

Approved
2-8-22

CARVER PLANNING BOARD MINUTES OF DECEMBER 14, 2021

Present: Chairman Bruce Maki, Jim Walsh, Ellen Sordillo, Cornelius Shea, Kevin Robinson, John Gaskey, and Richard Dionne.

Meeting was called to order at 7:00 P.M.

Pledge of Allegiance was recited.

The proceedings will be videotaped and rebroadcast by Area 58 TV.

Sign Permit

1. Brenner Signs & Awnings – Refill-Able- (Map 24, Lot 3-1) 160 North Main St., Unit A. Ms. Carrie Garofalo from Brenner Signs and Awnings, of 66 Federal Furnace Road, Plymouth, MA, speaks to the board. Mr. Maki understands that there will be one small sign on the directory. Ms. Garofalo indicates there will be sign for each side of the directory which will be 6 inches by 42 inches. The signs will not be illuminated. There will also be one sign on the building as well. The building sign will be PVC cut out letters which will have a digital print applied to the face and then the edges will be painted the corresponding colors of the letters. The size of this sign will be 120 inches by 30 inches total. The sign will be smaller than the previous sign. Mr. Maki indicates that in this plaza the signs are older and the newer signs will be grandfathered in before the town had new sign regulations. Cornelius Shea asks Ms. Garofalo why the sign has to be so big and she states again it is smaller than the previous sign. She indicates the sign will be 30 inches high by 10 feet long, being in three ten foot sections. Mr. Maki indicates that he could look into the history of the previous signs and if signs have been grandfathered before. He will speak to the building inspector. He continues in this particular shopping center the board usually goes with what had been allowed previously. Ms. Garofalo indicates that she has applied twice for this sign, and spoke to the building inspector to find out what kind of sign was allowed and that is what they went by. The building inspector read the by-laws to her and explained exactly what they could do. According to Mr. Maki he will write a condition stating window signs will not be allowed. Cornelius Shea makes a motion to approve the refillable signs, with the condition that window signs will not be allowed, and Kevin Robinson seconds it. Unanimously approved, 5-0-0. Mr. Maki circulates the decision to all the members to sign.

ANR

2. Re-division of Lots: (Map 36, Lots 2, 3, 4, 5, and 6) at Whistleberry Glen – CE Development, LLC. Mr. Kyle Devinish from Outback Engineering speaks on behalf of CE Development LLC. He indicated this was already an approved subdivision, but the new owners applied for a re-division of those lots only for the interior lot lines. There is

no change in frontage and no change in the exterior lock lines to the subdivision. It is just a re-work. He believes that the applicant has a couple of potential buyers that wanted the lots re-worked. The applicant thinks lot 2 and 3 are shaped so if lines are moved around it goes down Stanley Lane and meets all frontages and setback area requirements and it will be re-working of the lines to make the lots nicer. Lots 2 and 3 were tight and narrow and they would like to rework them to make them better construction wise. Mr. Maki discusses the plan and says the original lines and proposed new lines for lots 2, 3, 4, 5 & 6 are shown. He continues that the he can see that the frontage didn't change and the square footage of the lots are over 40,000 is what the lots are zoned for, with the exception of Lot 3 which is just under 40,000. Cornelius Shea indicates that usually there is a 100 foot boundary zone listed on these and asks Kyle Devinish if he understands anything under the 100 foot buffer zone to the wetlands requires conservation commission approval. Mr. Devinish states that they have been developing throughout the subdivision and has finalized many of them with ConCom. He continues that 100 feet were taken off because the lines were getting hectic and they left the 65 feet because there were no buildings. A motion is made by Kevin Robinson to approve the re-division of lots 2, 3, 4, 5 & 6, and it seconded by Cornelius Shea. Unanimously approved 5-0-0. All the planning board members sign the plan and mylars.

3. To combine Lots: (Map 36, Lots 7 & 8) at Whistleberry Glen - CE Development, LLC – Mr. Kyle Devinish presents to the board that there is a buyer who would like to combine lots 7 & 8 and build a house. Mr. Maki reviews the plan and indicates that Lot 8 would be eliminated altogether and the lots would be come 7 and 7a. Mr. Devinish states that Lot 7 would be absorbing Lot 8. Mr. Maki entertains a motion to endorse combining Lots 7 & 8. Kevin Robinson makes a motion to approve and Ellen Sordillo seconds it. Unanimously approved 5-0-0. All the planning board members sign the plan.
4. Create a rear lot: (Map 115, Lot 10-2B-R) 0 Ward Street – Edgewood Bogs, LLC. Mr. Matt Rhodes from Edgewood Bogs, LLC located at 73 Tremont Street, Carver, MA will speak to the board. Mr. Maki indicates he has reviewed the plan and has talked to the building inspector and he felt that this is a buildable lot and it has to go through him. He continues the only way the planning board could endorse this was to put a note on the plan stating this is not a buildable lot because zoning relief needs to be required in order to make it buildable. Cornelius Shea indicates property has been in continuous ownership since 1998 and according to the assessors they've taken control of it. It switched hands again in 2005 from 1999 to 2005 so it's not eligible. Daniel O'Connor was the original owner and he has not owned the property since the late 1990's, therefore Mr. Shea states it is not eligible. Mr. Maki indicates he did speak to the building inspector because he knew there was a time frame. Cornelius Shea indicates the time frame was May 4, 1998 and it was transferred to a trust a year later in April 1999. It was then transferred to a limited liability corporation of the same name in 2005. The statute states that it has to be in continuous ownership since 1998. The zoning bylaw, Section 2344, page 15, states not more than one rear lot should be created from a property or set of continuous properties held in common ownership as of May 4, 1998 in order to be eligible for rear lot. Such property are a set of continuous properties held in common

ownership as of May 4, 1998 and shall not be divided after such date. Bylaws also indicate that no further division is eligible. Mr. Maki suggests Mr. Rhodes work this out with the building inspector. Mr. Maki indicates he spoke with the building inspector earlier this evening and he indicated that he couldn't approve creating a buildable lot. Mr. Rhodes believes the building inspector's contention was the 150 foot building line, but his research has shown multiple plans being approved that a building line does not have to include the setbacks. Mr. Maki replies that Mr. Rhodes has to convince the building inspection of that. Mr. Rhodes also states that he was going to withdraw speaking to the board but the building department suggested he bring the matter forward anyway. Mr. Maki again suggests the Mr. Rhodes work with the zoning board and building inspector and bring forth his evidence of other similar approved projects. Mr. Rhodes said he'd like to withdraw but he has already spent \$450 to the town. Mr. Rhodes makes a request to withdraw the application and Mr. Maki entertains a vote on said request. Kevin Robinson makes a motion to approve Mr. Rhodes request for withdrawal and Cornelius Shea seconds it. Unanimously approved 5-0-0. Mr. Maki will look into refunding the \$450 to Mr. Rhodes.

Lot Release

5. Linbia's Path (Map 19, Lot 6): The owners have requested to continue this matter until the next planning board meeting on December 28, 2021. Mr. Maki entertains a motion to continue matter. Cornelius Shea makes a motion to continue the matter until December 28, 2021 and Kevin Robinson seconds it. Unanimously approved 5-0-0.

Minor Modification

6. Weathervane @ Patriot Pines (Map 112 Lot 1-5): Mr. Maki states that in this modification the applicant requests the foundation be for triplexes. In addition, a mail room was going to be added to the property, which included a center island with six parking spaces which provides spaces for the residents to access their mail. Cornelius Shea and Kevin Robinson ask about the numbering of the units. Attorney Tocchio states the units need to be renumbered and that was agreed to with the fire department. There are 24 units which were 1, 2, 3, 4, etc. and now its eight buildings with three units per building. If the numbering is inconsistent they will revisit with the fire department and confirm the renumbering. He understands the board received a letter from the fire department stating that they looked at this and it was good with them. Another items discussed with the fire department was sprinklers. They are trying to effectuate what was talked about previously with the board. He shows illustrations of the layout of the units and once this is approved they can apply for permits to allow them to go forward. They have met with the building inspector and he agrees that they are all triplexes. The town's engineer asked Weathervane if there was a cap on the number of bedrooms and Attorney Tocchio responds, absolutely. Mr. Robinson asks if they will exceed the firewall standards and soundboard between the individual modules. Mr. Romanovicz indicates the units are separated by garage space or a four season room, therefore this is not considered real living space nor a bedroom. It is indicated by Attorney Tocchio that there will be a fire suspension system installed in the units. He also shows renditions of the mail room and parking spaces and ample landscaping. The town's engineer recommends

reserving one space to be handicapped compliant which they will do, leaving five regular spaces. There will be storage on the side of the mail facility. Cornelius Shea asks if any of the units will be constructed and handicapped accessible. Attorney Tocchio responds that is something that will be addressed further down the road in the event they are needed. Mr. Maki indicates he spoke with Andy Glines and the building inspector and he has not talked to Amy Kwesel as of yet. The building inspector is fine with the new building configuration of the foundations as a minor modification, but he was not sure about the mailroom and suggested I speak with Amy Kwesel to see if the mail room was considered a minor modification. Attorney Tocchio does consider the mailroom part of the minor modification and has sent all the information they to Amy Kwesel for review. He did not hear back from her so he believes she considers it part of the minor modification. Mr. Maki indicates that Andy Glines, who is professional engineer for Fuss & O'Neill acting on behalf of the town as engineering consultant didn't believe the mailroom affected the drainage or anything else in the project. Andy Glines, also addresses the board indicating he issued a memo on December 14, 2021, which he will get to the planning board, it stating although there isn't a clear definition of what would be required for a minor modification, it doesn't change the circulation for the neighborhood, in that there was already an island proposed for that location where they are widening the island and adding an impervious area for the building, but on the grand scale of the project it really has a negligible impact on the storm water management approach and the building itself isn't requiring any waivers or variances. He agrees with the applicant that it's on par and appropriate for the rest of the development they are proposing. Mr. Maki brings up the matter of affordable units and how the applicant would address this in phases two and three. Attorney Tocchio states that phases two and three have already been approved but understands they will have to address the board in the future because this will be a major modification and assures the board they will comply with all the requirements as to affordable units. At this point however they are concentrating on the construction. He indicates there will be difference in construction with the affordable units. Mr. Maki asks if the affordable units will only be available to over 55 persons. Attorney Tocchio indicates this will be an over 55 community so there is a consistency within the overall development which he states is customary and consistent with the laws. Cornelius Shea asks about building 2 and 4 on Fairway Landing and also units 21 and 19. Since it is a corner lot it doesn't seem like a cohesive unit since they are kitty cornered. Attorney Tocchio indicates that they have discussed this with the building inspector and will discuss it again and work with him per his requirements. Mr. Shea suggests that adding a common wall between units 2 and 4 would be good and also and also realign units 19 and 21. As for affordable units, if the board indicates there has to be two affordable units in each phase then that can be done. He expects to be bringing the plans in this winter to present to the board. Mr. Glines addresses other comments he has and has comments regarding the memo he prepared dated December 14, 2021 and that there are a few items he would like the applicant to add, primarily located at the mailroom, such as the pavement markings, signage and a crosswalk. Some of these items have been included applicant's package and renderings. As you know the crosswalk will be on the final approved site layout plan and should be included as a condition. He also did a full review of the drainage. The original review of the storm water management approach is based on single family units and on the revised foundation layouts it's

reconfigured where they had some of the impervious area on the site, but largely their storm water management approach was some watersheds they had delineated and where the storm water is going to change significantly, but they did increase their storm water management basins to accommodate the storm water management water quality and recharge requirements. He made a couple of notes in the memo that some of the original information they received wasn't undated in the same manner they had originally but they were able to obtain the information they needed from their storm water model to verify they were meeting those requirements, specifically sections 3a and 3b so there really isn't any revision. One item he wasn't aware of himself was that the loop road shown in the presentation tonight was already constructed and the storm water drainage system catch basins and pipes have already been installed. He did make a comment under section 2a recommending one of the catch basins be reconfigured so it's not located at the end of the driveway and believes that recommendation can be met by reconfiguring the driveway layout and the catch basin can stay where it is. The second recommendation is regarding a portion of the road that's super elevated so a typical road has a crown in center and two gutter lines but they do have one portion of one of their roads, Fairway Landing that is super elevated, meaning it's pitched one gutter line. He is not overly concerned with that condition but it is preferable to have a crowned road which mitigates risk of run on from the upgrading side flowing across the road which would only be a concern with snow melt conditions, where there would snow melt on the high side of the road melting, potentially freezing the road but it's something that can be addressed with maintenance. The upgrading portion he refers to only consists of three of the units and their driveway. This would be units 13, 15 & 17 on Fairway Landing. He suggests if the applicant could potentially revise the grading or perhaps add a smaller yard drain outside the road footprint to pick up some of that runoff, he believes that would mitigate some of that risk. He doesn't believe the applicant will reasonably be able to revise the road to have a crown at this point and he mentions that this was previously approved with the grading approach that was there. This be could addressed as a recommendation and not a requirement. As for the foundations, Fuss & O'Neill does have any concerns or comments regarding the foundation approach and agree with the building official assessments, which meet the definition of a townhouse. Mr. Maki asks the applicant how many units are in all three phases. The response is 54 units. Mr. Maki indicates that 6 units have to be affordable. Cornelius Shea indicates that it should be a condition that the affordable units should be sorted out before final approval. The applicant agrees this is a reasonable request. Amy Kwesel, town counsel speaks and addresses the issue of affordability and she also suggests that it should not be wait to be sorted out. To confirm she states that there are going to be two units that are required to be affordable in phase 1, two in phase 2 and two in phase 3. She would like to make it a condition that two units are included in phase 1. She asks if the mail room will be manned. The response is no. Mark Romanovicz explains that the each resident will have a mailbox and the mail carrier will place mail in the proper recipient mailbox from behind the mailboxes. When there is a delivery from a company, such as amazon, the package will be dropped inside the mail room, which is locked, but available to each resident. She asks the about the townhouses, under the state definition units have to be separated by a fire wall, but the applicant indicates it is not necessary because sprinklers are installed, plus units are separated between the garages which will have a separation

wall. She states that there should be a condition that if a garage is attached to a living space it must have a sound wall between the two. If there are two garages between the units, the wall between the garages will just be a separation wall. Mr. Robinson is concerned there won't be a firewall between the two garages, but it satisfied with the sprinkler systems installed. She continues on regarding the mailroom being a minor modification or not? She went through the bylaw and it allows for a minor site plan review. There is nothing in the by-law that allows for a minor modification to a site plan. Mr. Robinson states this is just a modification but she says the by-law states if there's not more than 2,000 sq. ft. of building or 10 parking spaces it can be considered a minor modification and a minor site plan doesn't need a public hearing. Since the mail house is 400 sq. ft. and only has five parking spaces she states it would be able to come under a minor modification of site plan. A larger question she has is about an email she sent to the town in August 2021 that By-law 40b Section 9 allows for special permits and does not provide for any modification to special permits, therefore the courts and her firm have taken the position that a modification to a special permit has to have a public hearing and go through the same process as the regular special permit process starting anew. She states she doesn't understand why the applicant doesn't need to go through the actual process, which includes a public hearing, of a new special permit or amended special permit. Attorney Tocchio states he and his firm have been amending special permits for 33 years. Many concerns were whether this raises to the level of a major modification versus a minor modification. Amy Kwesel suggests perhaps they could go through the original special permit and if there is allowed a certain number of dwelling units, so if this modification seems to create the exact same amount of units it can be argued that the special permit used, which the use was for, however the dwelling units didn't change, but there is no question that special permits are not allowed to be modified, there's nothing in By-law 40b, Section 9 states the only way to modify a special permit without a public hearing because of a clerical or scrivener's error. She believes to effectuate what needs to be done is an argument that the special permit use that was allowed has not changed. She continues that she spoke with Adam Brodsky from Attorney Tocchio's firm and went over the three prior cases with him. Attorney Tocchio explains that some of the presentation tonight didn't include what was presented at the board meeting on October 26, 2021 which answered many of the questions brought forward tonight. He states what happened was that the previously modified special permit which was granted by this board allowed for single family townhouses to be built. Initially the project was approved for 24 units and what we are doing now, is not changing any of the roadway and utilities which are constructed with hydrants, fire lines, etc., and there have been four building permits issued with respect to the foundations and we are keeping those in exactly the same place, satisfying the town's request we solve the issue with respect to the townhouse. There is no change to the number of dwelling units that are here subject to Section 3900, the townhouse section. What they are doing merely arraying them differently as 24 separate structures which winds up being 8 separate structures and no change use which is a 55 and over residential use, and the project remains the same with respect to the cap on the number of three bedrooms, etc., we are still going to have two bedrooms predominantly and there's no change in use, whatsoever, such as garages that were there before. What has been done is the sliding around of these buildings so they aggregate in three's. Whether it's a scrivener's error, for example let's say there's a

special permit which is granted if something in the field doesn't work or fit, we have field changes probably somewhere in the nature of the field change to have to go and have entire public notice to be able to aggregate the structures. He doesn't believe it's necessary and believes this board has done it before. We are going in and we're having a minor modification to a prior modification of the special permit. Phases 2 and 3 will be a major modification which will require full plan sets and abutter notices. For phase 1 we are in Carver December 2021 and have two structures unheated, a building department ready to start issuing building permits, and we would like to wrap this up before the weather turns to winter and market takes too many twists and turns. He respectfully requests the board grant this and additionally with respect to the two affordable units, he points out it is advantage to the town if the town will include those as part of the conditions of the decision. They will follow all the recommendations made in Andy Glines memo. Attorney Tocchio continues there are many advantages of this being a condominium associates rather than separate homeowners, for there will be contracts with the condominium associates to take care of such matters as snowplowing, treatment of roads, landscaping, etc. The average HOA fee will be \$300 a month. He states that if handicapped individuals have customized requests they will work with them and make the foundation deeper and recess the first floor framing if necessary so they can ride almost anywhere in a wheelchair if they are in that situation. Amy Kwesel asks how affordable units are calculated. Attorney Tocchio responds that there are tables published by the Commonwealth of MA which has to do with medium income numbers then there are different designations for different communities. Attorney Kwesel indicates that it's wherever your area is but it's only 80% so these are not affordable, these are just not as high. She continues that this should be a condition that there will be two affordable units in each phase and those affordable units and those units condo fees will also be adjusted according to the purchase price. Another condition will be that condominium documents will have to be approved by town counsel. Other conditions will be that the roads will never become public and trash will be private as well. She confirms there will be a 2 inch shaft wall between the garage in the living space and will make this a condition. She also confirms that the affordable units are in perpetuity and when looking at the buildings you won't see a difference between a regular priced unit and an affordable unit, and if appliances are supplied, they have to be the same for each unit. Mr. Maki indicates that we do not have a decision written for tonight. Cornelius Shea indicates the question was not answered as to whether special permits have the ability to be minor modifications and whether a new public hearing is needed. Mr. Maki asks Attorney Kwesel about this and she responds that it's not up to her, but rather up to the planning board and they should refer to Section 5.19 in MCLE Zoning Manuel which states it would be a reversal of conscious decision. She continues that the law is clear the board has inherent power without holding a further public hearing to correct inadvertent or clerical errors in its decision so that the record reflects its true intention, so long as the correction does not constitute a reversal of a conscious decision. Further, if the number of units hasn't changed, or the infrastructure hasn't changed and the requirement of the two affordable units which is what this board is putting on the applicant and that's a positive change. Also, with regard to the mailroom she doesn't believe that will change the special permit decision. Mr. Maki states when this project was first proposed it was for a regular subdivision some neighbors were not happy because the drainage basins and houses up

against the back of their property lines. When the modifications came in and it became single units we did have a vote and a public hearing but no neighbors attended because they were pleased the drainage was moved away from their homes and the units were moved away from people's property lines. He thinks if we do have a public hearing on this he doesn't think there will be much response from the neighbors. There wasn't much response when it became an over 55 community to begin with. He looks at this as an improvement to what originally had been approved. He sees this as a big plus for the community and town. Mr. Maki and other members believe it best to draft a decision which includes all the conditions mentioned tonight and that Andy Glines updates the plans to include any changes talked about tonight, then hopefully a vote will take place in the next meeting of December 28, 2021.

Public Hearing (Con't.):

7. On the application of JCM Carver Acquisitions LLC requesting a Special Permit (for Fast Food or Drive-In Restaurant) and Site Plan Review pursuant to sections 2200 (Use Regulations), 2300 (Dimensional Requirements), 2330 (Multiple Principal Structures), 3100 (Site Plan Review), 4300 (Water Resource Protection), 5300 (Special Permit) and other pertinent sections of the Carver Zoning Bylaw, located at 287 Tremont Street (Assessor's Map 94, Lot 5-0-R) to demolish an existing 525 square foot building and construct a new 50 ft. by 25 ft. ice-cream shop building and a 90 ft. by 50 ft. storage garage, landscaping and parking. Property is located in the General Business (GB) District. Tom Poserski is from Merrill Engineers, senior project manager, and professional engineer on this project. He explains that the property contains about two acres and currently has a three bedroom home on it, an ice cream shop and a small storage building. On the layout plan presented he points out changes recommended by Andy Glines and the fire department to make sure there was adequate access in and out of the site from the ladder truck that the town has. In fact they have adequate ADA accessible spaces and walkways throughout the site. They eliminated two bottom spaces in the middle island to allow internal circulation and there is a compliant loading section. The other thing that they incorporated is an access around three sides for fire. They are proposing a grassed system and sent the information to the fire department that would use this frequently. I've used it in Hingham in back of condos and it's a very heavy duty type system which could handle your typical fire truck which is about 10,000 pounds. It looks like a grassed over area so you don't even notice it and we are preserving a picnic area as seen on the landscaping plans. There is extensive landscaping proposed for the facility and they will plan around the storm water management system. According to the blue areas on the map there is an extensive storm water system under existing conditions that there be a gravel parking lot that's contained in interim flood protection. The entire site is contained within an interim wildlife protection area and there is no treatment for the existing storm water on site. Presently it discharges offsite about 6.57 cfs during the higher frequency storms, the 100 year small event and that's using the Cornell Method which typically handles those storm events that are about 50 percent higher. What they have for the storm water system is that it fully complies with the DEP water management air force layers interim weather protection area. The storm water is segregated for roof runoff completely designed for no discharges for 100 year frequency storm. They have

also incorporated sediment traps concentrated along the parking lot. They also incorporated grass swale vegetative filter strips. You can see on the plan they have the separation between the edge of the pavement so there is a vegetative area and the vegetative filter strip will help attenuate the flow slowing down at the sediment control prior to going into and entering the bio-retention rain guard. Some of the amenities that the storm water discharge offers is that there is no untreated storm water discharges from the site effecting the storm water being shut off from leaving the site. These are substantial and in fact these are the largest rain gardens that he has ever installed. Also, some of the amenities, such as sediment traps require 201 cubic feet, and they will install 532 cubic feet, that's 267% above what is required. The bio-retention rate is 2004 cubic feet required and they are providing 23,333 cubic feet, 11 and ½ times above the standard requirement. The recharge is 1,200 cubic feet and they have 2,333, that's 19 times what is required water quality volume of the 2004 cubic feet. Pollution attenuation total suspended solids the requirements 80 percent removed this very effective system varies 93 percent over total suspended solids removal and we countered that by 90 percent removal. All the standards will exceed the requirements for the critical error. They have construction control program that's been submitted for this to take care and make sure to control the sediment the storm water areas are put in properly and have a long-term plan for this. The soils and plants used will be in full compliance with the DEP to ensure that the runoff is captured, treated and absorbed. They are aware of protecting the neighbors in this area and that's why they have incorporated what they have done here. They proposed a swell and the reason that swells are important if natural runoffs are coming down. They are also requesting to push the building back 10 feet to preserve the natural area. He also mentions that deliveries will be done on off hours so won't affect the customers coming and going. They have received confirmation from the fire department and the building commissioner. Andy Glines, from Fuss & O'Neill and on behalf of the town as their engineer addresses the board with a couple of concerns. He indicates that the applicant has a meeting with the Conservation Commission in January 2022. He also indicates that he doesn't think that ConCom will have any concerns with the current storm water management approach. He points out there needs to be included in a decision letter, to be prepared at a later date, pertaining to having multiple principal structures on the same lot so the applicant is meeting those requirements and a couple of those are deferred to the building official in the fire department, but he wants to reiterate them in their letter so it's compiled in one spot. He is specifically referring to Section 2330 and there are two waivers this applicant is requesting, one under Section 3241 for interior parking landscaping. Fuss & O'Neill recommends approval of that because the number of parking spots they have in each row is six or less and they do have perimeter landscaping around the lot and adding additional interior landscaping, in his opinion, would hinder emergency access to the walk without providing much benefit to the overall aesthetics or intent of the by-law. Another waiver request under Section 3251 is for 10 foot wide of landscaping in front in front and if this is something the board wished, as mentioned by the applicant, to relocate the proposed building. One thing to note though is that in addition to encroaching further back on open space he thinks would create more of a pinch between the buildings, which would impact the emergency access around the buildings, which would require the second building also be shifted. In his opinion he doesn't think it's necessary to adjust the building layout to get that 10 foot strip on that

edge. Mr. Poserski responds to Mr. Glines comments indicate that they did also reply to each one of those and the uses they specified so there was no question that retail sales are ice cream only. There is a retail component in the larger building out back and the two bays in the back are not storage, rather they will be for craftsman/tradesman only. It cannot be and never will be any land uses with potentially pollutant loads and it can't be because it's a critical area, so it can only be the small craftsman, such as a carpenter, electrician, or something similar. They have floor drains planned for the whole building in case the retail space should ever go away there would be a non-hazardous dual non-hazardous wastewater holding tank in the front that has alarms on the inside and in between the walls which is fully automated. He continues that they have complied with the building heights and have talked to the building commissioner and the fire department about the positioning of the buildings and they are both satisfied. They will also comply fully with the fire department with whatever they want for fire protection measures on this facility. Mr. Maki asks if the proposed retail store is going to be associated with the ice cream, such as the selling of t-shirts, etc. The response is yes, and he believes this will be a destination place. The building inspector said he was fine with the retail space and two craftsman/tradesman spaces in the rear. Mr. Robinson asks if the ice cream building will be barn-style and if the building out back will replicate that? The response is yes. Mr. Robinson requests to see architectural renditions. He also asks if the existing building where the ice cream is being sold is being removed and if the existing garage is being removed, as well as the shed. The response is yes, correct. Mr. Robinson would like to see interior walls in the craftsman/tradesman building so there are three spaces. He doesn't want it be one big building and the applicant says there will be interior walls separating the spaces. He asks when the architectural rendering for the craftsman/tradesman building is submitted will it include the overhangs and whether they will have cupolas, windows and doors, etc. Mr. Glaskey indicates such renderings are located on the last page of the plans. The applicant is unsure at this time if the businesses will be open all year round. Mr. Maki brings up the possibility of doing a site visit with other members. It would be helpful if the building corners and entrances are marked out. Cornelius Shea asks the applicant about the proposed bay number two where the fire department accesses the rear and sides of the two building because he notices there are two parking spaces and what happens if there is a fire? The response is that they will take out space lines out. Mr. Shea's response is that would be advisable. He continues that he doesn't have a problem with the delivery bay as long as it is for active use only. He asks if the dumpster will be used for the entire facility? The response is yes. Mr. Shea recommends placing the dumpster in another place or properly screen it for all four seasons and he doesn't think a chain link fence will be sufficient for that. He continues that he is curious as to why they have put the buildings so close on the eastern side of the property so that the 25 foot landscaping setback to the neighboring property. Mr. Poserski's response is that is a 10 foot landscaping strip. Mr. Shea asks how many proposed parking spaces there are? The response is 30 spaces. Mr. Maki asks where they will put snow? The response is snow removal areas are designated at various places on the plan. Mr. James Weston, co-owner of Weston Brothers Cranberries and he owns the property surrounding the proposed project. He indicates that he has been to the DEP in Middleboro and talked to Mr. McLaughlin and right now they are permitted for one thousand gallons of water per day. What he'd like to know is if the facility will get an

increase in water usage, and if so, it will increase the radius which in turn will infringe on their cranberry bog. Right now their property goes right to the edge of their bog. If it gets any bigger it will be into the bog and they are cultivating the bogs with spraying and fertilizing. Another area of concern is the measurements of all the other water and drains and he is wondering what those sediment ponds and how much water are they scheduled to hold. Just this year there was a six inch rainstorm on little under two acres of land and would that fit into those sediment ponds because he doesn't want any run off going into their property because they have quality control especially with the river being right there and if their pump has to be running and if something comes down the river they have some concern. In addition, they have had people on their property eating ice cream and running around out on the bog and the previous owner actually saw them out there. He is requesting to have a fence placed completely around the property, a fence that nobody can get over and something that will stop trash from blowing onto their property. His major concern is the water usage, because once you start increasing their usage then the radius has to increase and you get into a zone two, plus being a public water supply. Mr. Maki indicates he has just spoken to Kevin Fork, the board of health agent and the engineer here, and Mr. Maki states he was not aware of public wells and he didn't know the state monitored them. Mr. Poserski indicates the Mr. Weston is 100 percent correct on everything he has said so that's why they want to take the proper steps that this is designed correctly. It is a process to go through and they had to obtain a flow assessment for the wastewater and that is the permit they received, which is only half of the step they have to take. At present they need to go to Mr. McLaughlin at DEP to make sure they do not go over the one thousand gallons of water per day and the radius doesn't grow. He states that he knows, Mr. Weston knows, the board of health knows and the DEP knows that the well is considered a non-conforming well because you don't have control of your complete radius. That's why this has to be designed to keep the water as clean as possible and so that problems are not caused with the well. As for the question as to the six inches of rainfall, the answer is yes, the system was designed for a 100 years and the NCR method is almost 10.6 inches. These are big basins and he guarantees the water that infiltrates into those when everything is said and done will be a lot cleaner than what is going in the ground now. Mr. Maki was unaware that this well is considered a public well because of the customers that come in and it services 25 people. Mr. Poserski responds that the transient water supply if you service more than 25 or more people 60 days out of the year you need to have that. He states it is super important because we have to protect the agriculture and drinking water. The well is monitored by the state and tested by the board of health to keep records of it, just as they test the bogs. He also states when the project is done they will have a facility that is environmentally sound and works. Mr. Weston asks if the sediment ponds by chance do fill up because the soil is pretty close to the water table, it's not going to soak away very fast so where does the water go when the sediment ponds are full? He remembers seeing several outlets on plan at the back of the property, meaning if it runs over, it will go into the bog property. He states there is nothing there right now, but also there is no asphalt there either. Andy Glines speaks regarding the additional impervious area for the building the applicant is directing the storm water runoff from the rooftop to a subsurface infiltration system which is basically chambers underground so those wouldn't actually be directed to the ponds, those would be infiltrated in those sub-surfaces so there's one system for each of

the buildings and ice cream shop as well as the craftsman/tradesman and as the applicant mentioned those are sized for the regulation for a 100-year storm which is supposed to happen once every 100 years. He believes the applicant is addressing all the storm management requirements for the sites. Another item he addresses is the fence and believes it's a good idea. Vegetation is being cleared to put the basin in and the area would be more accessible, so a fence is a good idea along that edge. He doesn't believe that a fence would necessarily be appropriate for the entire perimeter of the site but he leaves that to the board that any abutter concerns. Mr. Weston indicates that people walk on the bogs from where the picnic tables are set up and Mr. Glines thinks that's why going around the property might be done. Mr. Weston says he does not want a post and rail fence, rather a four to five foot high fence because if one climbs over it they are going out of their way to get over it. Mr. Dionne asks how harmful is the pesticide be sprayed at the bog. Mr. Weston responds that the sprays they use the same as are sprayed on lawns but there are different regulations. He is also concerned about the spraying pesticides near the ice cream shop. Mr. Weston responds that all spraying is done at night. Mr. Weston asks the applicant if they have done any water projections from what it used to be? The response is that they captured a lot of data and analyzed it and sent to the DEP for their response because the data is not saying usage will be 1,000 gallons per day. They are working with the board of health and conservation commission regarding the water usage. Mr. Shea would like to see a vermin control plan, preferably approved by the board of health in regards to this project. Mr. Weston asks if this will be a drive through because DEP says a drive-through increases the water usage up to 3,000 gallons a day, whether it's used or not. Mr. Poserski states it's a drive through for take-out only. The board decides on a site walk on Monday, December 20, 2021 at noon. Mr. Maki entertains a motion to continue this matter to planning board meeting of December 28, 2021. Kevin Robinson makes a motion to continue the matter until December 28, 2021 and it is second by Ellen Sordillo. Unanimously approved, 5-0-0.

Presentation and Discussion:

8. Jellystone Camp Ground (Map 124 Lot 13-0 and Map 125 Lot 3-A) – 20 Shoestring Road. Dicic DeBenedictis from Webby Engineering is presenting the project tonight as an informal meeting under Section 3121 of your by-laws. This property was Shady Acres up until about a year ago. Northgate Resorts out of Grand Rapids, MI purchased it and added it to their nationwide Jellystone Park complex. He introduces Rob Kraus, the project manager, from Northgate Resorts and Gerri Zammitti, representing the contract for the rest of the development. This is a family campground of about 60 acres and has been used for RV's and trailers over many decades. When Northgate purchased it last year their vision was to upgrade park. His expertise being wastewater treatments and subdivisions. Northgate wants to centralize the wastewater treatment. This property has a lot of title V systems on it. It has a tight tank, an area where RV's dump their sewage in the ground, and what they are going to have now and has already been designed, and the DEP is also reviewing this, it's going to be a significant 24,000 to 30,000 gallons of water. The site is originally licensed for 278 units and they are increasing it to 324 units, but coming with that is a different type of camping experience which seems to be the trend around the country that is basically cabins that look like log cabins and they are on

frames very similar to trailers that have wheels, but will be sitting on pads and will be in a permanent position. He continues by showing a plan that shows this phase of the project and will be the novel part of the project and will be phased in next year. The critical item here is that the season is from April 15 to October 15. They just shut down on October 15 and started construction on the active area which is used for RV's and trailers over the years and one that has been active this season as well. They are putting in water lines and will have a centralized water system, a major water supply system which has to be approved by the DEP. The wastewater treatment plant is also going to be connected to a storage system in the streets so sewer systems and water distribution systems are going to be through these streets. These are not actually streets, rather 15 foot drives, all permeable soils and there are no fit payments going in. They are creating a modern park. The way its organized now is that RV's and trailers arrive and fit where they can, somewhat of a random pattern. Jellystone and Northgate requires a 40 ft. by 60 ft., 2,400 sq. ft. area for each campground so neighbors are not bumping up against each other. There will be a campfire area and a place to park your car in each as well. The second year they will be working and will have about 324 units altogether which will all be serviced by the wastewater service plan. The wastewater treatment plan will upgrade the water quality to a very high level which will be down to less than five milligrams per liter of nitrates, rather than the septic systems installed currently. There will be a water park in the second phase which has a good size pool and other amenities. The cabins will have a kitchen and bathroom. The trailers and RV's will also have access to bathrooms and kitchens and they will not have to go off-site to get rid of sewage or to hook up water, as the water and sewage lines will come right up to their trailers or pad. There will be a centralized well system. There is an abandoned bog on the property which Northgate purchased and that is where the wells will be going. They were on the property today with the DEP and talked to water experts and talked about putting in four concentric wells that will be 51 feet apart and will be set in a place that will have the proper zone one area. These wells will have a 169 foot radius so there is over a 300 foot diameter and it's in an area where nothing else will be happening. There will be tanks going in the ground or an alternative, would be concrete. The tanks will be underground so there won't be a large wastewater facility above ground. This technology is state of the art. There will be a control building but relatively small, the size of a shed and will be serviced on a regular basis and will also inspection by the DEP. The key is to have Phase 1 done by April 15, 2022 so they can open up again, otherwise they will lose a lot of money they have invested in the high-end upgrades. There will be expansions in two areas of the original footprint and they are coming before the planning board regarding those two areas. They are trying to have a public hearing on January 11, 2022 but that will be depending on publishing the notices in time. However, Mr. Maki states it will probably be scheduled for the second meeting in January. He also states this is just a site plan review and not a special permit. This will be sent to Amy Kwesel to verify. Andy Glines' firm will also review the matter and prepare comments. Cornelius Shea asks if they have worked with ConCom yet, and the response is yes. Mr. Glaskey asks about for plans for tree work and the response is yes, some old trunks will be removed, as well as diseased or dying trees, other trees will be planted and still others treated as necessary.

Other Business

- Mr. Make indicates a planner was hired and then they changed their mind to stay where they were. Bruce is now working with the town administrator and town assistant administrator who decided to go to a search a job search company to find a qualified candidate. We are also working on an interview with a planner who may be able to fill in part time for us. He is calling to have legal counsel at all meetings as well as Andy Glines.
- The next meeting will be for December 28, 2021.

Mr. Maki entertains a motion for adjournment. Cornelius Shea makes the motion and Kevin Robinson seconds it.

Minutes submitted by Maryann Spartichino-Graham