

CARVER PLANNING BOARD
MINUTES OF March 12, 2024

Approved 4-9-2024

Chairman Cornelius Shea, John Gaskey, Kevin Robinson, Ellen Sordillo, Donald Williams, Bill Cullum, and Thomas Bott, Town Planner.

Meeting was called to order at 7:00PM

Pledge of Allegiance is recited.

The proceedings will be videotaped and rebroadcast by Area 58 TV

ANR:

1. The purpose of this plan is to create 4 lots for Derek Varley, (Assessor's Map 126 Lot 25-0) and located at 278 Tremont Street in the Residential Agricultural (RA) Zoning District.
Filed: 3/8/2024 Deadline: 3/29/24

Alan Diaz is present with Scott Varley (who is Derek Varley's father). He indicates when this was brought before the Board recently there were questions on a particular by-law and he provided a narrative to the Board which outlines that section of the by-law which was of concern. The Board reviewed said narrative and has no concerns regarding this.

Chairman Shea will accept a motion to approve the ANR to create 4 lots for Derek Varley, (Assessor's Map 126 Lot 25-0) and located at 278 Tremont Street in the Residential Agricultural (RA) Zoning District. Said motion is made by Kevin Robinson and seconded by Ellen Sordillo. Chairman Shea takes a roll call vote and John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, Donald Williams vote's aye, and Chairman Shea vote's aye. Unanimously approved 5-0-0.

Public Hearing Cont'd:

2. On the application of Plymouth Elks Lodge #1476 requesting a Site Plan Review pursuant to Sections 3100 of the Carver Zoning By Law, for property located at 169 South Meadow Road in Carver, MA (Assessors Map 113 Lot 7-0-E (portion of) in the Airport (AP) Zoning District. Applicant proposes to construction a 2,520 s.f. building with all associated parking, driveways, stormwater management, utilities landscaping and appurtenances. Filed: 11/30/2023 Open Hearing: 1/9/2024 Deadline: 1/29/24 Extended: 2/27/2024

Chairman Shea will accept a motion to continue the public hearing, at the applicant's request, for the application of Plymouth Elks Lodge #1476 requesting a Site Plan Review to March 26, 2024 at Carver Town Hall, Room 1, at 7:00PM. Said motion is made by Ellen Sordillo and seconded by John Gaskey. Chairman Shea takes a roll call vote and John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, Donald Williams vote's aye, and

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Chairman Shea vote's aye. Unanimously approved 5-0-0.

Public Hearing:

3. On the application of K&G Development Corp. requesting a Special Permit pursuant to Sections 3800 and 5300 of the Carver Zoning By-Law and a Definitive Subdivision pursuant to the Carver Subdivision Control By-Law, for property located at 85 Wenham Road in Carver, MA (Assessor's Map 99 Lot 23-0) in the Residential Agricultural (RA) Zoning District. The applicant proposes a 5 lot subdivision under the Conservation Subdivision By-Law.

Filed: 2/5/2024

Open Hearing: 3/12/2024

Deadline: 6/19/2024

Scott Fanara of Grady Consulting represents the applicant and indicates the proposal is to create five individual lots with single family houses. He indicates the property is mostly wooded area with one single family dwelling and a barn. He then describes the topography of the property and the road thereon and also points there are some wetlands in the back of the property. He also states this is a unique situation where there's a provision for a conservation subdivision which allows for reduced lot sizes and setbacks. He then refers to the plan which shows the conceptual layout of what a typical subdivision would look like. He describes the size of the lots and points out a rear portion of the land will be under conservation restrictions and will be donated to the town. He describes the proposed dwellings, septic systems, drainage, impervious areas, and basins.

Chairman Shea indicates to Mr. Fanara that a 50 foot buffer is required for all lots and there must be an access road to the conservation area. Mr. Shea also asks how the conservation land is being donated and the response is they will follow the requirements of the by-law concerning this and they will provide an outline of this to the Board. Kevin Robinson asks Mr. Bott how many houses will be for affordable housing and the response is since this is a conservation subdivision affordable housing is not required. Mr. Shea also indicates the plans have been submitted to Fuss & O'Neill for review. John Gaskey asks what the proposed build elevation is and the response is that each property is different because of the topography but in general they are in compliance with the requirements and patterns for storm water and rain water runoff. Mr. Shea asks about earth removal and Mr. Fanara describes how much earth removal will take place and that is has to do with just the roadway. Kevin Robinson asks Mr. Fanara to provide to the Board the number of trucks which will be removing earth. Members of the Board discuss the shape of the cul-de-sac with Mr. Fanara and Mr. Shea indicates the town's engineers will review this as well as grading.

A site walk will be done by the Board on Friday, March 22, 2024 at 11:00AM.

Chairman Shea will accept a motion to continue the public hearing on the application of K&G Development Corp. requesting a Special Permit for 85 Wenham Road to March 26,

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2024 at Carver Town Hall, Room 1, at 7:00PM. Said motion is made by Ellen Sordillo and seconded by John Gaskey. Chairman Shea takes a roll call vote and John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, Donald Williams vote's aye, and Chairman Shea vote's aye. Unanimously approved 5-0-0.

4. Open Hearings for Town Meeting Articles:

The First proposed Article is to see if the Town will vote to accept the renumbering and revision of the zoning by-law of the Town from its original numbering as amended through the April 2023 Town Meeting to the numbering or codification arrangement sequence, captions and comprehensive revisions of the text of the zoning by-law as set forth in a final draft of the Code of the Town of Carver dated February 2024. Said codification of the zoning by-law is on file at the office of the town clerk and on the town's website at www.carverma.gov. Said recodification has been done under the direction of the Planning Board and is a compilation and comprehensive revision of the present zoning by-law including amendments to all zoning by-laws as amended. The zoning by-law shall be codified as Chapter 290 of the Code of the Town of Carver, Massachusetts or take any action relative thereto.

Chairman Shea will make a favorable recommendation on the First Article for the recodification of the zoning by-laws. Chairman Shea will accept a motion for a positive recommendation. Said motion is made by Kevin Robinson and seconded by Ellen Sordillo. Chairman Shea takes a roll call vote and John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, Donald Williams vote's aye, and Chairman Shea vote's aye. Unanimously approved 5-0-0.

The Second proposed Article is to see if the Town will vote to amend the current zoning by-law, Section 2320, Table of Dimensional Requirements to increase lot size from 60,000 square feet to two acres and increase frontage from 150 feet to 200 feet in order to reduce overall development and protect resources as recommended to the 2001 Carver Master Plan or take any action relative thereto. Other reasons stated are: protect natural resources, protect open space, direct development towards preferred locations, preferred development areas, town centers, and centralized locations where town services are available.

Ellen Sordillo asks why these changes are necessary. Chairman Shea indicates the state wants the town to develop in a more appropriate fashion where town services and town centers are preferred development locations. He continues but this change is to also protect the aquifer, protect the environment and wildlife, as well as and protect of some historic resources. Ms. Sordillo asks if this will prevent growth in the town and Mr. Shea responds these are recommendations in order to have Carver grow in a responsible well-ordered manner rather than like the urban sprawl seen in the 1980's to the early 2000's. The Board

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discusses the reasons and mechanisms for said recommendations.

Sarah Hewins of 52 Forest Street addresses the Board and indicates in the past the town had relied on a consultant regarding growth but since then has come to the conclusion that another method called “smart growth” is more appropriate for the town. Ms. Hewins indicates how big lots with large houses do not really pay for themselves, especially with children. She also indicates the town has a housing affordability crisis. She references a document called “Exclusionary by Design” written by Amy Dain, dated November 2023 and Ms. Hewins believes Ms. Dain’s theory is a short-sighted and recommends to the Planning Board to “not” approve this document. She believes the town should focus more on conservation subdivisions rather than allowing big lots which will be private owned. She continues that conservation subdivisions will benefit the town because the housing thereon will include conservation restrictions.

Mr. Bott references types subdivisions that have been built in Carver since 2002. He describes how the 2001 Master Plan the zoning by-law created additional roadway lengths, increased the price of land and housing, and reduced the supply of housing and increased the cost. He states this tool was not particularly effective. He states they need to produce additional housing and will work over the year on the MBTA zoning by-law and create zoning for multi-family houses. Chairman Shea is concerned about the aquifer being affected by too much building. Mr. Bott indicates there is a housing need and the town should be helping to increase housing availability and to put less impediments in people’s way.

A developer in Carver and who is also a civil and environmental engineer addresses the Board indicating that if lots are made larger, where does this stop, as it sets a standard for creating even larger lots. As a developer he wants to make houses that people can afford. He believes the slow growth in Carver for twenty years has been good but over the past few years there was an increased need for open spaces because of COVID. He believes the more houses we have, the more tax revenue will be generated.

Mr. Gaskey addresses the developer indicating he doesn’t believe lots should be smaller because smaller lots bring more people and houses which will increase town services and more police, firefighters and teachers, etc., will be needed. The developer doesn’t believe that’s the case, but believes it will create more tax revenue to the town. Mr. Shea disagrees with this and states the more houses you have the more they will need town for services.

Savory Moore of 12 South Main Street addresses the Board and indicates he does not believe this is a good idea. He was on the 2017 Master Plan Committee and they took the 2001 Master Plan and they went page by page and decided when things made sense and when they

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did not. When they came to the section requiring two acre lots they agreed this did not make sense and did not want it included anymore. He also speaks about the taxes and how if a developer buys a two acre lot that developer will not want to put up a two bedroom house, rather they will want to build a six bedroom house and therein Carver will become a community of million dollar homes. He continues the trickle-down effect will raise property taxes for everyone. Mr. Moore disagrees with Mr. Shea's idea of having more open space because that space will be privately owned and the town will no longer has any control over it. For example, a two acre privately own lot, that might include wetlands, is controlled by the owner and not the town, and given how important the wetlands are to Carver's water supply, this will be a problem. He indicates this law will create open space with no rules. Mr. Shea remarks it is currently prohibited to build a house within 100 feet of cranberry bogs, but Mr. Moore intercedes he's not talking about bogs, he's talking about any wetlands that are sold and are not cranberry bogs that will become the playgrounds of children. Mr. Shea indicates there are laws that protect the wetlands, prohibiting development within 100 feet of wetlands, and that the land is already privately owned but Mr. Moore states the town cannot enforce its bylaws and does not have the resources to scold children trampling through the woods. Mr. Moore states that there is no way to control kids. Mr. Shea remarks that kids running through the woods playing is the least of societies problems. Mr. Moore raises concerns that 5 or 6 bedroom houses will be built with families of 4 or 5 kids.

Mr. Bott indicates he received written letters from ROD and Sharon Palmer of 43 Meadow Street who indicate her and her family is unwaveringly opposed to the unwarranted lot size from 60,000 to 80,000 and lot frontage from 150 feet to 200 feet. She continues this increase would render hundreds of legally conforming lots to be legally non-conforming overnight. This legal status will become detrimental to all owners, legally and financially. Mr. Shea and Mr. Bott discuss the meaning of legally non-conforming lots. Mr. Shea indicates that the majority of lots are under the current 60,000 foot requirement and are already non-conforming. Mr. Shea further stated that the budget is stressed as well as town services and the intent is to push development to town centers, Transfer of Development rights, Conservation subdivisions, Townhouse subdivisions.

Mr. Bott reads another letter from Jill Martins of Carver. The letter states she is adamantly opposed to the article of the Planning Board's public hearing notice that seeks to increase the lot size from 60,000 sq. ft. to 80,000 sq. ft. and increase the frontage from 150 feet to 200 feet. This change would have a negative impact on all current lots on today's minimum dimensional requirements by making them non-confirming. Chairman Shea indicates his reasons (as mentioned above) why he is in favor of the increases in lot and frontage sizes.

Chairman Shea will accept a motion to close the public hearing for the second article to see if the town will vote to amend the Carver Zoning By-law Section 2320, Table of Dimensional

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requirements to increase lot sizes from 60,000 square feet to two acres and increase frontage from 150 feet to 200 feet in order to reduce overall development and protect resources as recommended in the 2001 Carver Master Plan or take any action relative thereto. Said motion is made by John Gaskey and seconded by Donald Williams. Chairman Shea takes a roll call vote and John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, Donald Williams vote's aye, and Chairman Shea vote's aye. Unanimously approved 5-0-0.

Mr. Bott indicates the vote on this is not considered a positive recommendation to town meeting because the vote was 3 ayes and 2 nays, which is considered a negative recommendation. He continues it takes a two third vote to change the zoning. If they were changing the zoning to make it more favorable to housing it would be a 50% vote because it's 50% plus one if you're zoning towards more housing. If this doesn't pass the town meeting this matter cannot come back before the Board for two years unless the Board makes a favorable recommendation next year.

Chairman Shea will accept a motion to recommend the second article as read to Town Meeting, noting an aye vote is a considered a recommendation and a nay vote is considered to not be a recommendation. Chairman Shea takes a roll call vote and John Gaskey vote's aye, Kevin Robinson vote's nay, Ellen Sordillo vote's nay, Donald Williams vote's nay, and Chairman Shea vote's aye. Approved 3-2-0.

Other Business:

A. Planning Board Member Notes-Chairman: None.

B. Town Planner Notes – Sign 12 South Main Street ANR Plans: Mr. Bott indicates he has documents for the Board to sign. The town elections will be held on Saturday, April 27, 2024.

C. Discussion: Mr. Gaskey indicates spring sports is flag football is kicking off....for those interested please think about signing up.

D. Minutes – 1/9/2024 and 1/23/2024:

Chairman Shea will accept a motion to approve the minutes of 1/9/2024. Said motion is made by John Gaskey and seconded by Donald Williams. Ellen Sordillo and Donald Williams rescind their motions. Chairman Shea takes a roll call vote and John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, Donald Williams vote's aye, and Chairman Shea vote's aye. Unanimously approved 5-0-0.

Chairman Shea will accept a motion to approve the minutes of 1/23/2024. Said motion is

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made by Ellen Sordillo and seconded by Donald Williams. Ellen Sordillo and Donald Williams rescind their motions. Chairman Shea takes a roll call vote and John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, Donald Williams vote's aye, and Chairman Shea vote's aye. Unanimously approved 5-0-0.

- E. Adjournment:** Chairman Shea will accept a motion to adjourn. Said motion is made by Ellen Sordillo and seconded by Donald Williams. Ellen Sordillo and Donald Williams rescind their motions. Chairman Shea takes a roll call vote and John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, Donald Williams vote's aye, and Chairman Shea vote's aye. Unanimously approved 5-0-0.

Future Meetings

March 26, 2024

Bridgestone Development, Inc. requesting a Site Plan Review and Special Permit

Filed: 2/21/2024

Open Hearing by: 4/26/24

Deadline: None to vote Site Plan
w/Special Permit

Amend Storm Water Regulations

April 09, 2024

April 23, 2024

Weathervane at Silva Street, LLC. requesting a Special Permit and Site Plan Review

Filed: 6/15/23 Open Hearing: 8/19/23

Deadline: None to vote Special Permit
Extended: 5/23/2024

May 14, 2024

May 28, 2024

June 4, 2024

Annual Town Meeting

Documents for 3/12/2024 PB Meeting

ANR application with plans for 278 Tremont Street

Probate of Will Without Sureties documents for 278 Tremont Street

Ltr to D. Varley from R. Palmer (Building Commissioner) re: 278 Tremont Street

Definitive Subdivision Plan and Special Permit application, plans for K&G Development – 85 Wenham Road