

CARVER PLANNING BOARD
MINUTES OF February 14, 2023

Approved
3-21-23

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

Absent: Ellen Sordillo.

Meeting was called to order at 7:02PM.

Pledge of Allegiance was recited.

Public Hearing Cont'd.

1. In the application of Slocum-Gibbs Cranberry Co. requesting a Definitive Subdivision (Gibbs Street Subdivision) approval pursuant to the Carver Subdivision Control By-Law, for property located "off Wareham Street", on (Assessors Map 127 Lot 33, and Map 128 Lots 1, 2, 3, 6-1, and 15) in Carver, MA in a Residential Agricultural District. Proposed work includes construction of a ±400-linear foot roadway and cul-de-sac, stormwater management system, and off-grading to support a three-lot conventional subdivision. Each proposed single-family dwelling lot will have its own private well & septic system.

Attorney Robb D'Ambruoso is present to represent the applicant. He is joined by Gary Garretson, principal of Slocum Gibbs, as well as an engineer and wetland scientist, and Sarah Stearns and Dan Gagne of Beals & Thomas. The applicant's petition was presented to the Conservation Commission on February 1, 2023 and support was received from the commission for the overall project. However the Commission asked if is there a way to keep the cul-de-sac outside of the buffer and in response Beals & Thomas redesigned the cul-de-sac to give it a rounded shape which brought the profile away from the buffer. They presented this to the fire department found no issue with it. Attorney D'Ambruoso indicates they would need a waiver to redesign the cul-de-sac.

Chairman Shea indicates the board is willing to work with the applicant to keep it out of the 65 foot zone. Donald Williams would like to see plans for the sidewalk in the curved area of the cul-de-sac revisited for safety. Dan Gagne indicates the sidewalk can be removed but there is a retaining wall behind it. The applicant would need a waiver for the change to the sidewalk. They could redesign the cul-de-sac, without regard to setbacks to some degree, in order to remove the retaining wall, move the roadway outside the 65 foot zone and the eliminate the far side of the sidewalk.

Andy Glines of Fuss & O'Neill, the town's engineering consultant, indicates when Fuss & O'Neill receives the revised plan they will review it and verify the turning movements are appropriate for fire apparatus. In general, Fuss & O'Neill supports less impervious cover for any subdivision and they want to make sure the board understands to grant a waiver for reducing the length on the cul-de-sac in order to do that, but as the applicant stated they will keep the shape of the cul-de-sac consistent. Another point Mr. Glines wants to clarify the applicant will be able to keep permanent site improvements outside

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the 65 foot zone but they will need to have temporary disturbance with the 65 feet zone in order to construct the wall and associated grading. He also believes the applicant should have a snow removal area. Chairman Shea would like to see natural stone for the wall. He also wants to confirm the overspill down by the canal/ditch won't spill contaminants into the surface water right next to it. Mr. Gagne indicates any road contaminants are treated before it reaches the infiltration basin. Mr. Shea also asks Mr. Glines if there should be ground water monitoring wells and he responds he will make recommendations to the board after the applicant provides updated plans.

Chairman Shea will accept a motion to continue the public hearing for Slocum Gibbs Cranberry Company to February 28, 2023 and 7:00PM. Said motion is made by John Gaskey and it's seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

2. On the application of Weathervane at Patriots Pines requesting a Special Permit and Site Plan Review to Sections 2230, 3100, 3900, 4300, and 5300 of the Carver Zoning by Law, and a Definitive Subdivision Plan pursuant to the Carver Subdivision Control by Law, for property located at 0 South Meadow Road in Carver, MA (Assessor's Map 112 Lots 1-5E, 1-5I, 1-5J, 1-5K, 1-5L, 1-5M, 1-5N, 1-5P, 1-5Q, 1-5R, 3-88A, and Map 107 Lot 1-4A) the applicant seeks to append 9± acres of adjoining land to the property and modify the subdivision boundaries in compliance with MGL Chapter 41 Sections 81W, (ii) increase the unit count from 54 units to 66 units, (iii) alter the building configuration to create zoning compliant triplexes, and (iv) adjust the roadway layout and lot configurations to accommodate alterations to Phases 2 and 3 of the project in the Residential Agricultural Zoning District.

Attorney Jeff Tocchio is present to represent the applicant, Jim Bristol, who is also present. They are joined by Sarah Stearns and Dan Gagne of Beals & Thomas. Attorney Tocchio give the board background on the project and indicates they received comments from Fuss & O'Neill and have responded to same. He continues that Fuss & O'Neill recommended the road be adjusted, change spacing between fire hydrants, increase clearing limits behind some of the buildings to provide the 30-foot clearing, add facilitation barriers around infiltration basins, and a few other revisions, all of which will be complied with. Mr. Shea asks about manhole and drain hole covers and Mr. Gagne answers they basically address manhole covers later in the process in case any changes are needed. Mr. Shea also asks about the pond and the overflow at 119 feet and wants to obtain more scientific breakdowns from Mr. Glines. Mr. Gagne responds due to their adjustments to the plan and a hydrologist analysis there is adequate overflow if needed. Mr. Glines indicates Fuss & O'Neill at this time does not have a definitive recommendation on granting a waiver for a fence around the pond, but believes it should be discussed further. Mr. Glines also indicates plans for grading a temporary sediment basin is still to be addressed. Mr. Shea asks Mr. Gagne what the plan is for open space and the response is the homeowners association will be responsible for the open space areas and a more detailed description of same will be forthcoming. Attorney Tocchio indicates each phase will comply with the required number of affordable units. Jim

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Bristol indicates a third party will maintain the property year round.

Ms. Lapham from Main Street, Carver indicates to the board the dwellings are expensive and asks what happens if people can't afford them, i.e., if the development fails to find buyers, will this turn into another type of development. Chairman Shea responds it will be a permanent over-55 development, and the open space will become permanent. She is also concerned about accessibility on the indoor settings for over-55 residents. Jim Bristol states each house has a master bedroom on the first floor and they have made them structurally accessible as possible.

Mr. Phil Shannon of Bow Street, Carver asks if the cranberry bog and access road on Wade Street are part of the project. Chairman Shea responds the fire department requires the access road and the bog is listed as open space. Mr. Bristol responds the cranberry bog is part of the open space and has emergency access through it. Mr. Shea confirms the bog space will remain open space in perpetuity.

Chairman Shea will accept a motion to continue the public hearing for Weathervane at Patriots Pines to February 28, 2023 and 7:00PM. Said motion is made by Richard Dionne and it's seconded by John Gaskey. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Other Business:

3. Recommendation to Select Board on Exercising Right of First Refusal for Chapter 61A Land at 31R Main Street/Cranberry Point (Map 61 Lot 7A). Mr. Bott explains this is in regards to MA General Law, Chapter 61(A) which covers forest, agricultural and horticultural land and 61(B) covers recreational land. Section 61(A) provides tax relief for owners of forests, farmlands and recreational lands when the owner intends to convert the land to another use. The town has the Right of First Refusal to buy the property. Mr. Bott reads the rest of law aloud to the board. The town would pay for an impartial appraisal of the land to determine fair market value. Before this happens an open hearing must be held and written notice will be given to the Planning board and then referred to the Select Board and certain other boards are required to make recommendations.

Mr. Phil Shannon of Bow Street, Carver asks the board to recommend the Select Board have an open meeting on the Right of First Refusal and have available an appraisal of the property so town residents could discuss their interest, opinions and comments about the property. Mr. Bott states this will go before the Select Board on March 7, 2023.

Dan Farini, a resident of Carver asks the board to go forward with the right of first refusal because of the sole source aquifer that sits underneath part of this property.

Chairman Shea will accept a motion to recommend exercising the right of Right of First Refusal for Chapter 61A land at 31 Rear Main Street, Cranberry Point Map 61, Lot 7A. Said motion is made by John Gaskey and it is not seconded. Seeing no second Mr. Shea will accept a motion to not exercise the Right of First Refusal for Chapter 61A land at 31

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Rear Main Street, Cranberry Point Map 61, Lot 7A. Said motion is made by John Gaskey and it's seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's nay, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 3-1-0.

4. Recommendation to Select Board on Exercising Right of First Refusal for Chapter 61A Land at 26 Walker St. (Map 14-10-0).

Chairman Shea will accept a motion to exercise their Right of First Refusal or to not exercise their Right of First Refusal as a recommendation to the Select Board at 26 Walker Street (Map 14-10-0). John Gaskey makes the motion to not recommend to the Select Board to exercise their Right of First Refusal. The motion is seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Other Business

- A. Planning Board Member Notes-Chairman:
- B. Planning Director Notes: The hearing on the zoning by-law changes will be held on March 7, 2023 at the police station.
- C. Discussion: None.
- D. Minutes: 12/20/2022 and 01/10/2023: These minutes will be addressed at the next Planning Board meeting.
- E. Adjournment:
Chairman Shea will accept a motion to adjourn. John Gaskey makes said motion and it's seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Approved 4-0-0.

Documents for 2/14/2023 PB Meeting

2/2/2023 email from S. Stearns re: Gibbs Street revised roadway map per con. com. meeting
12/5/2022 memo from A. Glines to PB re: Weathervane
1/9/2023 Memo from Assistant Deputy Chief – J. Boyle to T. Bott
1/18/2023 Response to peer review memo from D. Gagne and S. Stearns to C. Shea/T. Bott with plans
1/18/2023 Revised plans re: Weathervane
1/13/2023 Notice of Intent to Convert Land, pursuant to Chapter 61A land at 31R Main Street
1/13/2023 Notice of Intent to change use of Chapter 61A land at Walker Road
2/14/2023 Email from Assistant Deputy Chief – J. Boyle to S. Stearns, T. Bott, A. Glines