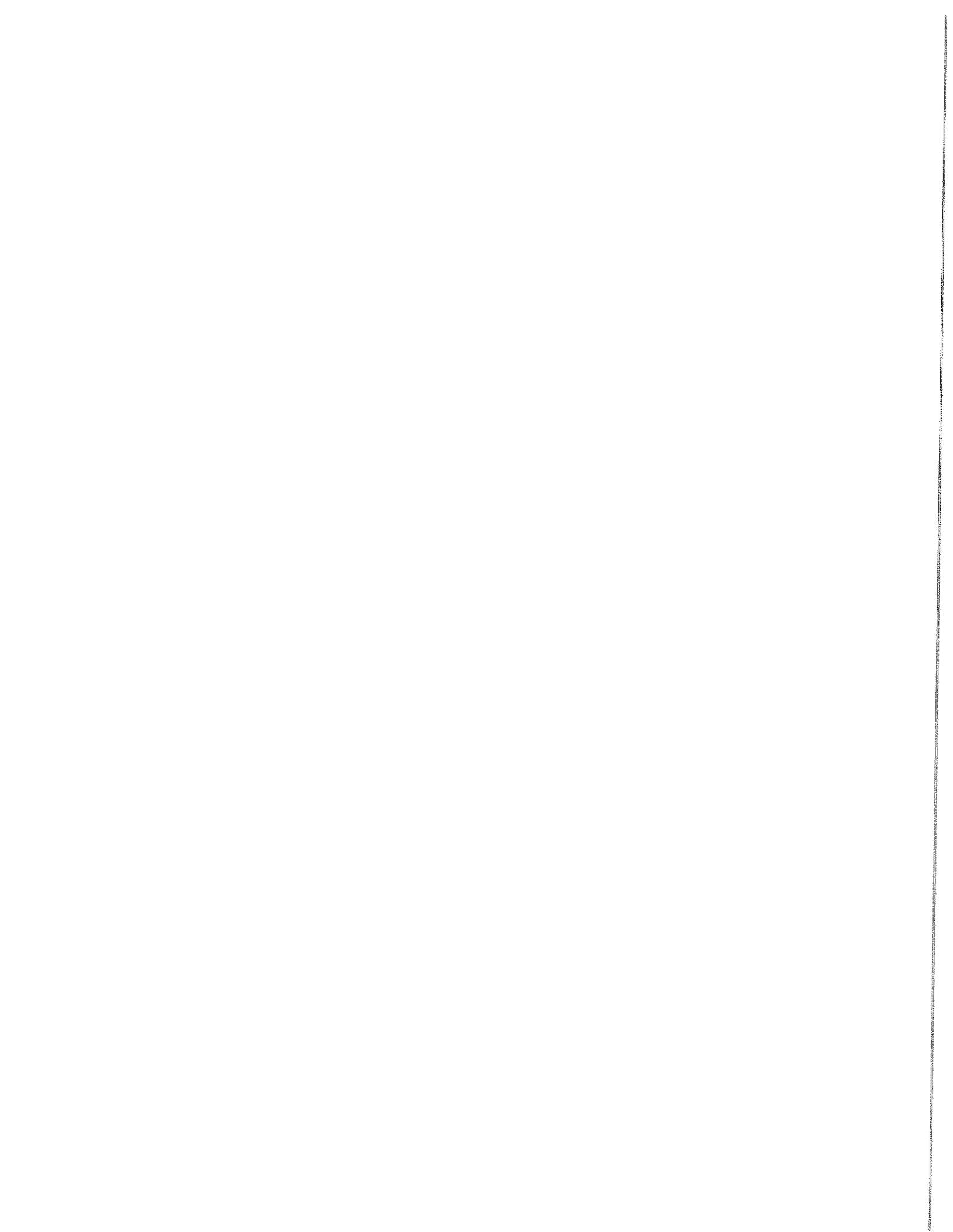
#### Discussion:

*Policies for use of Ch.44, Sec. 53G accounts and peer review, discussion with Meg LeMay, Finance Director.*

*Pine Ridge—Sampson's Pond Residences—Letters received by the Board dated May 4, and May 10, 2016 regarding compliance with the conditions of the Special Permit dated May 5, 2015.*

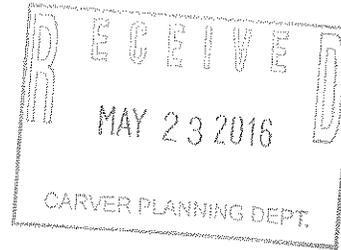
#### Other Business

- A. Planning Board Member Notes
- B. Minutes –May 10, 2016
- C. Correspondence (if any)
- D. Next meeting date: June 14, 2016
- E. Adjournment



***The Townhouses at Chance Court Trust***

12 Chance Court  
Carver, MA 02330



May 17, 2016

To: Carver Planning Board & School Building Committee

From: Chance Court Condominium Trust Trustees

Re: **New School Construction adjacent to Chance Court**

As the elected representatives of the residents of the Chance Court Townhouse Condominium Association we wish to again express our concerns regarding the proposed construction of a two story Elementary School adjacent to our property.

We are dismayed to find ourselves writing to the Town about a matter that we thought was settled. On August 29, 2015 we wrote to the School Building Committee Chairman and expressed our concerns and requested that a 6 to 8 foot stockade fence be constructed along the 440 foot property line to mitigate our concerns and protect our property values. We were advised in a September 3, 2015 letter from the School Building Committee Chairman that our concerns and request was considered reasonable and that the project cost would include this request in the upcoming Value Engineering exercise.

It was our understanding that adequate funds had been committed to the project so that the 440 ft. 6' stockade fence would be part of the project. We also know from conversation with the Chairman of the School Building Committee that he also thought this to be the case.

It is extremely disappointing to see that the current plans which have been submitted to the Planning Board do not include a 440 ft. fence but a combination along the property line of fence, plantings and the current chain link 4 ft. fence. We have contacted the Chairman of the School Building Committee, Richard Ward who is as perplexed as we are about this change. Trustee Walsh has also spoken with the Project Manager who feels that his direction from the School Building Committee is to have a combination of plantings and fence screening and that funds, if all plantings are included, will not be sufficient to have the full continuous fence we have requested.

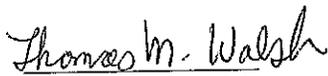
The Project Manager did indicate that he felt that the fence as requested could be funded within the project if some of the plantings were eliminated. The Planning Board meeting will occur prior to the next meeting of the School Building Committee when we are hopeful that the School Building Committee will appropriately direct the Project Manager to make the changes necessary so that a continuous 440 ft. stockade fence be made part of the project.

This fence is very important to the Chance Court Condominium Association because we feel it is the only acceptable mitigation that we hope will maintain the peace and tranquility of our

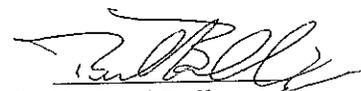


development and hopefully our property values also. We are also assuming that the trees along the property line that currently exist and are on the Chance Court side of the chain link fence will not be removed. These trees will provide a significant barrier from both sight and sounds associated with this project and the condominium association had assumed that these were on Chance Court property since they are on that side of the school fence but we have recently been advised that some of them are actually on school property but that they were not going to be removed. We have not had an opportunity to have this surveyed our self and don't intend to do so unless removal of the trees is anticipated.

We therefore request that the Planning Board not approve the plan as it has been submitted without the continuous 440 ft. fence, as we have repeatedly requested be included in the project and that the existing trees which are along the property line not be removed. It is our hope that this can be resolved without the need for the association to seek professional representation however we feel this is so vital to the Chance Court development that we are compelled to take whatever action is required to protect our interest.

  
Thomas M. Walsh  
Managing Trustee

  
Daniel Farnham  
Trustee

  
Richard Ballantyne  
Trustee

Copies to: School Building Committee Chairman Richard Ward



*The Townhouses at Chance Court Trust*

12 Chance Court  
Carver, MA 02330



August 29, 2015

Richard Ward, Chairman  
School Building Committee  
Carver Town Hall

Dear Mr. Ward:

As the elected representatives of the residents of the Chance Court Townhouse Condominium Association we wish to express our concerns regarding the proposed construction of a two story Elementary School adjacent to the entrance road to the Chance Court development.

We feel that this project will have a detrimental effect on the value of our homes in this age restricted (55 or older) community by detracting considerably in the appearance of our entrance road (Chance Court) because those entering will be looking at the back of a two story school building. We are also concerned about the natural activity of delivery vehicles, dumpster and trash pick-up, school bus drop off and play areas directly adjacent to our property line detracting from the peace and tranquility of the development.

As a reasonable consideration to our residents we hereby formally request that the chain link fence currently along the property line be replaced with a 6 to 8 foot high quality stockade fence along the entire property line. This will provide both a visual and sound barrier and it is our hope that it will mitigate the negative impact of this development on Chance Court.

This request has been verbally stated to several members of the School Building Committee multiple times and has been referenced in e-mails pertaining to the project to School Building Committee members and mentioned at public meetings and we are frustrated and disappointed to find out at a recent meeting that this reasonable request is not being included in the plan at this time.

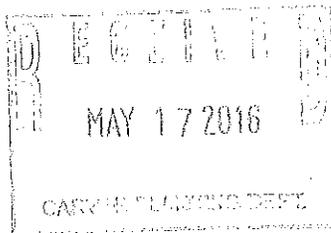
We respectfully request that this requirement be included in the project immediately and would further request that we receive a response to this request within 10 days so that we have time to explore all options that may be available to

us to protect our interest as this project moves on for Massachusetts School Building Authority approval.

  
Richard Ballantyne  
Trustee

  
Daniel Farnham  
Trustee

  
Thomas M. Walsh  
Managing Trustee



September 2, 2015

Chance Court Trustees  
Chance Court Townhouse Condominium  
Association  
12 Chance Court  
Carver, MA 02330

RE: Concerns Regarding the Proposed Construction Adjacent to Chance Court

Dear Trustees,

The Carver Elementary School Building Committee, Architects, and Project Managers have each been made aware of the concerns outlined in your letter dated August 29, 2015. The Project Team understands these concerns and concurs with your assessment that the request is reasonable in nature.

Consequently, the Project's estimators have been instructed to identify the cost for a 440 foot long and 6 foot high stockade fence along the northwest property line. The costs associated with this request will be presented to, and evaluated by, the Building Committee during forthcoming budgeting exercises. If the available budget permits, the fence will be thereafter included in the project scope submission to the Massachusetts School Building Authority in October 2015.

Irrespective of the Building Committee's final determination as it relates to budget, I can assure you that the entire Project Team is sensitive to the proximity of the Chance Court residences. The Project's architect and their landscape designer will work to ensure that the existing greenscape separating the proposed building from Chance Court is maintained to the maximum extent possible.

Sincerely,

Richard Ward, Chairman  
School Building Committee

Enclosure(s)

cc: Carver School Building Committee



Michael R. Milanoski  
Town Administrator

# BOARD OF SELECTMEN

RECEIVED  
MAY 17 2016  
CARVER PLANNING DEPT.

Elaine M. Weston  
Ass't. to the Town Administrator

108 Main Street  
Carver, MA 02330  
Telephone: 508-866-3401/Fax: 508-866-4213

September 3, 2015

Chance Court Trustees  
Chance Court Townhouse Condominium Association  
12 Chance Court  
Carver, MA 02330

RE: Concerns Regarding the Proposed Construction Adjacent to Chance Court

Dear Trustees,

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Sincerely,

*Richard Ward*

Richard Ward, Chairman  
School Building Committee

*Funds subsequently approved at  
Value Engineering Public hearing.*

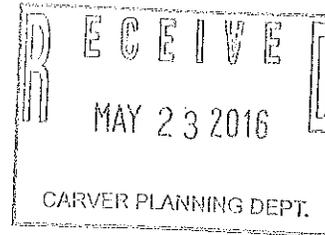
Enclosure(s)

cc: Carver School Building Committee

*The Townhouses at Chance Court Trust*

12 Chance Court  
Carver, MA 02330

May 17, 2016



To: Carver Planning Board & School Building Committee

From: Chance Court Condominium Trust Trustees

Re: New School Construction adjacent to Chance Court

As the elected representatives of the residents of the Chance Court Townhouse Condominium Association we wish to again express our concerns regarding the proposed construction of a two story Elementary School adjacent to our property.

We are dismayed to find ourselves writing to the Town about a matter that we thought was settled. On August 29, 2015 we wrote to the School Building Committee Chairman and expressed our concerns and requested that a 6 to 8 foot stockade fence be constructed along the 440 foot property line to mitigate our concerns and protect our property values. We were advised in a September 3, 2015 letter from the School Building Committee Chairman that our concerns and request was considered reasonable and that the project cost would include this request in the upcoming Value Engineering exercise.

It was our understanding that adequate funds had been committed to the project so that the 440 ft. 6' stockade fence would be part of the project. We also know from conversation with the Chairman of the School Building Committee that he also thought this to be the case.

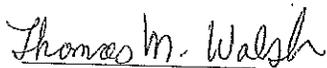
It is extremely disappointing to see that the current plans which have been submitted to the Planning Board do not include a 440 ft. fence but a combination along the property line of fence, plantings and the current chain link 4 ft. fence. We have contacted the Chairman of the School Building Committee, Richard Ward who is as perplexed as we are about this change. Trustee Walsh has also spoken with the Project Manager who feels that his direction from the School Building Committee is to have a combination of plantings and fence screening and that funds, if all plantings are included, will not be sufficient to have the full continuous fence we have requested.

The Project Manager did indicate that he felt that the fence as requested could be funded within the project if some of the plantings were eliminated. The Planning Board meeting will occur prior to the next meeting of the School Building Committee when we are hopeful that the School Building Committee will appropriately direct the Project Manager to make the changes necessary so that a continuous 440 ft. stockade fence be made part of the project.

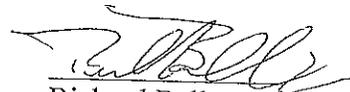
This fence is very important to the Chance Court Condominium Association because we feel it is the only acceptable mitigation that we hope will maintain the peace and tranquility of our

development and hopefully our property values also. We are also assuming that the trees along the property line that currently exist and are on the Chance Court side of the chain link fence will not be removed. These trees will provide a significant barrier from both sight and sounds associated with this project and the condominium association had assumed that these were on Chance Court property since they are on that side of the school fence but we have recently been advised that some of them are actually on school property but that they were not going to be removed. We have not had an opportunity to have this surveyed our self and don't intend to do so unless removal of the trees is anticipated.

We therefore request that the Planning Board not approve the plan as it has been submitted without the continuous 440 ft. fence, as we have repeatedly requested be included in the project and that the existing trees which are along the property line not be removed. It is our hope that this can be resolved without the need for the association to seek professional representation however we feel this is so vital to the Chance Court development that we are compelled to take whatever action is required to protect our interest.

  
Thomas M. Walsh  
Managing Trustee

  
Daniel Farnham  
Trustee

  
Richard Ballantyne  
Trustee

Copies to: School Building Committee Chairman Richard Ward



## MEMORANDUM

**TO:** Carver Planning Board

**FROM:** Samuel Hemenway, PE  
Shawn M. Martin, PE, CNU-A

**DATE:** May 23, 2016

**RE:** Site Plans - Office Building  
Assessor's Parcel 95-3-1  
0 Tremont Street (Route 58), Carver, MA

A handwritten signature in black ink, appearing to be 'S. Hemenway', written over the 'FROM' field.

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Fuss & O'Neill has reviewed the site plans entitled "Carver Elementary School, Carver MA, SITE PLAN REVIEW," prepared by HMFH Architects, dated March 21, 2016 and a report entitled "Stormwater Report, Carver Elementary School," prepared by Nitsch Engineering, dated April 6, 2016. In accordance with the direction provided, this review has been limited to a review for conformance with Town Rules and Regulations as they relate to drainage and grading issues.

### Stormwater Management

1. Infiltration Systems #1 and #2 outlet structures indicate flow controls not indicated on drawings.
2. Infiltration Basin #2 overflow indicated as 50 feet in model but not on drawings. Clarify if that is intent for installation.
3. A TSS removal rate of 44% has been established for catch basin inserts, but the specific system is not identified and documentation of the efficiency is not provided.
4. The Draft SWPPP includes significant information still needing to be completed/inserted. We recommend the Town be provided with updated materials for review as they are developed to ensure compliance to the final plans.

### Site Plans

1. Sheet C1.0: Infiltration System #2 bottom reflects invert 109.5, but Report/model indicates 109.75. Confirm the bottom elevation indicated is intended.
2. Sheet C1.0: Infiltration System #2, structure OCS#1 label does not reflect the orifice and weir conditions modeled for the outlet (and/or requires a detail for clarity).
3. Sheet C1.0: Infiltration System #1, structure OCS#2 label does not reflect the orifice and weir conditions for the outlet (and/or requires a detail for clarity).

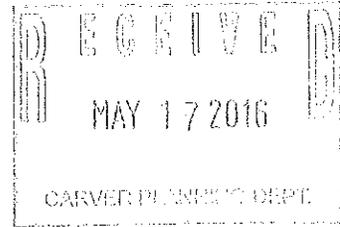
MEMO – Carver Planning Board

May 23, 2016

Page 2 of 2

4. Sheet C3.0: Specify what perimeter erosion check is intended to confirm suitability for each location. (The detail sheets include several alternatives, but we could not locate guidance for the contractor).
5. Sheet C3.0: We recommend modifications to standard linear perimeter measures where concentrated flow discharges through the barrier (i.e. at outfall channels) to avoid washout from concentrated flows.
6. Sheet 4.0: Provide bottom elevations for infiltration basis and spot elevations on overflow weirs to ensure construction to intended elevations. Also, identify berm dimensions and length of weirs (sections are recommended for clarity).
7. Sheet C4.2: Label proprietary water quality structure (Stormceptor?) and indicate location for use on plans or remove the detail from the drawings.
8. Sheet C4.2: It is not clear if bioretention basin section is intended for infiltration basins. Clarify location for use on plans or remove the detail from the drawings.
9. Sheet C4.2: Provide depth and size of stone for spillways.
10. Sheet C4.2: Provide length of Rip Rap Outfalls (or indicate on the plans) and provide depth and size of stone on the detail.
11. C4.3: It is not clear if level spreaders are intended for project. Clarify location for use on the plans or remove the detail from the drawings.
12. C4.3: Provide specific model (basis of design) catch basin inserts and provide guidance for alternatives if they will be considered.

If you have any questions regarding this review, please call me at (800) 286-2469 ext. 4597.



*Cranberry Land USA*  
**Carver Conservation Commission**

Town Hall, 108 Main Street  
Carver, MA 02330

Telephone: 508-866-3482  
Fax: 508-866-3430

May 11, 2016

Carver Elementary Building Committee  
c/o Richard Ward  
108 Main Street  
Carver, MA 02330

RE: Order of Conditions – DEP# SE126-535  
85 Main Street, Carver, MA

Dear Mr. Ward:

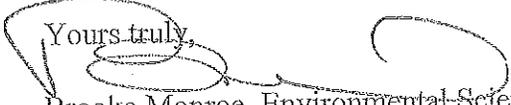
Enclosed please find a copy of the Order of Conditions for the project (construction of a new school building, with associated athletic fields, parking and stormwater measures) at the address listed above. We will file the original at the Plymouth County Registry of Deeds, 50 Obery Street, Plymouth MA 02360.

When these documents have been recorded, a copy of the filing information will be forwarded to you for your records.

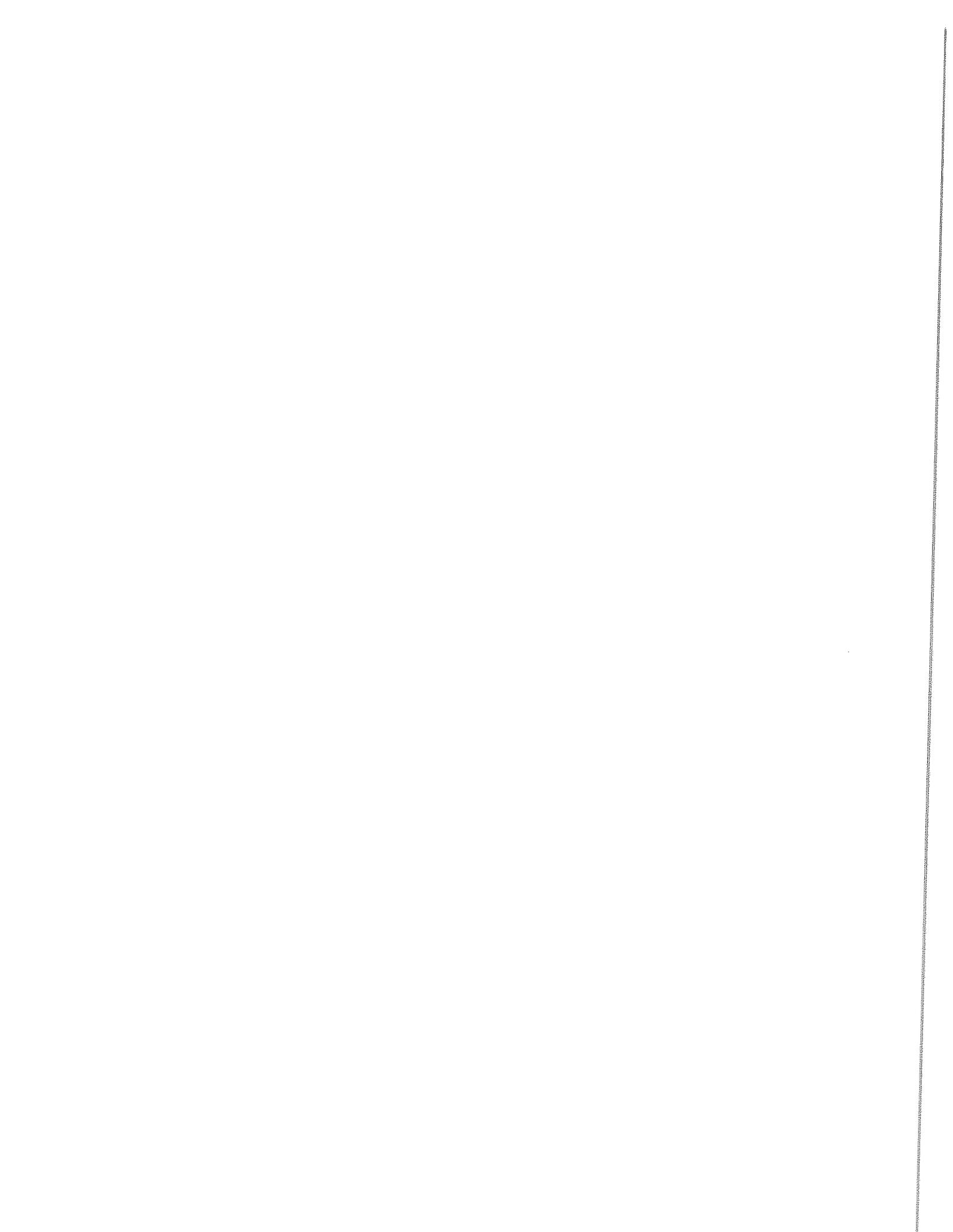
When you have completed this project, please contact this office to request a Certificate of Compliance (COC). Until the COC is issued, approved and filed, the Order of Conditions will remain in place as alien against your property.

If you have any questions or concerns, please do not hesitate to contact me.

Yours truly,

  
Brooke Monroe, Environmental Scientist  
Agent, Carver Conservation Commission

Enc.  
CC: DEP





Craig F. Weston  
Chief

## TOWN OF CARVER FIRE DEPARTMENT

112A Main Street  
Carver, Massachusetts 02330 - 0040  
(508) 866 - 3440 • Fax (508) 866 - 4408  
[www.carverfire.org](http://www.carverfire.org)

Eric P. Germaine  
Deputy Chief  
ADMINISTRATION &  
CODE ENFORCEMENT

**To:** Marlene McCollem, Director of Planning and Community Development  
**From:** Deputy Chief Eric Germaine  
**Date:** May 20, 2016  
**Subject:** Site Plan Review - 85 Main Street - Carver Elementary School

Marlene, we reviewed the site plan for the Carver Elementary School and wish to convey the following comments / recommendations to the Planning Board and Developer:

1. The building as drawn is over the 7,500 square foot threshold and will require a Fire Suppression System per the IBC. The sprinkler system shall be designed by a licensed Fire Protection Engineer and installed according to 527 CMR1, NFPA 13 and the IBC edition in use by the Carver Building Department.
2. Fire detection / notification systems shall be installed as required by the Massachusetts Fire Prevention Regulations (527 CMR 1), including manual pull stations, horn/strobe warning devices, smoke and heat detectors, etc.
3. The driveway entrances and general site conditions meet our standards for Emergency Vehicle access and operation.
4. We request a site walk through with a representative of Chance Court, the Project Manager, and a representative of the Fire Department, to field locate the fire department connection point on the Chance Court property adjacent to the Crystal Lake water supply access ramp.

5. The fence along the Chance Court property line is acceptable to the Fire Department as (1) continuous fence, as requested by the residents of Chance Court. However, we do request that a 4' access gate be installed as close to the Fire Department connection as possible to allow fire personnel to pass during water supply operations. This gate would remain locked with a CFD lock unless in use during an emergency. This will also be field located by Chance Court, the Project Manager, and CFD.
6. We would like the opportunity to discuss the final location(s) of the fire hydrants that are included in the project. We feel that a few minor changes in location(s) from what is drawn will enable us to provide a greater level of fire protection for the complex.

As always, we are open to discuss the above comments in greater detail with the Planning Board, if necessary.

Thank you,  
Eric Germaine

# **CARVER BOARD OF HEALTH**

108 Main St., Town Hall, Carver, Massachusetts 02330  
Tel 508-866-3420 Fax 508-866-3483

May 18, 2016

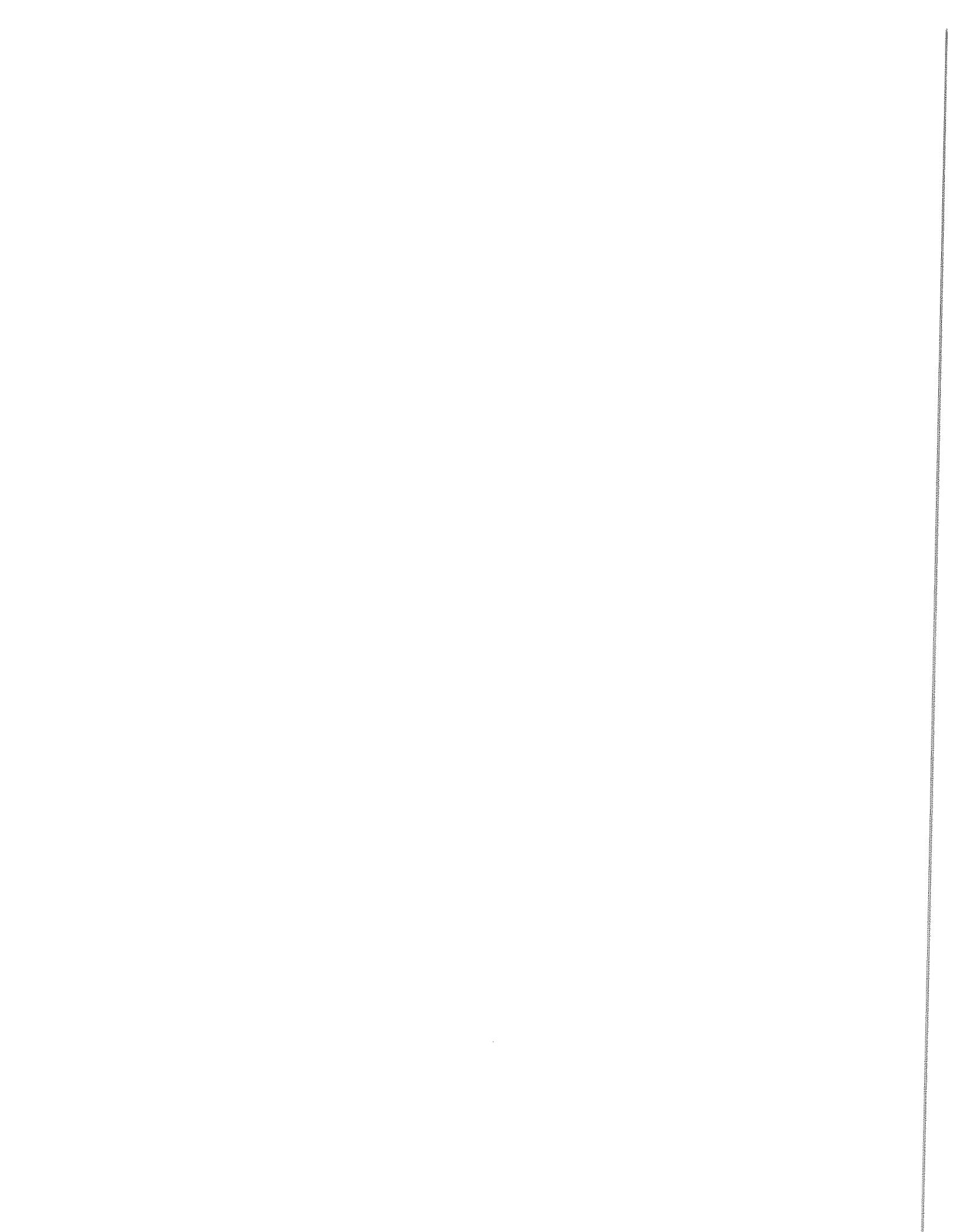
Carver Planning Board  
Town Hall  
108 Main Street  
Carver, MA 02330

**RE: Site Plan Review**  
**Carver Elementary School**  
**85 Main Street**  
**Carver, MA 02330**

Dear Members of the Board,

The Carver Board of Health has reviewed the Site Plan Review for the new Carver Elementary School located at 85 Main Street in Carver submitted by HMFH Architects, Inc. and PMA Construction Services, on behalf of the Town of Carver School Building Committee and offers the following comments:

1. The Carver Board of Health will reserve its rights to review and approve all changes, modifications and connections to the existing soil absorption system including but not limited to the new nitrification septic system.
2. The Schools and a licensed company sign an agreement on the maintenance of the new nitrification septic system.
3. The Schools enter into a septic pumping contract with a licensed septage hauler.
4. The Carver Board of Health would ask that the bathrooms and kitchens meet all applicable Human Habitation Regulations as well as all Massachusetts State Plumbing Code Regulations.
5. The new public water supply well be completely permitted by the Massachusetts Department of Environmental Protection and all applicable treatment systems be installed.
6. That all IPM (Integrated Pest Management) practices be used on all playgrounds and athletic fields.



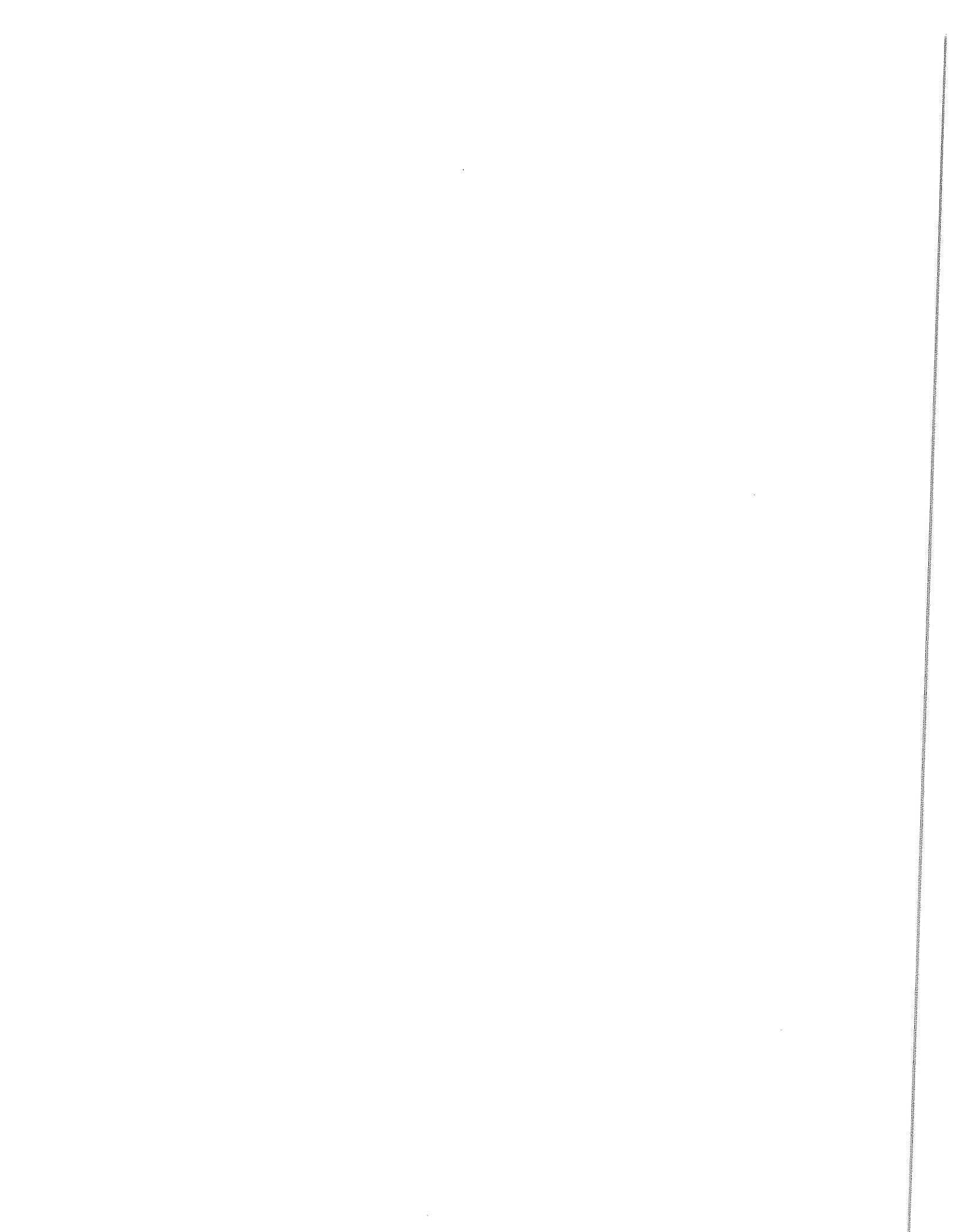
7. The location of trash dumpsters, recycling dumpsters, and clothing dumpsters has become a traffic and sight beauty issue. Every effort should be made to either eliminate those dumpsters that are allowed public access (clothing and recycling) and to close and hide those needed to operate the school.
8. Indoor air quality testing should be incorporated into the regular maintenance plan.
9. The monitoring of the water supply should exceed what is required by the Massachusetts Department of Protection, by using daily tests of the water bubblers by the staff.
10. The project is subject to DEP Stormwater Management Regulations as well as the Town of Carver Board of Health Regulations for Stormwater and Runoff Management. The proponent will need to address TSS removal by submitting the appropriate worksheet and receiving overall approval on the drainage from the Town's Review Engineer

Should there be any further questions regarding this correspondence, please feel free to contact us in our office. Thank you

Very truly yours,  
*Robert C. Tinkham Jr.*

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Robert C. Tinkham Jr.  
Health Agent





# TOWN OF CARVER

## Office of Planning & Community Development

108 Main Street  
Carver, MA 02330

Phone: (508) 866-3450  
Fax: (508) 866-3430  
E-mail: [marlene.mccollem@carverma.org](mailto:marlene.mccollem@carverma.org)

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### MEMORANDUM

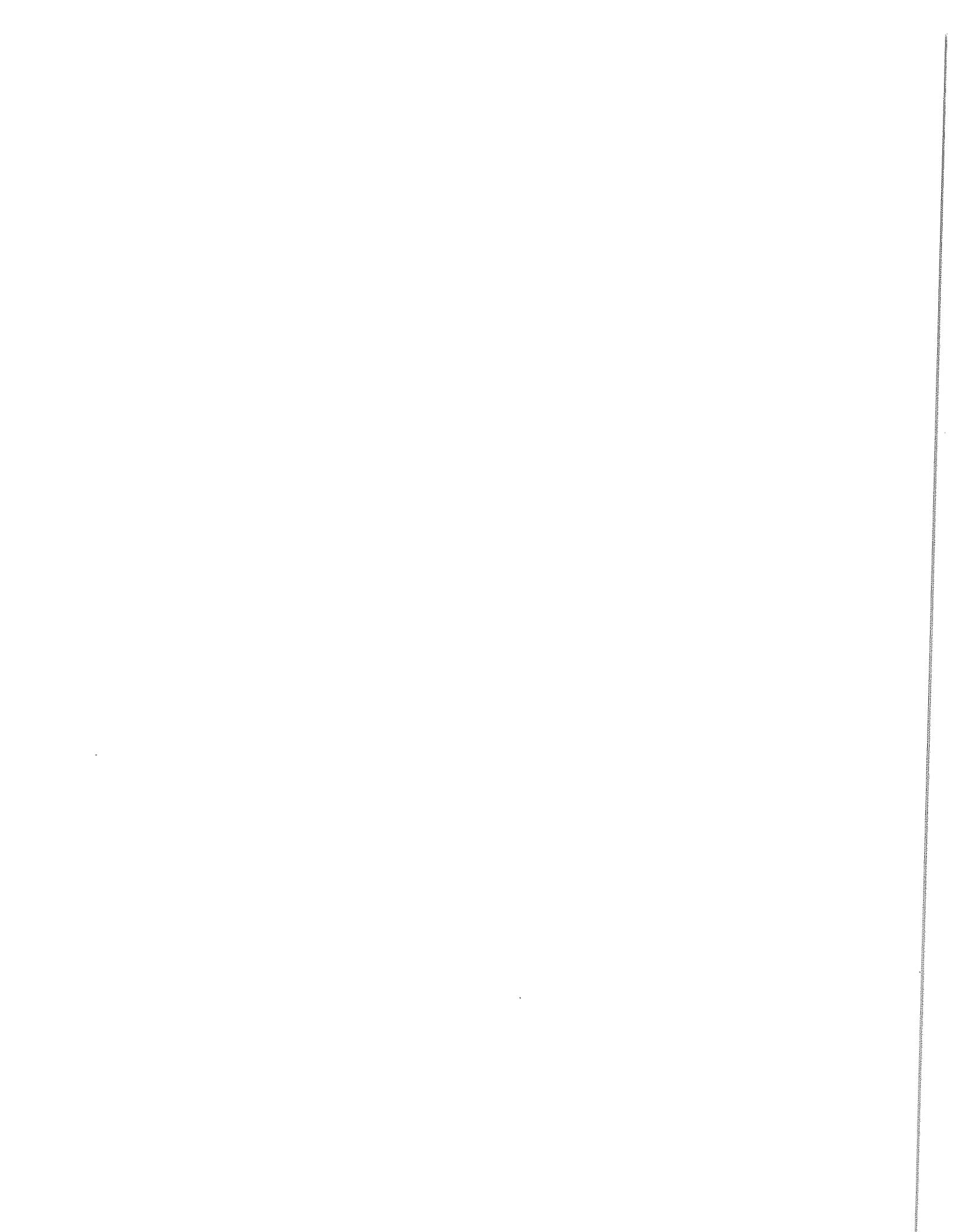
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**TO:** PLANNING BOARD  
**FROM:** MARLENE MCCOLLEM, DIRECTOR   
**SUBJECT:** CARVER ELEMENTARY SCHOOL—SITE PLAN REVIEW  
**DATE:** 5/24/2016

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1. The site contains 22.2-acres of land within the "General Business" Zoning District.
  - a. Municipal facilities are allowed by-right, per §2230
  - b. Site plan review is required, per §3100
2. Confirm the number of handicapped & van accessible parking spaces.
3. Confirm driveway width & radii at curb cuts.
4. Provide parking calculations.
5. Confirm parking lot aisle widths.
6. Lighting & landscaping conforms to standards.
7. Signs are exempted from review, per 3539(a).
8. Revise fence & locate CFD gate.
9. Further develop Draft Storm Water Pollution Prevention Plan (SWPPP) to determine compliance with DEP standards.
10. Revise hydrant locations under the direction of the CFD.





Craig F. Weston  
Chief

## TOWN OF CARVER FIRE DEPARTMENT

112A Main Street  
Carver, Massachusetts 02330 - 0040  
(508) 866 - 3440 • Fax (508) 866 - 4408  
[www.carverfire.org](http://www.carverfire.org)

Eric P. Germaine  
Deputy Chief  
ADMINISTRATION &  
CODE ENFORCEMENT

To: Marlene McCollem, Director of Planning and Community Development  
From: Deputy Chief Eric Germaine  
Date: May 19, 2016  
Subject: Site Plan Review - 19C Ward Street - Solar Array

Marlene, we reviewed the site plan for Photovoltaic array at 19C Ward Street and wish to convey the following comments / recommendations to the Planning Board and Developer:

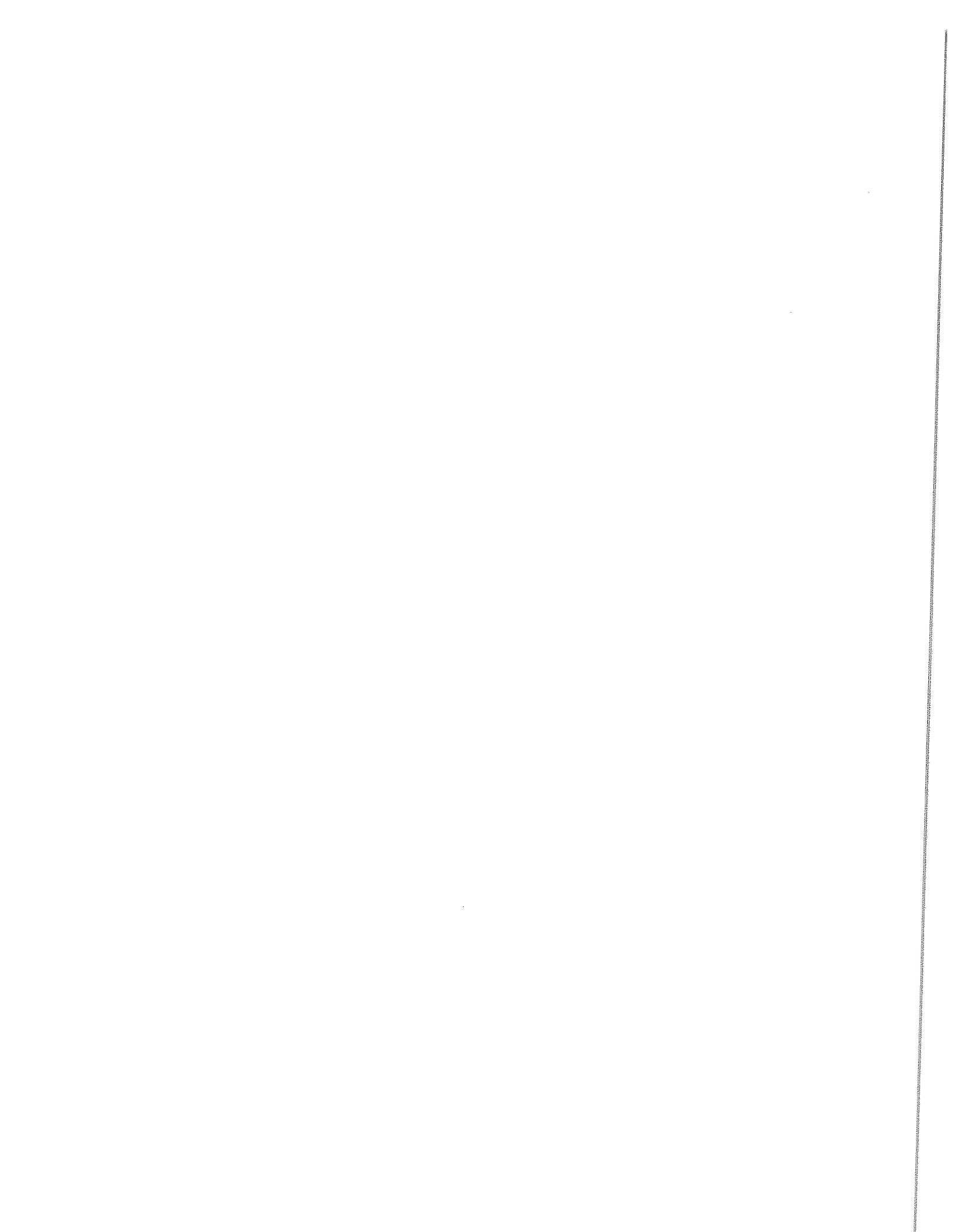
1. The overall site as drawn is conducive to Emergency Vehicle access. There is an area inside the perimeter fencing to allow vehicles to change direction. We are unable to ascertain from the plans if there is an area outside of the gate along the access road to allow this same function? The length of the access road is such that we would advocate for an additional turning area should one not exist elsewhere on the road.
2. The gates that are depicted on the plan meet the requirements for emergency vehicle access. They will need the ability to accommodate a CFD supplied padlock OR a "supra" key safe must be installed at the expense of the developer. Specifications and ordering information for "supra" box will be provided by CFD upon request.
3. Proper signage pertaining to PV installations as required by NEC, Federal, State, and Local codes.
4. Site contact information for a responsible party should be posted on the premises and provided to the Fire Department for Emergency contact and responses.

As always, we are available to discuss the above comments in greater detail with the board, if necessary.

Thank you,

Eric Germaine  
Deputy Fire Chief

*On Call Professionals Serving Carver with Pride*



# CARVER BOARD OF HEALTH

108 Main St., Town Hall, Carver, Massachusetts 02330  
Tel 508-866-3420 Fax 508-866-3483

May 18, 2016

Carver Planning Board  
Town Hall  
108 Main Street  
Carver, MA 02330

**RE: Special Permit & NOI Plan**  
**Borrego Solar**  
**19C Ward Street**  
**Carver, MA 02330**

Dear Members of the Board,

The Carver Board of Health has reviewed the Special Permit and NOI Plan for Borrego Solar located at 19C Ward Street in Carver submitted by Borrego Solar Systems, Inc., on behalf of Cedar Meadow Cranberry and offers the following comments:

1. There appears to be no homes near this project, so the Carver Board of Health sees no impact on abutters with this proposal.
2. After the usable life of the panels, is there a plan to remove the solar panels?
3. Given the proximity to the airport, is there any possible glare that will affect the pilots
4. The project is subject to DEP Stormwater Management Regulations as well as the Town of Carver Board of Health Regulations for Stormwater and Runoff Management. The proponent will need to address TSS removal by submitting the appropriate worksheet and receiving overall approval on the drainage from the Town's Review Engineer

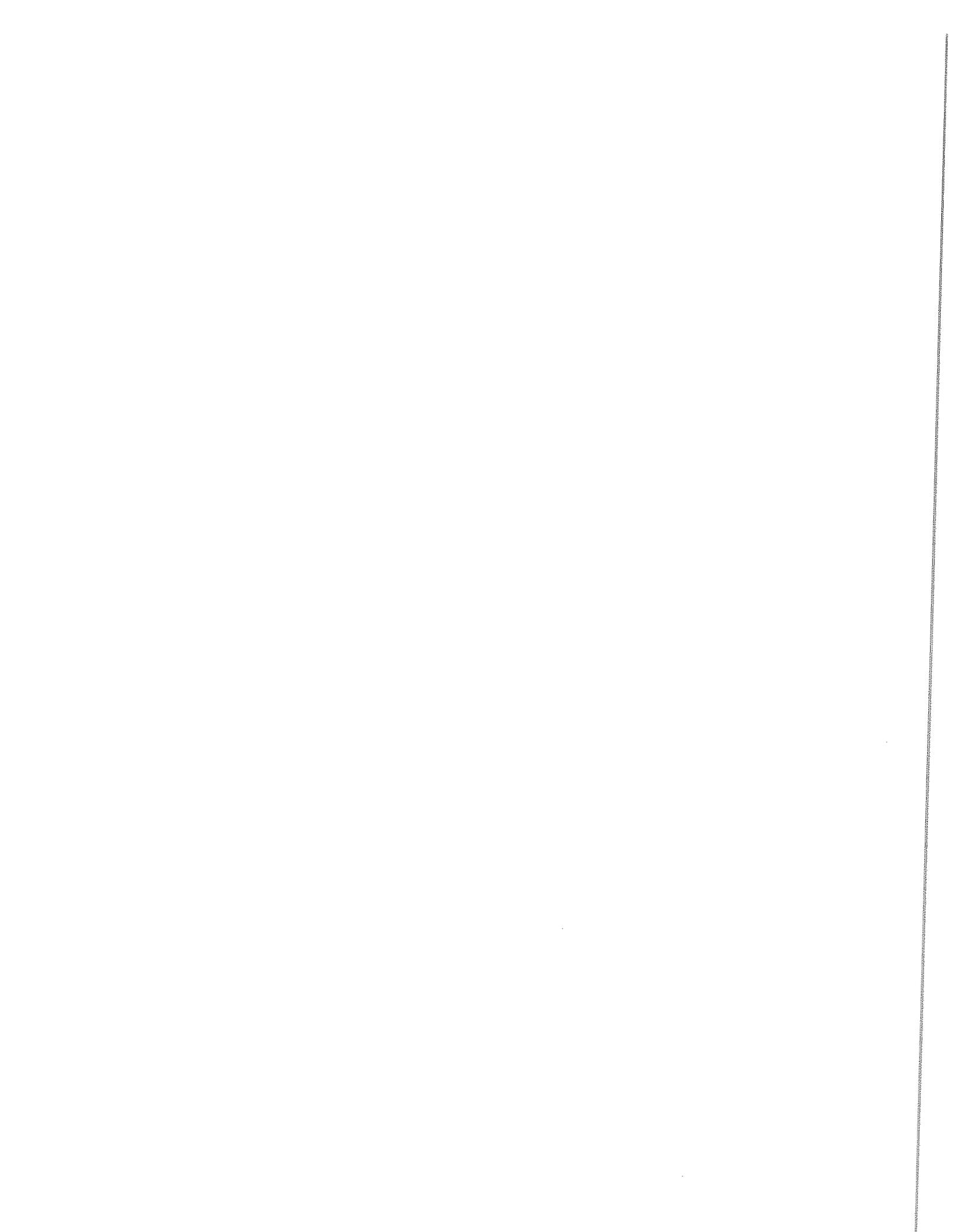
Should there be any further questions regarding this correspondence, please feel free to contact us in our office. Thank you

Very truly yours,

*Robert C. Tinkham Jr.*

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Robert C. Tinkham Jr.  
Health Agent





## MEMORANDUM

**TO:** Carver Planning Board

**FROM:** Samuel Hemenway, PE  
Shawn M. Martin, PE, CNU-A

**DATE:** May 23, 2016

**RE:** Special Permit and NOI Plans  
2,770.560 kW DC STC Rated Solar Electric System  
19C Ward Street  
Carver, MA

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Fuss & O'Neill has reviewed the site plans entitled "Special Permit and NOI Plans, 19C Ward Street, Carver, MA 02330, 2,770.560 kW DC STC Rated Solar Electric System" prepared by Borrego Solar, dated March 31, 2016, and the Application for Special Permit Under the Zoning Bylaw, prepared by Borrego Solar System, Inc., dated April 29, 2016. In accordance with the direction provided, this review has been limited to a review for conformance with Town Rules and Regulations as they relate to drainage and grading issues.

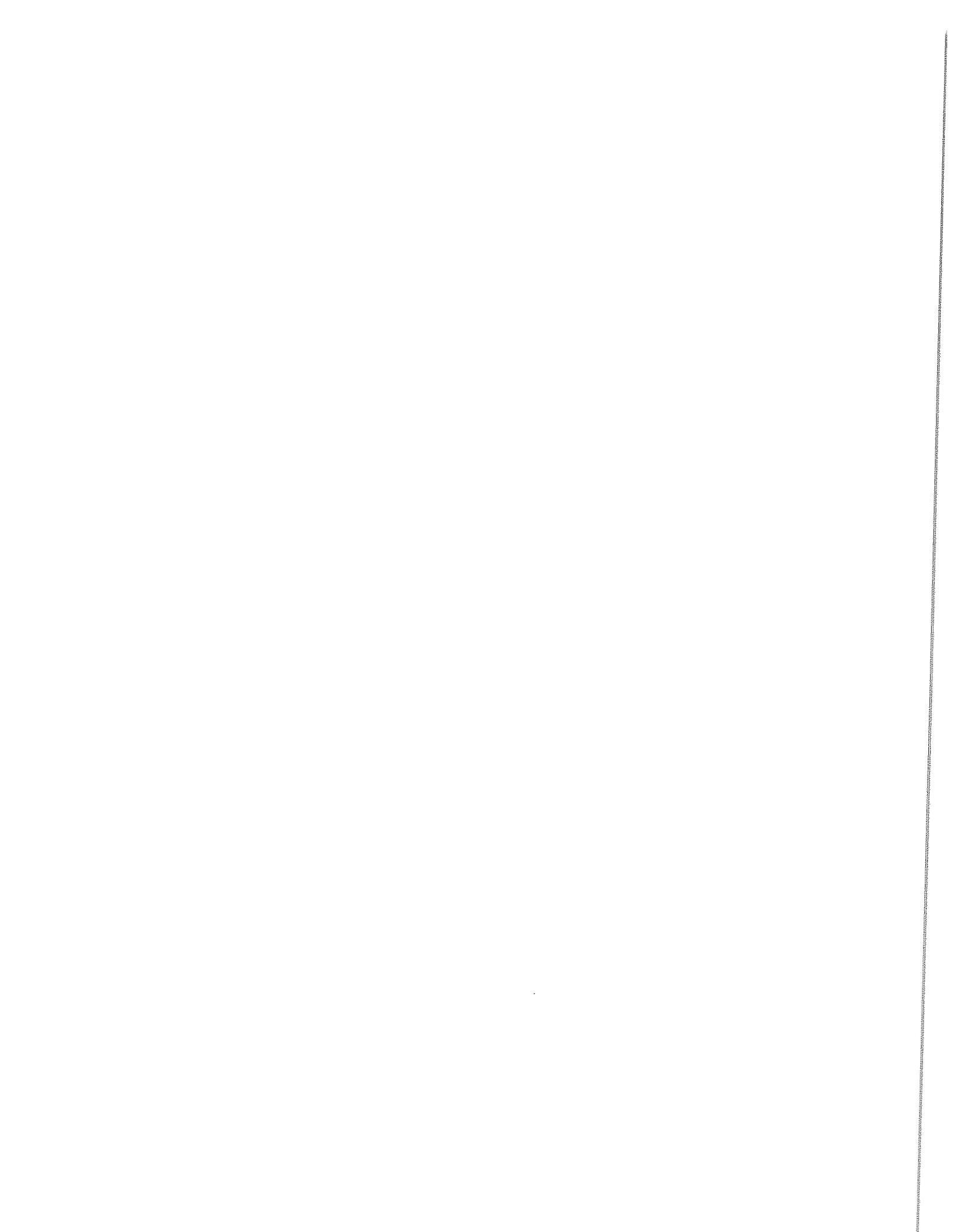
### Stormwater Management

1. Based on the conditions indicated on the drawings, it appears the proposed improvements will conform to Carver Board of Health (BOH) stormwater runoff management policy; however, we recommend a summary be provided by the applicant outlining the existing and proposed design conditions and supporting a conclusion that the project will not change to the hydrologic conditions and reduces stormwater pollution to the maximum extent practicable.
2. The referenced Operations & Maintenance Plan and Long Term Pollution Prevention Plan were not included with the materials provided and should be verified for consistency with the measures indicated on the drawings and required by the BOH regulations.

### Site Plans

1. Show the proposed limit of clearing/disturbance on the plans.
2. Provide clarification of ground cover and/or seeding intent for disturbed areas.
3. The proposed grading extends to the west beyond the limits of proposed silt fence. Indicate what stabilization measures are intended for the graded area and swale installation.
4. We recommend extending silt fence along downgradient sides of the proposed access road to protect adjacent resources from deposition of sediment during construction.
5. Construction of the solar array is proposed within the Carver 65-foot wetland buffer. In accordance with the Carver Wetland Bylaw (9.2.C.3), a variance is required.

If you have any questions regarding this review, please call me at (800) 286-2469 ext. 4597.





# TOWN OF CARVER

## Office of Planning, Environment & Permitting

108 Main Street  
Carver, MA 02330

Phone: (508) 866-3450  
Fax: (508) 866-3430  
E-mail: [marlene.mccollem@carverma.org](mailto:marlene.mccollem@carverma.org)

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### MEMORANDUM

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TO: PLANNING BOARD  
FROM: MARLENE MCCOLLEM, DIRECTOR   
SUBJECT: SOLAR PROPOSAL FOR 16 WEST STREET  
DATE: 5/24/2016

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The proposal is for a solar array of approximately 2.77mW, covering approximately 10.6-acres in a Residential/Agricultural District. It is subject to a Planning Board Special Permit under Section 3580.

Access is proposed via a 12' wide gravel driveway with 16' wide gates. Confirm total length of proposed access & utility easement.

Provide additional emergency turnaround areas along access & utility easement.

The required documents listed in 3580.21.2 have been provided for review.

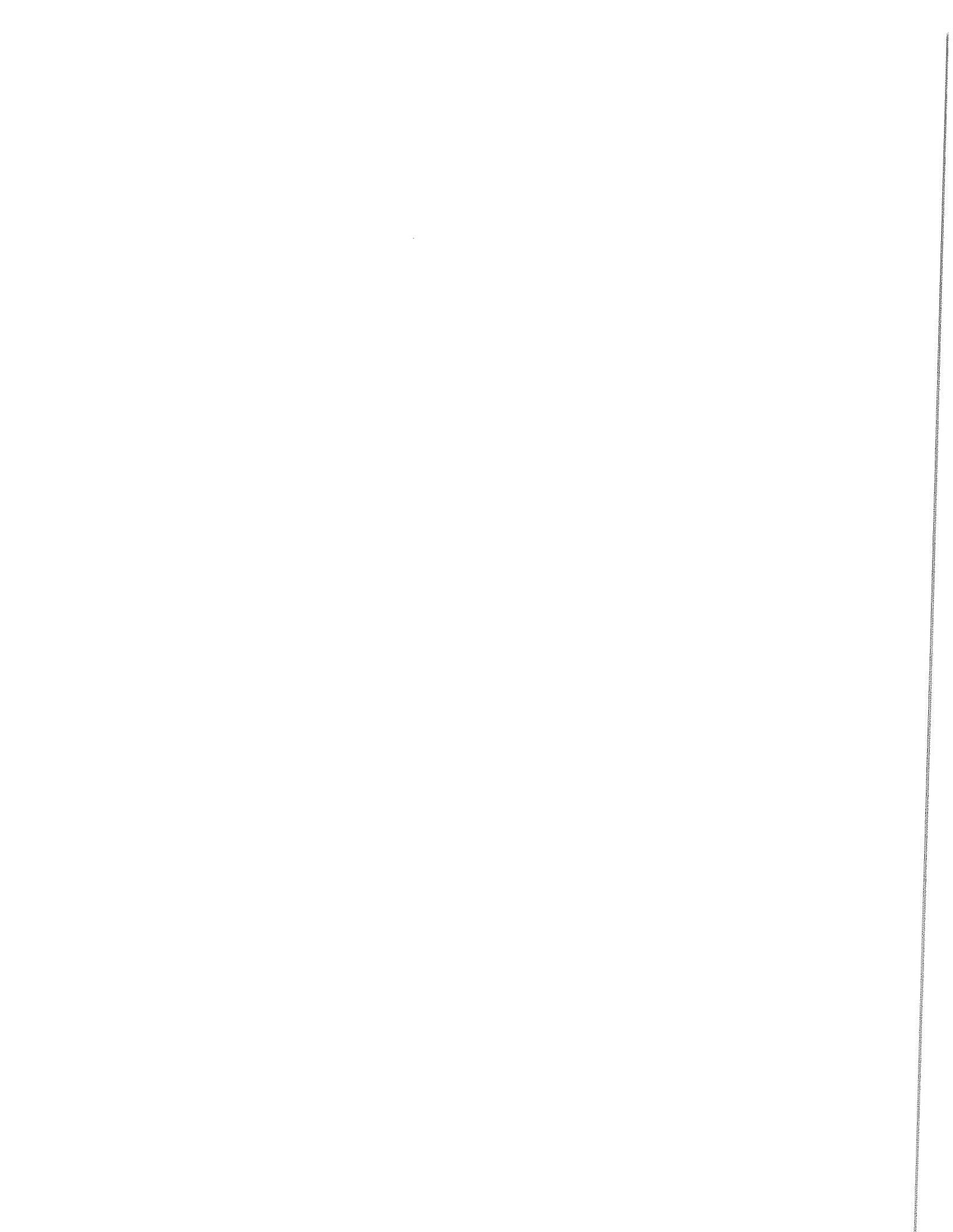
2 variances are required from the ZBA, the hearing is scheduled for June 9. The required frontage must be varied from 150' to 0' and the required sideline setback is proposed to be varied from 200' to 130.'

A hearing before the Conservation Commission is scheduled for June 1.

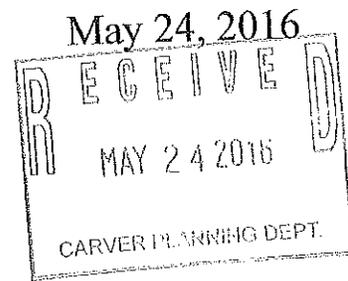
An annual report is required to be submitted to the Board of Selectmen per 3580.43.

A sign package should be submitted to the Planning Board and Building Commissioner prior building permits.

A decommissioning estimate of \$86,430 has been provided, per 3580.53. The Board may require surety between 75% and 125% (\$64,822-\$108,037) of that amount to be posted prior to building permits.



Richard & Donna Lawrence  
21 Pine Ridge Way  
Carver, Ma 02330

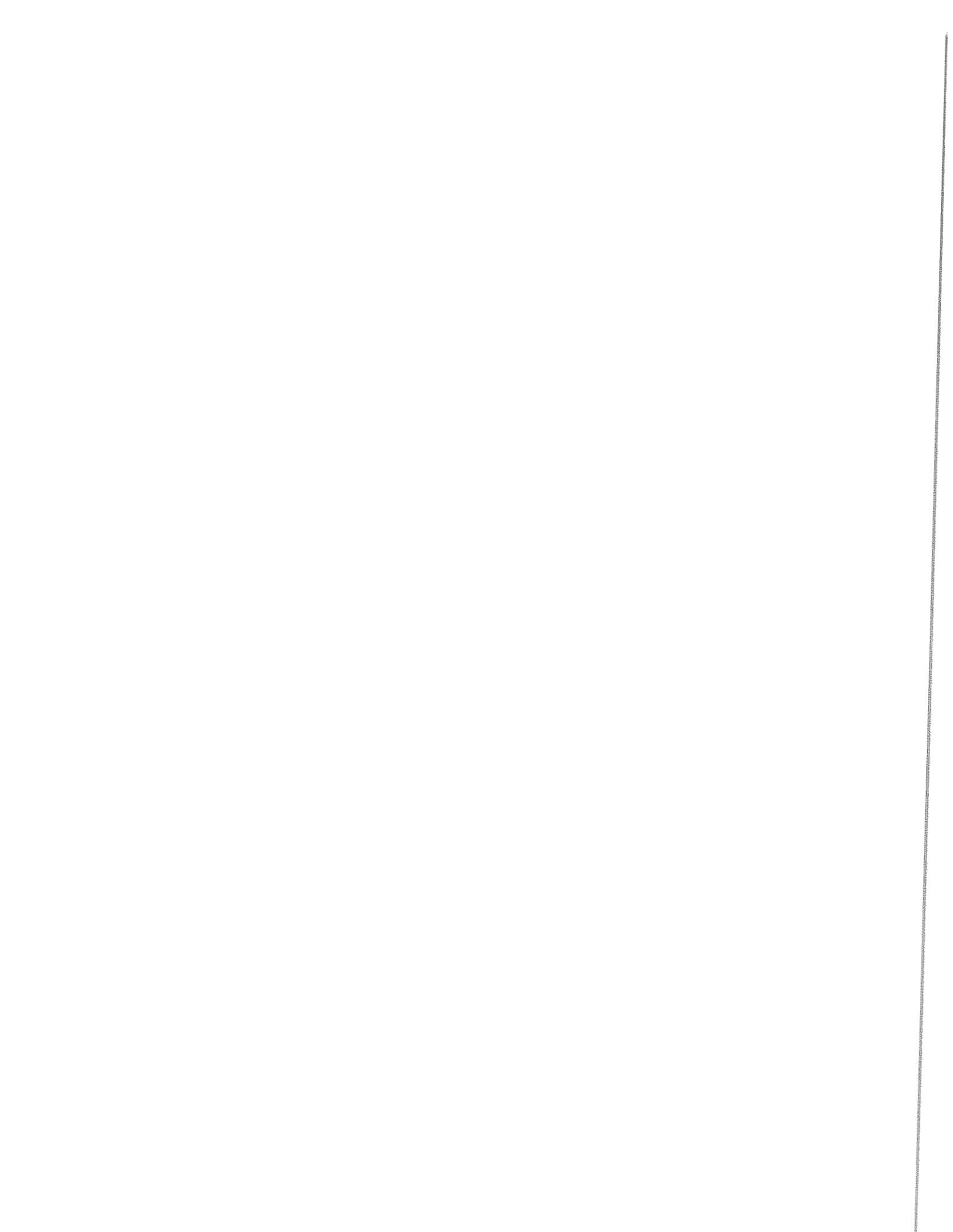


To the Planning Board through the Chairman;

We thank you for this opportunity to speak. My wife and I own condo #21 at Pine Ridge Way directly adjacent to the new construction, therefore the most impacted. After all this time our community will soon be completed. We strongly appeal to you if there are any misunderstandings to the phasing or any other planning board decisions please rule on the side of expedience. Completed units will add to our condo funds and to the town's tax base, a win win for everyone. Lets not get bogged down, lets fast track this project to completion. We have complete faith that the planning board will rule with the best interest of all parties.

Thank You,

*Richard Lawrence*  
*Donna M Lawrence*





# TOWN OF CARVER

## Office of Planning & Community Development

108 Main Street  
Carver, MA 02330

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

May 5, 2015

Ms. Lynn Doyle, Town Clerk  
Town of Carver  
108 Main St.  
Carver, MA 02330

RE: Decision – Owner of Record: Post Road Operations LLC (#12-SP-377) Pine Ridge Way  
Map 6, Lot 5  
Special Permit originally approved on June 11, 2003, extended October 16, 2012 and recorded.  
Book: 41572 Page: 101, as modified on August 16, 2004, February 15, 2005 and February 19, 2008 (the "Special Permit")

Dear Ms. Doyle,

In accordance to MGL Ch. 40A, Sections 9 and 11, and Carver Zoning By Law Sections 2230 and 5300, a public hearing duly posted and advertised was held on April 28, 2015, on the application of Post Road Operations LLC, for a Special Permit to extend the Special Permit for "Residences at Sampson's Pond" and the construction of the remaining 20 units.

### Findings:

1. The Board finds 5 to 0 that the Special Permit extension has been reviewed by the Town Boards, Town Departments, the Town Engineer, and complies with Sections 2230 and 5300 of the Carver Zoning By Laws.
2. The Planning Board finds 5 to 0 that the proposed extension is compatible with surrounding neighborhood and complies with Section 3571 of the Carver Zoning By Laws.

2015 MAY 13 AM 9 05  
CARVER MA  
TOWN CLERK

3. The Planning Board finds 5 to 0 that the proposed extension is not considered visual pollution and complies with Section 3572 of the Carver Zoning By Laws.
4. The Planning Board finds 5 to 0 that the proposed extension is not an obstruction to traffic, and or public safety and complies with Section 3573 of the Carver Zoning By Laws.
5. The Planning Board finds 5 to 0 that the proposed extension will be of a benefit to the community as a whole and complies with Section 3574 of the Carver Zoning By Laws.
6. The Planning Board finds 5 to 0 that the proposed extension as submitted does meet the social, economic and community needs and complies with Section 5331 of the Carver Zoning By Laws.
7. The Planning Board finds 5 to 0 that the proposed extension satisfies the parking and traffic requirements for the Town of Carver and complies with Section 5332 of the Carver Zoning By Laws.
8. The Planning Board finds 5 to 0 that the proposed extension as submitted is adequately served by the public utilities and public services and complies with Section 5333 of the Carver Zoning By Laws.
9. The Planning Board finds 5 to 0 that the proposed extension fits the neighborhood character and social structure and complies with Section 5334 of the Carver Zoning By Laws.
10. The Planning Board finds 5 to 0 that the proposed extension will have no impacts on the natural environment and complies with Section 5335 of the Carver Zoning By Laws.
11. The Planning Board finds 5 to 0 that the proposed extension will not have a negative fiscal impact, including impact on town services, tax base, and employment and complies with Section 5336 of the Carver Zoning By Laws.

With all five members present at the public hearing, the Planning Board, on April 28, 2015 voted unanimously to approve (Cavicchi, Sinclair, Maki, Hoffman and Robinson in favor, and none against), with conditions, the special permit pursuant to Sections 2230 and 5300 of the Town Zoning By-Law for the above referenced application. Said conditions supercede all previous conditions and are as follows:

1. A total number of twenty-nine (29) townhouse units shall be permitted to be constructed on the site.
2. Construction of all twenty-nine (29) units shall be completed prior to the December 31, 2017.
3. The applicant shall be permitted to request from the Planning Board an extension of time for the permitting and completion of this project if warranted due to unforeseeable market conditions, with proper notice and involvement of the Pine Ridge at Sampson's Pond Trustees.
4. The development must adhere to the original site plan as approved on June 2, 2003 and the final modification on October 16, 2008
5. Section 3910 – The development shall “preserve historical and archaeological resources” on the site by having a written report submitted to the Carver Planning Board and the Carver Historical Commission.
6. Section 3910 – The development shall “protect the natural environment” – to the satisfaction of the Natural Heritage and Endangered Species Program.
7. Section 3910 – The Development shall “perpetuate the appearance of Carver’s traditional New England landscape”.
8. Section 3910 – The development shall “protect the natural environment” requirement as interpreted by the Town of Carver Conservation Commission as requiring all fertilization to be organic.
9. Section 3910 – The development shall “protect the natural environment” by complying with all applicable Carver Board of Health rules and regulations.
10. Section 3940 – Number of dwelling units – The total number of dwelling units allowed shall be twenty-nine (29), as per sections 3941 through 3945.
11. Prior to the issuance an Occupancy Permit for the final unit, the Town Engineer shall conduct a “Final Inspection” of the development as to conformance with the approved plans and all town regulations and by laws.
12. Section 3960 – “Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible”.
13. All storm water runoff from impervious surfaces shall be recharged on-site as per the design drawings on Sheet C4 of the approved plans, and substantiated in the Drainage report revised date February 2003. Such recharge shall be by surface infiltration through vegetated surfaces and underground infiltration, as per the design drawings on Sheet C4 of the approved plans.

14. All dry wells or leaching basins shall be preceded by oil, grease and sediment traps, as per the design drawings on Sheets C4, C8 & C9 of the approved plans.
15. Slopes and stockpiles shall not be allowed to remain exposed and inactive for more than 60 days, even if the area will be subject to future construction or activity; otherwise it must be loamed and seeded.
16. Trees severely damaged during excavation work shall be removed immediately to prevent future hazards.
17. The storm water pond and all slopes adjacent to wetland areas shall be constructed to finished grade, covered with permanent vegetation, and protected from future construction concurrent with road construction.
18. Grading and excavation for the buildings shall commence in phases to minimize land disturbances; stabilize and balance the site.
19. Construction waste shall be controlled and disposed of offsite in conformance with applicable state and/or federal laws;
20. Hazardous materials shall be stored in a secure facility to prevent unauthorized access in a location away from the wetland areas.
21. Activities requiring the use of hazardous materials, such as re-fueling equipment, shall be conducted away from wetland areas.
22. Spills of hazardous materials shall be reported to the Carver Fire Department, Carver Conservation Commission and Massachusetts Department of Environmental Protection as may be required by state laws;
23. Public roadways servicing the site (Tremont St.) shall be swept as needed during construction.
24. The Town of Carver or its representative shall conduct periodic site inspections to verify compliance with the approved plans and to determine whether additional erosion and sedimentation controls are required.
25. The developer is responsible for the proper operation and maintenance of the construction site and shall inspect, repair, replace, and supplement controls as needed to minimize soil erosion and sedimentation.
26. All visitor parking spaces (A.K.A.: "reserve parking") shall be built with the construction of the project.
27. Any major revisions to plans, at the discretion of the Board's consulting engineer, will require approval from the Town of Carver Planning Board.
28. Developer shall establish a limit of disturbance areas and mark them in the field prior to commencement of any construction, such as placement of construction fencing. No clearing of any vegetation shall be permitted in these areas at any time. Any disturbance to the area marked to remain shall be replaced, and any cost sanctions imposed by the Town shall be paid by the applicant. The limit of disturbance shall be approved by the Board's engineer before commencement of any construction.

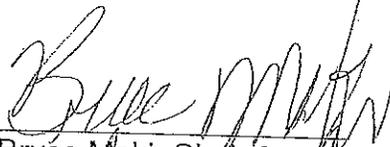
29. In accordance with the decision for Site Plan Review of Residences at Sampson's Pond, (A.K.A. Pine Ridge at Sampson's Pond) the applicant shall work with the Town of Carver's Building Commissioner in assisting the Building Department to process this project.
30. All Construction vehicles must use the first two new curb cuts, except when landscaping between the new and old units. Developer will post appropriate signs reflecting this condition.
31. Construction will be limited to Monday through Friday between 7 A.M. to 5 P.M. and Saturday 7 A.M. to Noon (interior work only). Unless otherwise expressly agreed upon by the Pine Ridge at Sampson's Pond Trustees.
32. The remaining development will be phased as such:
  - a. Phase I will consist of two foundations; the first foundation consists of units #17 through #20 next to existing unit #21 and units #12 to #16 in the second foundation. The first foundation of Phase I, units #17 to #20, will have two finished models and two units for sale. The second foundation of Phase I, units #12 through #16, will have a finished exterior shell and will be fully landscaped;
  - b. Phase II consist of units #1, 2, and 3;
  - c. Phase III consists of units 4, 5, 6, and 7; and
  - d. Phase IIII consist of the remaining units #8, 9, 10, and 11.

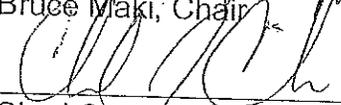
If substantial use and construction permitted by this Special Permit is not commenced within two (2) years from the date on which a copy of this Decision is filed with the Carver Town Clerk, excluding the amount of time required for the appeal period to expire or the amount of time required to pursue and await the determination of any such appeal, then this Special Permit shall expire.

This Decision shall not take effect until a copy of this Decision, certified by the Town Clerk that twenty (20) days have elapsed since the Decision was filed with the Town Clerk without any appeal having been filed therefrom, or that any such appeal has been finally determined, has been filed at the Plymouth County Registry of Deeds, and a certified copy indicating such Registry recording has been filed with the Carver Planning Board.

Any appeal of this decision must be filed pursuant to MGL Chapter 40A, Section 17, and shall be filed within 20 days of the filing of this decision with the Town Clerk.

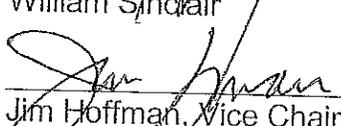
**Carver Planning Board**

  
\_\_\_\_\_  
Bruce Maki, Chair

  
\_\_\_\_\_  
Chad Cavicchi

  
\_\_\_\_\_  
Kevin Robinson

  
\_\_\_\_\_  
William Sinclair

  
\_\_\_\_\_  
Jim Hoffman, Vice Chair

\_\_\_\_\_  
Date

CC: Post Road Operations LLC  
Mary McNeil, Building Commissioner



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October 14, 2010

**John Goldrosen**  
jgoldrosen@k-plaw.com

Planning Board  
Carver Town Hall  
108 Main Street  
Carver, MA 02330

Re: Pine Ridge at Sampson's Pond Condominium

Dear Members of the Planning Board:

You have requested an opinion concerning the status of the Residences at Sampson Pond condominium project ("Project"), for which the Planning Board ("Board") approved a Special Permit ("Permit") and site plan in 2003. (The Project is now entitled "Pine Ridge at Sampson's Pond Condominium"). The Project is partially completed and occupied. You have provided me with copies of the original Permit and site plan, modifications that have been subsequently approved, and correspondence from the applicant and from owners of the constructed units at the Project. You have asked whether the Permit is still in effect, and how to interpret and apply certain conditions in the Permit.

Based on the information provided to me, it is my opinion that the Permit remains in effect. However, it is my further opinion that the Project is not in compliance with the Permit condition that established a schedule for completing construction. Therefore, the applicant (or a successor in title) must apply to the Board for a modification of the Permit, before constructing additional units. A public hearing will be required for such a request to modify the Permit. The Project may also be in noncompliance with other conditions of the Permit, and the Board may consider these other issues when it considers a request to modify the condition relating to construction of additional units.

As I understand the facts, the Permit and site plan were approved in June 2003. "Minor modifications" were approved in August 2004, February 2005, and February 2008; these involved the approval of additional options for unit floor plans, and minor changes to the location of units on the site plan.

The Permit includes 41 conditions. Conditions Nos. 1 through 4 authorize the construction of a total of 29 units, with limitations on the timing of the construction of the units (presumably, as an alternative to the requirements that would otherwise have applied under the rate-of-development provisions in Section 2400 of the Zoning By-Law). Condition No. 5 provides that construction of all 29 units "shall be completed prior to the end of the 2007 calendar year." Condition No. 6 provides:

Planning Board  
October 14, 2010  
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*"The applicant shall be permitted to request from the Planning Board an extension of time for the permitting and completion of this project if warranted due to unforeseeable market conditions."*

You have asked whether the Permit has expired, due to the failure to complete the construction of all units by December 31, 2007, as required by Condition No. 5. In my opinion, the failure to complete construction is a violation of a condition of the Permit, but does not invalidate the Permit or cause it to expire. I note that the Permit does not explicitly establish an expiration date, and that Condition No. 6 anticipates that the applicant may seek to extend the completion date set by Condition No. 5. Further, there is no requirement in Condition No. 6 that the request for an extension must be made prior to December 2007, in order to be considered.

Since the Project has not complied with Condition No. 5, and no request has been received for an extension pursuant to Condition No. 6, it is my opinion that building permits for additional units should not be issued unless and until the Board receives and approves a request for an extension of the time to complete the Project. In other words, the applicant must request a modification of the Permit, to establish a new schedule for completion of construction. In my opinion, such a modification would be a substantive change in the Permit, and would be subject to the same procedural requirements for advertising and holding a public hearing, and issuing a formal decision, as would be the case with an application for a new special permit.

You have asked, as well, whether Section 173 of Chapter 240 of the Acts of 2010, described as the "Permit Extension Act," has any effect on the status of the Permit. Section 173, in brief, extends by two years the expiration date of any municipal or state land-use approval (including special permits, variances, and site plan approvals) that was in existence between August 2008 and August 2010. In my opinion, Section 173 does not affect the Permit's status. Where Section 173 merely extends specific expiration dates, it can have no effect on the Permit, which (in my opinion) does not have an expiration date. Alternatively, if the opposite view is correct and the Permit expired as of December 31, 2007, Section 173 would have extended the expiration date only to December 31, 2009.

You have also asked for advice as to the enforcement of other conditions in the Permit, particularly Conditions Nos. 33 and 37.

Condition No. 33 imposes a requirement for proper operation and maintenance of the construction site, including maintaining soil erosion and sedimentation controls. (Other conditions that also relate to site conditions during construction activity include Conditions Nos. 23, 25, 26, 27, 32, and 38.) Where it is my opinion that the Permit remains in effect, it is my further opinion that the Building Commissioner as the zoning enforcement officer, has the authority to enforce these construction-activity conditions and issue orders, or withhold future building permits, in the event that they are violated. I note, further, that Section 3623 of the Zoning By-Law provides additional

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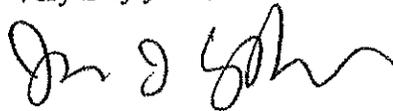
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October 14, 2010  
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authority to the Building Commissioner, by imposing requirements that areas stripped of vegetation under the terms of a special permit are to be covered by plant materials to control soil erosion during the winter. In any event, there is no action to be taken at this time by the Board, since the enforcement of the conditions of the Permit is within the jurisdiction of the Building Commissioner. When and if the applicant, or a successor, applies for a modification of the Permit to establish a new construction schedule, it is my opinion that it would be within the Board's authority to review and revise the existing site construction conditions in the Permit, recognizing that the Project is partially completed and occupied, and that the current residents will be affected by the manner of future construction.

Condition No. 37 relates to cranberry bogs that are within the Project site, and requires that "any profits [from the bogs] shall be shared with the Condominium Association." This is, frankly, an ambiguous condition, since it does not define how "profits" are to be computed, or what percentage of such profits are to be "shared" with the Association. Further, it is unclear how Condition No. 37 is related to criteria in the Zoning By-Law for issuance of a special permit or to the general objectives of zoning. Rather, Condition No. 37 appears to have been intended to address the respective financial interests of the applicant and the prospective residents of the Project. As such, I recommend to the Board and to the Building Commissioner that they do not become involved in any dispute related to the interpretation of Condition No. 37, and that they leave it to the parties with an interest in the condition (namely, the applicant and the Project unit owners) to resolve the dispute between themselves.

Please feel free to contact me if you have any further questions concerning this matter.

Very truly yours,



John J. Goldrosen

JJG/eon

cc: Board of Selectmen  
Building Commissioner

410551/CARV/9999



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July 16, 2012

**John Goldrosen**  
jgoldrosen@k-plaw.com

Planning Board  
Carver Town Hall  
108 Main Street  
Carver, MA 02330

Re: Residences at Sampson's Pond

Dear Members of the Planning Board:

I have been asked to respond to several questions regarding the application that has been filed to modify the Special Permit ("Permit") for the Residences at Sampson's Pond condominium development ("Project"). The modification application, which has been filed by Post Road Operations, LLC ("Post Road"), requests that the Permit be extended to October 2015, to allow the construction of the remaining 20 units. The Permit was originally issued in 2003 to First Colony Development Co., Inc. ("First Colony"). In the modification application, Post Road asserted that it is acting under an "assignment of development rights." You have asked whether Post Road may file the modification application and, if the modification request is approved, exercise the rights granted by the Permit. I have reviewed documents supplied to me by the Town Planner, as well as deeds on record at the Plymouth County Registry of Deeds and filings with the Corporations Division of the Massachusetts Secretary of State.

In the absence of any language to the contrary in the Permit conditions, it is my opinion that the Permit "runs with the land" and may be exercised by assigns and successors in interest to First Colony. As noted below, it is my opinion that the Board may ask for clarification as to whether the Special Permit has been assigned by First Colony to Post Road, and as to which entity will be responsible for the future development of the Project, if the extension is approved.

The filing of the modification application is consistent with the opinion that I provided in my letter to the Planning Board dated October 14, 2010. As discussed in that letter, the Permit and site plan for the Project were approved in June 2003. The Permit authorized the construction of a total of 29 units. Conditions in the Permit provided that the construction of all 29 units "shall be completed prior to the end of the 2007 calendar year" and that "[t]he applicant shall be permitted to request from the Planning Board an extension of time for the permitting and completion of this project if warranted due to unforeseeable market conditions." In my letter, I stated my opinion that the Permit had not expired and remained in effect, but that the applicant (or a successor in title) "must request a modification of the Permit, to establish a new schedule for completion of construction." It was my further opinion that "building permits for additional units should not be issued unless and until the Board receives and approves a request for an extension of the time to complete the Project."

**KOPELMAN AND PAIGE, P.C.**

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Considering that First Colony was the original applicant for the Permit, you have asked whether the Permit may be exercised by another entity. Given the absence of any condition in the Permit that limits the exercise of the Permit to the original applicant, it is my opinion that the right to exercise the Permit is transferable. In my further opinion, the Planning Board cannot now impose a new condition limiting the assignment of the Permit, or refuse to modify the Permit based solely on the change in the identity of the applicant. As provided in G.L. c. 40A, §9, the board that issues a special permit may impose "conditions, safeguards, and limitations on time or use" of a special permit, including limiting the use of the special permit to the original applicant. See Hopengarten v. Board of Appeals of Lincoln, 17 Mass. App. Ct. 1006 (1984). However, the Appeals Court has held that, once a special permit has been issued without such a limitation, the board may not later modify the special permit by limiting it to the original applicant, in the absence of a relationship between the condition of ownership and factors involving the land that is the subject of the special permit. See Solar v. Zoning Board of Appeals of Lincoln, 33 Mass. App. Ct. 398 (1992). In my opinion, based on these decisions, the "default rule" is that a special permit is transferable, unless there is an express restriction to the contrary in the initial special permit.

While it is my opinion that First Colony has the right under the Zoning Act to assign the rights granted by the Permit to Post Road, the Planning Board has not yet, to my knowledge, been presented with a document that attests that such an assignment has occurred. I recommend that the Planning Board request clarification, in writing, as to whether such an assignment has occurred. The modification application refers to an assignment of development rights to Post Road from Sampson Pond/Carver LLC ("SPC"), which owns the portions of the property that are to be developed in future phases of the Project. (This assignment was recorded in the Plymouth County Registry of Deeds (at Book 41572, Page 101) on June 27, 2012.) In my opinion, the assignment of rights from SPC to Post Road was an assignment of the "private" development rights that SPC retained when the Declaration of Trust and the Master Deed were recorded that created the Project condominium. The assignment from SPC to Post Road does not address the "public" rights granted to Old Colony by the issuance of the Special Permit, in my opinion. Therefore, the Planning Board should request that Old Colony and Post Road clarify whether either (i) the Special Permit has been assigned from Old Colony to Post Road, or (ii) Old Colony retains the Special Permit. If the latter is the case, it is my opinion that the modification application should be revised to include Old Colony as a co-applicant. This would not require that the application be re-filed or that the hearing begin anew, in my opinion.

As the Planning Board may surmise, the entities involved in the Project are related. Mr. Jon Delli Priscoli is the President of First Colony and the Manager of SPC. The Manager of Post Road is Mr. Stanley Gordon, but the mailing address for Post Road is the same as for First Colony and SPC: 929 Boston Post Road East, Marlborough, MA 01752. If Post Road is the sole applicant, and if Mr. Priscoli is representing Post Road at the hearing, it is my opinion that Post Road should provide written authorization for Mr. Priscoli to act in this capacity.

**KOPELMAN AND PAIGE, P.C.**

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In my opinion, given the multiple entities involved in the Project, it is reasonable for the Planning Board to ask for clarification as to which entity will be responsible for ensuring that conditions in the Permit will be observed during future construction, if the Permit extension is approved. Further, as stated in my 2010 letter, it is my opinion that, in acting on the application for a modification of the Permit, the Planning Board has the authority "to review and revised the existing site construction conditions in the Permit, recognizing that the Project is partially completed and occupied, and that the current residents will be affected by the manner of future construction."

Please feel free to contact me with any further questions concerning this matter.

Very truly yours,

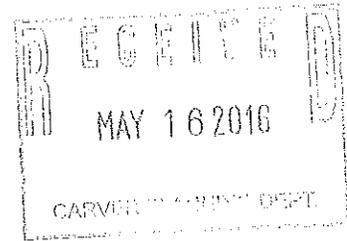


John J. Goldrosen

JJG/eon

cc: Board of Selectmen  
454835/CARV/9999

**Planning Board Minutes  
Tuesday, May 10, 2016**



The Carver Planning Board met on May 10, at the Carver Town Hall, Meeting Room #1, 108 Main Street, Carver, Massachusetts. This meeting was videotaped for cable cast area 58, channel 15.

Chairman Bruce Maki opened the meeting at 7:00 p.m.

**PRESENT:** Bruce Maki, Chairman; Chad Cavicchi; James Hoffman; Kevin Robinson; William Sinclair  
**ALSO PRESENT:** Marlene McCollem, Director of Planning and Community Development; Christine Champ, Recording Secretary

Mr. Sinclair asked the Board if they could take correspondence first, regarding Pine Ridge Development. Chairman Maki said yes. Ms. McCollem referred the Board to the two correspondence in their packets of May 4 and May 10 which were received for the Board's consideration at the evening's meeting.

All members read the correspondence and Chairman Maki questioned the contents of same. Ms. McCollem went over the two letters and the special permit copy dated May 5, 2015. She said the trustees and the owner had brought to the Board's attention the issue, looking into phasing 1, 2, 3 and 4, and making clarification to it or not, and they needed to decide if it should be scheduled for a meeting.

Chairman Maki suggested someone must have thought there was a violation. Ms. McCollem said Chairman Maki could not discuss as it was a violation of open meeting law, not being on the agenda. The Board would take a look at it and if there was a problem, they would put it on the agenda. Ms. McCollem suggested putting it on the agenda to discuss and decide what steps were necessary, if any. Chairman Maki asked if it would be open and Ms. McCollem said it was at his discretion. Mr. Sinclair motioned to put it on the next agenda, scheduling for the two letters to be on the agenda for discussion for May 24, 2016. Chairman Maki told the audience this would be scheduled but could not be talked about now because of the violation of the open meeting law.

**Public Hearing:**

Implementation of the FY14 Community Development Block Grant Program (CDBG).

Chairman Maki read the notice into the record, noting there was a sign-in sheet for the public. Ms. McCollem discussed the item. She said Carver and Halifax applied jointly for funds for Community Development Block Grant Program. She said the amount was just under \$500,000.00 for the two subsidies included in the program. She also said the target was for 17 units, which was exceeded by 1. There were 12 in Halifax and the balance was in Carver.

It was discussed that a hearing should be held for the implementation of the program. People could comment at the end regarding how the plan was run and how things went and it would be taken into consideration for the future implementation of the same plan. The Board would hold a needs hearing again, if so. Ms. McCollem noted there was a \$5,000 limit on child care and over the course of the program, there were about 25 people who were assisted with the program.

Chairman Maki invited the public to speak about the program. There was no response. Mr. Sinclair noted just

Procedures for staff review of plans, submitting recommendations for the Board's record, Sec. 53G accounts and peer review.

Chairman Marki read the notice into the record. Ms. McCollem said she wanted to go over what was in the package for everyone's review. This included the draft procedure, the minutes from 2011, the copy of the Chapter 44 section and a copy of the slide presentation. Ms. McCollem noted there was a lot to talk about and she started with explaining what the written rules say and what the practice had been. She wanted to focus on the employees of Carver (Town of Carver departments) and who they would want assisting them.

Ms. McCollem said in the next week she wanted to talk about 53G and Meg would be there to talk about same. She went on to say they used Fuss & O'Neil and Meg wanted to be there to talk about the financing end of it.

Ms. McCollem wanted input about how they wanted this to work and she felt she wanted the Board to be "driving the bus" here. Ms. McCollem said that some past practices didn't match all written rules and some plans were being amended before they got to the Board. Ms. McCollem felt an applicant had a right to come before the Planning Board and show their project and the staff can input whatever they want but the decision is the Board's.

Ms. McCollem said the plans were not meeting standards of bylaws in the past. So, she had taken time to think about how to get a thorough and responsible review without changes by someone outside and any revisions to the plans should be through the Planning Board. She proposed the plans be received at town hall and she would send them to department heads. She could then facilitate a meeting. The plans would not be changed based on meetings. The Board would see the plan as designed with referrals from department heads but it would be the Board's decision to make. The Board would decide what changes get made. The Board could do a site visit and have questions for Ms. McCollem to take back to the departments.

After the Planning Board meeting, Ms. McCollem could discuss with departments. The Planning Board would weigh all with answered questions and they would make the decision. The formal staff review would not happen until after staff hearing. That would be the difference or change; instead of staff before, they would be after. In this way, the Board gets information back from the departments. Ms. McCollem would feel better if it's clear that these are the Board's rules and regulations, their decision.

Mr. Maki asked for any comments. Mr. Sinclair liked the plans coming to the Board first and the staff second. He questioned why the applicant didn't attend the meeting. Mr. Sinclair felt the attendance of the applicant helped him. Mr. McCollem said she felt it was important for the town to have full, frank open discussions without the applicant repeating the conversation. Also, at a staff level meeting, there were no open meeting requirements. Ms. McCollem added, more importantly, if you had a project, and you were allowing others to attend, she felt abutters were not being allowed to attend. (Opposition, abutters.)

Ms. McCollem said it needed to be before the Board. She didn't want to set up unbalanced access and stated, we need to be internally consistent with this plan. Ms. McCollem felt the Board needed to have the meetings without them, applicants, repeating to third parties. Mr. Sinclair noted it was only two more meetings. Mr. Sinclair saw it as an open meeting. The staff would look at, there would be a third meeting, it comes back to the Board. There would be a fourth meeting, hearing revised plans with possible voting. Then maybe a fifth meeting to tweak.

would find out.

E. Adjournment

Mr. Sinclair made a motion to adjourn the meeting. Mr. Cavicchi seconded the motion. It was voted unanimously to adjourn at 7:53 p.m.

**EXHIBITS**

- A. Agenda
- B. Minutes of May 10, 2016
- C. Sign Permit Application of Jim Kopolis-Northeast Water Well Supply Co. (71 Main Street)
- D. Section 53G
- E. Staff Review Information Sheet
- F. Peer Review and 53G Slide copies

