

CARVER PLANNING BOARD  
MINUTES OF August 22, 2023

Approved 9/26/2023

Chairman Cornelius Shea, Richard Dionne, Kevin Robinson, Ellen Sordillo, Donald Williams and Thomas Bott, Town Planner.

Absent: John Gaskey.

Meeting was called to order at 7:05PM.

**ANR:**

1. The purpose of this plan is to create Lots 1, 2, and 3 from property owned by ADGA Realty (Assessor's Map 8 Lot 29-0,1 and 2) located at South Main Street in the Residential-Agricultural (RA) Zoning District.

Rick Grady from Grady Consulting represents the applicant and gives an overview of the project. Chairman Shea asks if the Conservation Commission has reviewed this and has an ANOI been filed. Mr. Grady responds they have not. Chairman Shea points out that Indian Brook is well within the 200 foot setback zone and that should have been marked on the plan. He also indicates the Conservation Commission makes the determination of where wetlands are and that's why an ANOI is required. Mr. Bott indicates this plan was filed on August 8, 2023 and according to MA law the Planning Board has 21 days to endorse an ANR plan and in this case, according to the statute the ANOI is not required. Chairman Shea responds the application should be completed before it is submitted and the Board won't be able to do a site walk and the Conservation Commission has not weighed in on this.

Chairman Shea will accept a motion to approve the ANR plan for Lots 1, 2, and 3 located at South Main Street, with the statement they are not considered buildable lots until the Conservation Commission has done an ANOI and determined the boundaries of any wetlands in regards to this project. Said motion is made by Richard Dionne and it's seconded by Ellen Sordillo. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye and Chairman Shea vote's aye. Approved 4-0-0.

**Public Hearing:**

2. On the application of Capeway Cannabis requesting a Special Permit pursuant to Sections 4950, 5300 and 2230 of the Carver Zoning by Law, located at 307-307A Tremont Street, in Carver, MA (Assessor's Map 95 Lot 3-A-E) to extend the hours of operation to Monday – Sunday 8:00 am to 8:00 pm in a Marijuana Overlay - General Business (GB) District.

Mr. Bott indicates this is a special permit and the Planning Board requires a four-fifth

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vote and since tonight there are four members and an alternate member present, all would have to vote in the positive to approve this tonight. Kevin Kough is given the option to proceed tonight or continue to another time when the full Board is present and he chooses to proceed.

Kevin Koug, the applicant and indicates the initial hours were determined because church services are held nearby but they have since purchased the church. Mr. Bott reads aloud the conditions of the State By-law regarding this matter which specifies if the hours are not set they will default to the State By-law, that is, 8:00AM - 9:00PM Monday-Saturday, and 12:00PM - 6:00PM on Sunday.

Kevin Robinson indicates he would appreciate the opinion of the Police Chief before voting on this matter and he is personally fine with them opening at Noon on Sundays. Mr. Bott states he emailed with the Police Chief regarding the hours and he does not have any issues with the new hours requested. Mr. Bott also checked with the Board of Health and the Select Board regarding the presence of food trucks at the site. The Select Board indicated they defer to the Board of Health on these types of matters. The Board of Health agent indicated the food truck that operates at the location has a permit to operate in the Town of Carver.

Mr. Bott also indicates he received a letter on August 22, 2023 from Laura McNamara of 246 Tremont Street. She indicates it is her understanding that Gateway Cannabis is looking to increase their current hours of operation, especially on Sundays and she asks if they are bound by the state's current blue laws that are applied to alcohol. She is opposed to the increase in hours because of the safety of young adolescents. She is also concerned about an upcoming event on September 9<sup>th</sup> at the location and its contributing impact on overburdening on Tremont Street, as King Richard's Faire is also hosting their event that weekend. She also mentions that Tremont Street is in need of upgrading by the Town. The Police Chief said the first few weeks of King Richard's Faire are usually the slowest.

Chairman Shea appoints Donald Williams, associate of the Board, the right to vote, as he is allowed to vote on Special Permit matters.

Chairman Shea will accept a motion to close the public hearing on the application of Capeway Cannabis requesting a Special Permit pursuant to Sections 4950, 5300 and 2230 of the Carver Zoning by Law, located at 307-307A Tremont Street (Assessor's Map 95 Lot 3-A-E) to extend the hours of operation to Monday – Sunday 8:00 am to 8:00 pm in a Marijuana Overlay - General Business (GB) District. Chairman Shea asks what the second building on the site is used for and the response is for the storage of t-shirts. Said motion is made by Kevin Robinson and it's seconded by Ellen Sordillo.

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Discussion: Kevin Robinson would like to see this business coincide with the hours of the liquor/package stores. Mr. Bott indicates that most of the liquor stores open at 8:00AM - 9:00AM Monday – Saturday and all of them open after 10:00AM on Sundays because that is what the law is. He also indicates that state law leaves the hours of operations up to local officials to determine. Ellen Sordillo asks if the business is busy in the early morning hours and the response is yes. No roll call vote taken

Kevin Robinson makes a motion to have the hours of operation 8:00AM – 8:00PM Monday – Saturday and 10:00AM – 8:00PM on Sundays. The applicant must also provide a Vermin Control Plan and trash receptacles on the property. The applicant indicates a food truck will have a trash receptacle with them and they will take the trash away when they leave the property. Richard Dionne seconds said motion. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, Donald Williams vote's aye, and Chairman Shea vote's aye. Approved 5-0-0.

**Public Hearing Cont'd:**

3. On the application of Beantown Home Services, Inc. requesting a Special Permit and Site Plan Review pursuant to Sections 3100, 5300, 4341, and 2230.C of the Carver Zoning by Law, located at Lot #5, Ricketts Pond Business Park (Off Spring Street) in Carver, MA (Assessor's Map 32 Lot 1-5) in the Spring Street Innovation Zoning District (SSID). The lot will be comprised of an approx. 6,621 s.f. light-industrial building with associated driveways, parking areas, closed-drainage system, septic system and utility connections.

Erik Schoumaker of McKenzie Engineering is present to represent the applicant and indicates they received Andy Glines, the town's consultant engineer, latest review letter dated July 25, 2023 which presented recommendations and conditions. Mr. Schoumaker provides information on conditions they have met regarding landscaping and rear fencing. Mr. Schoumaker indicates an architect will be addressing the issue of windows so they meet the conditions. He also describes the cistern system for fire protection including a sprinkler system but states that Mr. Glines has not yet reviewed the system. Mr. Bott reads aloud a letter from the fire department listing their requirements. Chairman Shea asks about the size and location of the cistern and the response is it will be 15,000 gallons and is located approximately 15 feet to the north of the proposed building in the parking area. Kevin Robinson asks if the water for the cistern will be purchased by the applicant and the response is yes. Mr. Robinson also asks to see the architectural drawing which is provided. Mr. Schoumaker describes the landscaping of trees and scrubs that will be used at the site in response to questions from the Board. Mr. Bott reads aloud Andy Glines' decision regarding waivers and conditions.

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Chairman Shea will accept a motion to close the public hearing on the application of Beantown Home Services, Inc. for Special Permit and Site Plan Review, pursuant to Sections 3100, 5300, 4341, and 2230.C of the Carver Zoning by Law, located at Lot #5, Ricketts Pond Business Park (Off Spring Street). Said motion is made by Richard Dionne and it's seconded by Ellen Sordillo. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, Donald Williams vote's aye, and Chairman Shea vote's aye. Approved 5-0-0.

Chairman Shea will accept a motion to approve the application of Beantown Home Services, Inc. for the Site Plan located at Lot #5, Ricketts Pond Business Park (Off Spring Street) with conditions as presented. Kevin Robinson makes said motion and it's seconded by Ellen Sordillo. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Chairman Shea will accept a motion to approve the application of Beantown Home Services, Inc. for the Special Permit located at Lot #5, Ricketts Pond Business Park (Off Spring Street) with conditions as presented. Kevin Robinson makes said motion and it's seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, Donald Williams vote's aye, and Chairman Shea vote's aye. Approved 5-0-0.

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- A. Planning Board Member Notes - Chairman: Chairman Shea indicates with assistance from Mr. Bott the format of the agendas will be changed going forward.

Chairman Shea indicates he would like to be more aggressive in seeing that ANR's are filed before submission. He believes these are the 65, 100, & 200 foot zones on all ANR's and subdivision plans are an important.

B. Town Planner Notes:

- a. Subdivision/ANR Training will be held on August 31, 2023 at 6:00PM at the fire station.
- b. A public information session about the Affordable Housing Lottery will be held via Zoom on August 30, 2023 at 6:00 p.m. for three (2 bedrooms, 2½ baths and a 1-car garage) age-restricted rental townhouses on Plymouth Street. This information is also posted on the town's website and at the library and Council on

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Aging.

- c. Discussion on Signing decisions: Mr. Bott indicates comments have been received and the Board will discuss and decide what the best signing policies will be.

C. Discussion:

Mr. Dionne informs the Board he put his house up for sale and could be leaving the Board. If and when he is no longer going to be a citizen of Carver he will let the Board know of his plans. Chairman Shea states Mr. Dionne has been a valued member of the Board.

- D. Minutes - 7/25/23: Chairman Shea will accept a motion to approve the minutes of 7/25/2023. Said motion is made by Ellen Sordillo and it's seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye and Chairman Shea vote's aye. Approved 4-0-0.
- E. Adjournment: Chairman Shea will accept a motion to adjourn. Said motion is made by Richard Dionne and it's seconded by Ellen Sordillo. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye and Chairman Shea vote's aye. Approved 4-0-0.

Documents for 8/22/2023 PB Meeting

Form A – ANR application with map for South Main Street – K&G Development

Special Permit application for Capeway Cannabis – extended hours of operation

Memo dated 8/14/2023 from J. Boyle to T. Bott re: Beantown Home Services

Draft decision for Beantown Home Services