



Town of Carver, Office of Planning and Community Development

Planning Board Meeting Minutes, April 14, 2020, Virtual Meeting. This meeting was videotaped by Cable Cast Area 58.

Attendees: Bruce Maki, Chairman; William Sinclair, Member; Jen Bogart, Member; James Hoffman, Member
Kevin Robinson, Member

Also Present: Mr. Walsh, Planning Director

Absent:

Bruce Maki, Chairman, opened the meeting at 7:00 PM

Roll Call Attendance was performed prior to entering into this virtual meeting

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A ss. 20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Carver Planning Board will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Carver website, at www.carverma.gov. For this meeting, members of the public who wish to listen or watch the meeting may do so in the following manner: Area 58 Livestream, www.Area58.tv. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of Carver website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Public Hearings (continued):

On the application of RPBP, LLC of Kingston, requesting a Site Plan Review pursuant to Sections 2230 and 3100 of the Carver Zoning by-Law, for property located off Spring Street, on Assessors Map 32, Lots 5-E, 6-A, 6-BN, 6-CN and 6-DN, in Carver MA. Applicant proposes the construction of an approximate 7400 square foot commercial building with associated parking area and utilities in the SSID.

Mr. Walsh – I spoke with Brad Mackenzie. Due to the public health crisis, Brad has agreed to continue until 4/28/2020.

Motion to continue the Public Hearing for RPBP, LLC of Kingston, to April 28, 2020, at 7:00 PM: Mr.

Sinclair

Second: Mr. Robinson

Approved: Roll Call all affirmative

Discussion:

- Jack Williams – Gilbert Estates, Lot Release – Discussion and possible vote

Mr. Williams is with us, virtually, tonight.

Mr. Walsh – At the 2/25 meeting, Jack requested a lot release. We made a vote for release upon approval from Fuss & O'Neill. Fuss & O'Neill usually comes in at the final occupancy permit, with a final inspection. The cost is expensive and Jack is a little concerned. Our Fire Chief and Deputy came out to do an inspection and had no issue with the roadway. Mr. Sinclair – The Fire Department said sign was damaged and questioned if the water system was tested? Mr. Williams – The sign was run over a couple weeks ago; I will be reinstalling next week. There is a plan to test the water system but it hasn't been done yet; a pressure test should be done within thirty days. Ms. Bogart – I respect the Fire Department and DPW but Fuss & O'Neill is relied upon for their expertise. I would still like to see the Fuss & O'Neill report. Mr. Maki – Will this road become a public road? Mr. Williams – Yes. Mr. Maki – There will have to be an inspection eventually, they will need an as-built and engineering approval. It will all be looked at, in the end, to make sure everything is to specs. How many lots? Mr. Williams – 8 out of 10 lots. Mr. Maki – Cost for completion estimates were received at the February meeting. Mr. Williams – \$106,500 left of work to be completed. The value of lots are about \$300K. Mr. Sinclair – Didn't we already vote to do it? Mr. Walsh – The memo from DPW Director indicated that everything seemed okay. The condition was on Fuss & O'Neill review. We need to change the vote or have Fuss & O'Neill do it. Ms. Bogart was in agreement. Mr. Maki – How much is in the account? Mr. Walsh – I did not get that information. Mr. Hoffman – Where the 2/25 vote was based on Fuss & O'Neill review; would we void that vote. Mr. Sinclair – If the Board was in agreement, we would do a new vote based on John Woods letter. Is Fuss & O'Neill still working? Mr. Walsh – Yes, but the estimate from Fuss & O'Neill was \$1700. Mr. Williams – They were price gauging. Mr. Robinson – This is a hardship; we should be able to move forward based on John Woods information. The lots remaining cover us. Mr. Sinclair – I agree. I am asking if the Board would like to take a new vote so that Jack can move forward. Fuss & O'Neill will do a final inspection eventually and Jack would have

to make any repairs at that time. Mr. Robinson – Motion? Mr. Sinclair – This should be a discussion from the Board Members first. Mr. Maki – We can discuss that. In the end, they will need an As built and Fuss & O'Neill will review prior to the town accepting it as a public road. The Fire Department has also looked at this, without issue. Is everyone comfortable with moving forward based on John Woods letter. We can rescind and take a new vote? Mr. Sinclair – I am okay with that. If Fuss & O'Neill finds something wrong, down the road, I would like confirmation from Mr. Williams that he will address those issues. Ms. Bogart – I am not okay with that. If it was that important to include Fuss & O'Neill in February, we should have them doing that. How much does Fuss & O'Neill usually charge? Mr. Maki – We also have been unable to confirm the amount of money still in the account. Mr. Walsh – After speaking with Fuss & O'Neill, the final inspection would be roughly the same as this interim inspection. Mr. Maki – They just look at this without instruments, etc. which should be the equivalent as what Mr. Woods did. I don't think instruments are involved until the as built is involved. Mr. Robinson – Does the price include both inspections? Mr. Williams – I am not sure. Mr. Robinson – That might be worth looking into; it may be all inclusive. Mr. Williams – I have not had any discussion with Fuss & O'Neill. Generally, my people would be responsible for instruments. I would think the final inspection would be more involved than the interim inspection. Mr. Walsh – Fuss & O'Neill did say that was equivalent to the final inspection cost, with the benefit of the as-built. Mr. Robinson – It sounds like it includes two services? Mr. Walsh – Each would be separate (2 X \$1700). Mr. Robinson – So they are charging the same amount for each? Mr. Walsh – They will charge that amount for each of the inspections (Interim and Final) Mr. Hoffman – On projects similar to this, do we normally ask Fuss & O'Neill to do this inspection, at this point? Mr. Sinclair – Normally in a subdivision we have had Fuss & O'Neill involved in site inspection or in the room with us for review. I understand there is a cost factor but it is the determination of this Board if it is necessary. Mr. Walsh did you ask for a scope from Fuss & O'Neill? Mr. Walsh – Yes. They did provide a scope; I don't recall what was in it. Mr. Sinclair – In my opinion, the vote requires Fuss & O'Neill but if the Board decides to do another vote, that is something we can do. Or we can require Fuss & O'Neill to go out. Mr. Maki – Historically, we do have Fuss & O'Neill do that. Let's take a vote and see.

Motion to rescind our previous vote on releasing the lots from our meeting of 2/25/2020, made by myself to have 8 lots on Gilbert Estates released, withholding lots 7 & 8, upon approval from Fuss and

O'Neil review: Mr. Sinclair

Second: None Heard

Motion Failed

Mr. Williams – I will move forward to have Fuss & O'Neill do the review. Mr. Sinclair – Are you on any type of time restraints? Mr. Williams – I would need it done prior to our next meeting. Mr. Walsh – I

will make sure Fuss & O'Neill can do this prior to 4/28/20. Mr. Robinson – Can we also make it a priority to check what is left in that account. Mr. Walsh will check on that.

Municipal relief –

Some changes have been made regarding permitting deadlines. This document outlines those changes. We have 4 ANR plans that have come in. Normally we have 28 days to act, this will help that. Next meeting, we have two Public Hearings. We need to establish means for the public to participate. Mr. Sinclair – Last week I attended a similar meeting, discussing procedures for virtual inspections. There were more than 300 people on that meeting. The Chat Feature was utilized. Mr. Maki – We could do this in the same manner but with audience participation? Mr. Walsh – Yes. We will have to work on notification. We will need certain safe guards. I will check notice requirements, etc.

Planning Board Packet Distribution –

Mr. Walsh - I can send it out electronically and/or mail. Signatures on plans, etc. How should we handle that? Mr. Robinson – Is there a cost to have a stamp made? Mr. Walsh – I have to double check with Jill. There are different procedures. Mr. Hoffman – Can we make a motion to have Mr. Walsh Sign and then when we get back to meeting in person, we can sign off? Mr. Robinson – Yes, during this time that we can't meet as a group. Mr. Sinclair – At my place of employment we utilize a stamp, which is legal. There is a cost but it can't be that much. I would rather a stamp than a designee. If we designated someone, I would prefer an elected member. I will always make myself available for a signature. Mr. Robinson – So can we have Mr. Walsh look into the cost of stamps or do we designate a board member? Mr. Maki – I could sign the plan for the planning board, under the state of emergency. Ms. Bogart – I will make myself available. Mr. Maki – Can one-member sign for everyone? Mr. Walsh – After reading the document, it looks like you can authorize one person but you need to provide a written statement to the Register of Deeds. Mr. Maki – Does it have to be a member? Mr. Walsh – It's up to the Board. Mr. Maki – Some members can come and sign but not all can come and sign so that won't work. Mr. Walsh – It would probably work best if you had one member designated by the Board. Mr. Maki – Will is only here for a short time. Jen could also be here for only a short time. I will be here and can sign the plans for everyone. If a member still wants to sign the plans, they could just come in to do it. Ms. Bogart – If we don't have a unanimous vote, how do we distinguish that? Mr. Maki – Regardless, we still all sign the plans. The vote is on record.

*Motion to authorize the Planning Board Chairman to be the designee signature during this crisis: Mr. Sinclair
Second: Mr. Robinson*

*Amended Motion to authorize the Planning Board Chairman and Vice Chairman to be the designee signature
during this crisis*

Approved: Roll Call all affirmative 5-0

Ms. Bogart noted that she would still like to sign the plans.

Other Business

Planning Board Member Notes:

- Mr. Maki – I am happy to see everyone tonight. I hope everyone continues to stay well.
- Mr. Robinson –
- Mr. Hoffman -
- Mr. Sinclair – The Water district met last night. The RDA has no reason to meet in the near future.
I will continue to represent the public on the Planning Board until the elections.
- Ms. Bogart –

Planning Director Notes:

Mr. Walsh –

Minutes of February 25, 2020 and March 10, 2020

Discussion –

Motion to approve the minutes of February 25, 2020, as amended: Mr. Sinclair

Second: Mr. Hoffman

Approved: Roll Call Vote- All Affirmative (5-0)

Motion to approve the minutes of March 10, 2020, as amended: Mr. Sinclair

Second: Ms. Bogart

Approved: Roll Call Vote - 4-0-1 (Mr. Hoffman)

Next Meeting date:

Planning Board Meeting, April 14, 2020

Our next meeting will be held on April 28, 2020

Adjournment:

Motion made to adjourn at 8:14 PM: Mr. Sinclair

Second: Mr. Hoffman

Approved: Roll Call Vote - 5-0