

Approved
2-8-22

CARVER PLANNING BOARD
MINUTES OF DECEMBER 28, 2021

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

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.

Lot Release:

1. Linbia's Path (Map 19, Lot 6). The applicant could not make meeting and requested a continuation to January 11, 2022. Motion to continue to 01/11/2022 is made by Ellen Sordillo, and seconded by Cornelius Shea. Approved 4-1-0. Mr. Robinson abstained.

Minor Modification:

2. Weathervane @ Patriot Pines (Map 112 Lot 1-5) – The chairman indicates that a decision has been received by Amy Kwesel, Town Counsel, and he proceeds to read it aloud to the board members and attendees. Mr. Shea comments that he would like to hear Andy Glines' final comments on the mailroom because it is a new structure and is to be considered a minor modification. Mr. Maki indicates that since the mailroom is under 2,000 sq. ft., therefore it does not need a special permit. Andy is not at the meeting tonight but had indicated in other meetings that the mailroom did not change the drainage or design of the drainage system and the road was reconfigured a little bit for the structure. Attorney Tocchio relays that conditions put forth by Andy Glines were met accordingly, as well as conditions brought forth by Attorney Kwesel. The Chairman entertains a motion to approve the minor modification. Motion to approve the minor modification is made by Cornelius Shea and seconded by Ellen Sordillo. Approved 4-1-0. Mr. Robinson abstained. A vote is done by roll call and all members vote aye. Unanimously approved 5-0-0.
3. 324-340 Tremont Street – Removal of CCA Timber Poles (Map 127 Lots 10, 12, and 21). According to the Chairman this is a solar project that has timber poles which the conservation commission does not want, and now the applicant wants to replace them with concrete cast poles. Attorney Rob D'Ambroso represents Pine Gates Renewables and addresses the board. To date the racking has been removed and they are here tonight in seeking a minor modification. The project is exactly the same as was approved originally, it's just a swapping of materials for new poles. Mr. Maki points out that he did attend the conservation commission meeting on this matter and relayed that there would be no pollution from the concrete poles. Cornelius Shea notes that they have not received any information on aggregate sheets or MDS material data sheets in regard to the material being used, and asks if the posts are going to be a different size than what was originally approved for the steel posts and

will they be sunk deeper and what kind of footings will be used. He would like for Amy Kwesel to review the matter, and believes there should be a public hearing. Mr. Maki responds that he did speak to Amy Kwesel about this and she seemed to think that this falls into the minor modification category. He continues from what he understood from the conservation commission meeting the poles are going to be the same diameter, the same depth and diameter as the original poles. But Cornelius Shea indicates that the wood poles were not approved by this board either, and that they had previously approved steel poles. He is also concerned about visual impact. According to Mr. Maki, as far as visual impact, when the project is completed the poles will be hidden from view by a berm that goes up along the road in addition to plantings. The initial steel poles were approved by a previous board and there was a lot of screening done on this project. Mr. Shea indicates that according to Amy Kwesel minor modifications are not allowed unless there was a typographical error in the site plan review. Chairman Maki indicates he doesn't think a public hearing is necessary as when the conservation commission met at the middle school there were several neighbors in attendance, as well as environmental groups (at least 100 people in attendance) and it was unanimous that the concrete cast poles would be a better fit for all. He continues that this was a regular hearing open to the public. Attorney D'Ambroso reads the amendment put forth by the conservation commission from the November 17, 2021 meeting. The amendment states that the timber poles shall be replaced by the concrete cast poles, and goes into several details regarding the preservation of the poles from elements, etc. Mr. Robinson points out that he does not have a problem with the replacement of poles, but going forward if there are any changes in the future with the concrete cast poles, the applicant must come before the board again. Mr. Dionne asks why the steel poles did not work. Mr. Jeff Holland, Vice President of construction for Pine Gates responds that his company found that a high level of peat from these particular bogs, which would require a very heavy, very large steel pole and would have been very difficult to install. They were concerned about the acidity of the soil and corrosivity that would break down the steel and would not allow it to work for the durable useful life of the project and that is why they switched to the timber poles. As for the cast concrete cast poles, he states that these are used all over the world, such as in waterways, and very little leaching. Mr. Pete Dillon, senior hydrogeologist and geochemist from Tetra Tech, who has been working for Pine Gates as a third party. He indicates that the aggregate used is going to be local material which is already present in the aquifer. The cement poles will not have any steel rods in them. The life span on the cement poles is over four years, so over the life of the project, and they will not pollute the bogs. He said plans for the specifics on the cement poles were included in the package, but the board responds that they had not seen them yet, and need time to review them. Attorney D'Ambroso discusses with the board that it makes sense to pull the timber poles out and install the cement poles at the same time so the land is not trampled on twice. Mr. Gaskey notes that it was his impression was that the timber poles had to be pulled first, then the ground tested before the new poles are installed. Attorney D'Ambroso states that the conservation commission thought it best to do the job all at once and then sample the ground. As of now testing has already been done at the poles to see what leached out and then after the concrete poles are installed the ground will be re-tested. Mr.

Gaskey speaks and indicates that he is not comfortable voting on this tonight because new information has been presented tonight and has not been thoroughly reviewed by the board. Mr. Shea requests a meeting in regards to special permitting and modifications. Nevertheless, Chairman Maki would like to take a vote tonight and notes that Attorney Kwesel has given her opinion regarding minor modification instead of a special permit and he believes expediency of getting these timber poles out the ground and replaced with something that isn't going to be polluting the ground would be beneficial to everyone. Chairman Maki entertains a motion to approve the minor modification on 340 Tremont Street, but is interrupted by Attorney D'Ambrosio who asks for a continuance rather than a vote that would not be in their favor. He would like to see how Ellen Sordillo would vote before going forward. Ellen Sordillo responds that she is in favor of going forward with the project. Mr. Shea speaks and states he would like to continue in two weeks. Mr. Maki asks for a roll call vote. Mr. Shea and John Gaskey say nay, and Bruce Maki, Ellen Sordillo, and Kevin Robinson say aye. Approved 3-2-0.

4. 62 Rochester Road (Map 92 Lots 14, 15, 16, 17, 20, and 22) – Removal of CCA Timber Poles. (This project is related to the above project).
Mr. Maki asks for a roll call vote. Mr. Shea and John Gaskey say nay, and Bruce Maki, Ellen Sordillo, and Kevin Robinson say aye. Approved 3-2-0.

Public Hearing (Cont'd):

5. 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.

Chairman Maki points out that a site visit by the board was conducted with an engineer. Mr. Tom Poserski of Merrill Associates and senior project manager, representing the applicant, addresses the board. He indicates that they are down to a punch list with Andy Glines, which are addressed in Mr. Glines' dated letter this day, December 28, 2021. Mr. Glines states in the letter that the applicant has satisfactorily addressed all comments pertaining to the zoning by-laws. He also references Section 2220 and the uses that apply have been spelled out and clarified for the craftsman/tradesman in the rear and the ice cream store. He refers placement of the buildings to the building official. Mr. Poserski states that in the package presented to the board is an email from the building commissioner who states he has no problem with the site of the buildings, and the fire department has no problems with the plans. Also pedestrian access is available and ADA access is also available. Mr. Glines letter states that Section 3241 rate waivers for providing interior parking and

landscaping, and he does not have a problem with that. Mr. Poserski tells the board they are requesting a waiver from Section 3251 for the 10 foot landscape strip in front of the ice cream store. A chain link fence was added to the plans as requested by the abutter. The fence in the plan is on two sides. The other side of the property is very thick with landscaping, but if the abutter wants all three sides fenced, they will provide it. Mr. Poserski states that there will be no 18 wheelers going onto this property, but rather 10 wheelers and large box trucks. The board, as well as Mr. Poserski agree that the beautiful and large holly trees, as well as the pine trees should be preserved.

Mr. Maki invites Mr. Weston, co-owner of the bog abutting the project to speak. Mr. Weston indicates he is concerned about exactly where the north fence will be placed. Mr. Poserski suggests that a condition should be included with the decision that when the fence area is cleared for the fence, the area should be evaluated before putting the fence. Another concern of Mr. Weston is the water usage permit from the DEP, but in response Mr. Poserski indicates that this won't be settled until the DEP completes its review. He does say the water usage they are projecting will be 888 gallons, and not the 999 gallons the well will provide. Engineers have been hired to work on this matter. He covers the subject of septic systems and says there will be two, which will not be located near the bogs and will be maintained by the owner on a regular owner. Mr. Weston is concerned about the occupancy of the retail space and what would happen if a different type of business went in that required more water than is supposed to be used. Mr. Poserski suggests that a perpetual condition be made that requires only certain types of businesses occupy the space to avoid any problem in the future. Mr. Maki will talk to the board of health and building inspector about how we condition this.

Mr. Maki would like to close the public hearing tonight and have a draft of the conditions by the next meeting. Discussion about the signage to be used should be addressed at the next meeting. Mr. Maki asks Mr. Poserski if their attorney could draft a decision for review by the town's counsel. The conditions were summarized by Mr. Shea and Mr. Maki. Chairman Maki entertains a motion to close the public hearing. A roll call vote is taken and all members say aye. Unanimously approved 5-0-0. A motion is made by Cornelius Shea and seconded by Ellen Sordillo to continue the matter to planning board meeting on January 11, 2022 at 7:00P.M. Unanimously approved 5-0-0. A roll call vote is also taken. Unanimously approved 5-0-0.

Other Business

- Town Planner is still being sought. The Town Administrator will be gone in two days, so the Chairman will talk to the interim town administrator about this. Also, a letter went out to a recruiting company regarding this matter.
- Minutes of November 9, 2021 – Mr. Shea makes a motion to approve the minutes and it is second by Richard Dionne. Unanimously approved 5-0-0. A roll call vote also taken,

and it is voted unanimously 5-0-0 to approve the minutes.

- Minutes of November 23, 2021 – Mr. Shea makes a motion to approve the minutes and it is second by Ellen Sordillo. Unanimously approved 5-0-0. A roll call vote also taken and it is voted unanimously 5-0-0 to approve the minutes.
- The next meeting will be for January 11, 2022.

Adjournment

- Mr. Maki entertains a motion for adjournment. Cornelius Shea makes the motion and Cornelius Shea seconds it. Unanimously approved 5-0-0. A roll call vote is also taken and it is voted unanimously 5-0-0 to approve.

Minutes submitted by Maryann Spartichino-Graham