

CARVER PLANNING BOARD
DRAFT MINUTES OF FEBRUARY 22, 2022

Approved
3-22-22

Present: Chairman Bruce Maki, Kevin Robinson, Cornelius Shea, John Gaskey, Richard Dionne, and Thomas Bott.

Absent: Ellen Sordillo

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.

Public Hearing Cont'd.:

1. On the application of Richard DeBenedictis, P.E. requesting a Special Permit and Site Plan Review pursuant to sections 2230, 5300, and 3100 of the Carver Zoning Bylaw, located at 20 Shoestring Road (Assessor's Map 124 Lot 13-0-R) in Carver, MA. The project is the improvements to Jellystone Park which includes centralized wastewater treatment facility (WWTF) a new set of water supply wells and improved roadway access located in a Residential/Agricultural District.

Tom Bott points out four votes are needed by the planning board members to approve a special permit, but all must be aye. Since one member could not attend the meeting tonight there are only four votes to count and again, all must be aye. The applicants discuss the matter and return to the board where Richard DeBenedictis, P.E makes a presentation to the board. He indicates the applicant has made the changes suggested by Andy Glines, the town's engineer and discusses the changes now on the site plan. Andy Glines indicates the applicant has made almost all of the suggested changes except for a couple of minor issues which were recommendations and not requirements. Those being the erosion control plan where it was recommended to adding additional parameter controls on the southern end of the phase 2 slope, and to submit a storm water pollution prevention plan which is essential there for erosion and sediment control. He also recommended the lanes for the check-in booth, which is now adequate, but the changes are not defined on the site plan showing what the lane widths but can be added. He also recommended that two dry wells were a little too close to one of the buildings, but that was to mitigate risk of water intrusion into the lower level of the laundry maintenance building. The applicant stated the water main layout where coming out of the bog are shown on the erosion and sediment control plan. Although it cuts through the bog it will significantly reduce the amount of tree clearing and grading that would be needed. It is his understanding that is what the conservation commission recommended. Walter Morrison, representing Federal Furnace Cranberry Co. addresses the board. He has done some investigating from the last meeting, which he attended, reviewing the town assessor's map that is current, a copy of which he has given to the members. Mr. Morrison explains he is concerned about protection of liability for Federal Furnace Cranberry because they are an abutter. He is looking for clarity on the entrance road going into the park on Shoestring Road. The assessor's map shows that the road stops before the old Shoestring Dam and then afterwards it is a dotted line, which would

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indicate it might not be a town road. Since they own up to the edge of the road they are concerned they will be responsible if someone drove off the road. He said if turns out to be private land the applicant will have a guard rail installed. If it turns out to be a town road, then it will be the town's responsibility. Chairman Maki indicates he spoke with John Woods regarding this matter who indicated the paved road to the cul-de-sac, which is at the gate of the park, is a public road and the town maintains it up to the cul-de-sac, but beyond that is a private road. Mr. Morrison indicates he had spoken to the prior farm manager, Gary Weston, who was the farm manager for Federal Furnace Cranberry for many years. Mr. Weston indicated that 20 years ago he was under order by the state to remove the dam, which he did by removing the flume. Mr. Morrison asks if putting in a guard rail could be a condition in the decision, if indeed the road turns out to belong to the town. Mr. Shea indicates that would have to go before the conservation commission. Tom Bott indicates the question of the guard rail should be a revised site plan issue and not a special permit issue. He states there can be two separate decisions, a decision for a special permit and a decision for a revised site plan. Chairman Maki designates Richard Dionne as member to vote on this due to an absence of another member, and since according to the by-laws this vote will need 5 votes to be approved.

Mr. Shea asks Andy Glines if he has an answer to the dumpster wastewater situation and stopping any runoff into the bogs. He answered that the applicant is working on this and adding a dumpster pad to avoid any runoff of water. Mr. Shea also asks the applicant when the water will be up and running. The response is it's a lengthy process and the DEP has approved it. They will install two wells at first to test the quality of the water, before adding three more wells. In the meantime the DEP has approved the use of existing wells. The applicant indicates they will not withdraw more than 1,000 gallons a day from the existing wells, per order of the DEP.

Chairman Maki entertains a motion to approve the special permit and notifies the applicant they must have site plan revisions (including the resolution the question of the private/public Shoestring Road matter) to the board within 90 days. A motion is made by Cornelius Shea and it's seconded by Kevin Robinson. Chairman Maki takes a voice vote and Shea, Gaskey, Maki, Robinson & Dionne vote aye. Approved 5-0-0.

2. On the application of Kerri Galbreath requesting a Special Permit pursuant to Sections 5300 and 2230 of the Carver Zoning by Law, located at 72 North Main Street in Carver, MA (Assessor's Map 18-12-2-R) to operate a Dog Daycare in a General Business District.

Kerri Galbreath and Leanne Schultz address the board and Kerri Galbreath indicates she is meeting with an engineer tomorrow to have the wetlands checked. They will also be going before the conservation commission regarding the project. The initial plans from 1978 were also given to the board. They heard from the board of health concerning the location of the well, which is actually inside the building as the board was concerned about grooming. The applicant states that they are only giving the dogs exit baths and will not be doing any prolonged grooming. The applicants state that waste will be picked

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up continuously throughout the day, bagged and placed in the dumpster for removal. As for liquid waste from the dogs, the applicants state they will be using an animal and human safe disinfectant to mop up liquid waste on the inside of the building which has no drains. They will also have organic turf outside which will absorb liquid. They have to wait for the conservation commission to discuss what can and cannot be done before they can deal with issues such as fencing. Chairman Maki would also like to see a plan for the traffic flow and employee parking. Thomas Bott goes over a list of items he noted after visiting a dog kennel business in Kingston and indicates to the applicant they will have to also meet with the fire department about requirements as well as showing an exit plan for the dogs and employees due to a fire or disaster. The business hours will be 6:00AM for the first drop off and 6:30 – 7:00PM the pick-up time. The applicant indicates that usually the peak drop off time is from 8:00- 9:00AM and peak pick-up time is about 6:00PM. They will have a rotating schedule for dog playing outside – 15 dogs in two groups each, but never more than two groups at one time. They will have a management system from which the dogs will enter after play and a new group goes out for play using another exit so they will not run into each other.

Judy Richards addresses the board. She has property that borders the applicants project and she indicates that they seem to have their finger on the pulse of issues. She is concerned about the fence out back and the traffic flow. She will continue to be involved to make sure things are handled properly as she works from home and requires a certain amount of peace to continue her own business. Chairman Maki entertains a motion to continue this public hearing regarding 72 North Main Street to the planning board meeting on March 22, 2022 at 7:00PM for further discussion. A motion is made by Kevin Robinson to close the public hearing and it's seconded by Cornelius Shea. Chairman Maki takes a voice vote and Shea, Gaskey, Maki, & Robinson vote aye. Approved 4-0-0.

3. On the application of Colin Harris requesting a Special Permit pursuant to Sections 2230 and 5300 of the Carver Zoning by Law, located at 38 Purchase Street in Carver, MA (Assessor's Map 59 Lot 1-27) to re-designate the home from a Single Family with in-law apartment to a 2-Family Home.

Thomas Bott addresses the board indicating they have received the documents required per the conditions put forth to the applicant. Mr. Maki appoints Rich Dionne a voting member, in the absence of Ellen Sordillo. Chairman Maki then entertains a motion to close the public hearing regarding 38 Purchase Street. A motion is made by Kevin Robinson to close the public hearing and it's seconded by Cornelius Shea. Chairman Maki takes a voice vote and Shea, Gaskey, Maki, Robinson & Dionne vote aye. Approved 5-0-0.

Chairman Maki also entertains a motion to approve the special permit for 38 Purchase Street to change the single family home with an in-law apartment to a two family home.

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A motion is made by Kevin Robinson it's seconded by Cornelius Shea. A voice vote is taken and all members vote aye. Approved 5-0-0. Chairman Maki entertains a further motion to approve the special permit for 38 Purchase Street indicating that conditions have met the requirement. A motion is made by Kevin Robinson it's seconded by Cornelius Shea. Chairman Maki takes a voice vote and Shea, Gaskey, Maki, Robinson & Dionne vote aye. Approved 5-0-0.

4. On the application of George R. Ajami – Timeless Stoneworks, LLC. requesting a Special Permit and Site Plan Review pursuant to Sections 2200, 2230, 3100, 3300, 3345, and 5300 of the Carver Zoning by Law, located at 316 Tremont Street in Carver, MA (Assessor's Map 127 Lot 8) to construct a 7,320 square foot warehouse with store front and associated utilities, parking and landscaping in an Industrial "A" District. The applicant has requested a continuation of this matter to the March 8, 2022 planning board meeting. Chairman Maki entertains a motion to continue said matter. Cornelius Shea makes a motion to continue the matter and it is seconded by Kevin Robinson. Chairman Maki takes a voice vote and Shea, Gaskey, Maki, & Robinson vote aye. Approved 4-0-0.

Public Hearing:

5. On the application of McDonald's USA, LLC. (c/o Bohler) requesting a Site Plan Review and Special Permit pursuant to Sections 2230, 3100, 3400, 5300, 3561(a), 3531, and 3570 of the Carver Zoning by Law, located at 94 North Main Street in Carver, MA (Assessor's Map 18-3-A) to reconfigure their existing single lane in-line tandem drive-thru with a new single-by-side layout including two (2) lanes each containing one (1) menu board/order point to reduce queuing and shorten customer wait times. The new configuration will re-use the existing digital menu boards and canopies and only one (1) new 10 sq. ft. digital (internally illuminated) pre-browse board is proposed (to match existing) in a Village Business District.

Brandon Barry with Bohler Engineering addresses the board. He indicates the applicant would like to propose a double lane drive-through with an island in between them for efficiency purposes and to keep the cars moving through the lanes. Parking is being reconfigured to accommodate customers. The zoning laws state there are 50 parking spaces allowed and they are dropping the spaces down to 41. There will be two canopies at the entrance of each lane. Delivery trucks will have enough space to go around the drive through lanes and will change very little from the way they are currently, and most deliveries will be made during off-peak hours. According to the applicant there is room still available for fire apparatus to approach the dwelling. The board would like the fire department to review this matter. Currently there are three handicapped spaces, but the number will be decreased to two, which is within the requirements of the zoning laws,

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because the total number of spaces has been reduced to fewer than 50 spaces. Richard Dionne states he will go to the site to see the proposed project area. Fuss & O'Neill will also do a site visit. Mr. Shea recommends bringing the area up to code they must add additional screen on the side of the area as well as on the corner. Mr. Shea also asks the applicant to put forth the measurements and number of new signs the applicant wants. The applicant will provide this. Chairman Maki entertains a motion to continue the site plan review and special permit request to the March 8, 2022 at 7:00PM. Kevin Robinson makes a motion to continue the matter and it is seconded by John Gaskey. Chairman Maki takes a voice vote and Shea, Gaskey, Maki, & Robinson vote aye. Approved 4-0-0.

Sign Permit:

6. McDonald's USA, LLC, 94 North Main Street in Carver, MA (Assessor's Map 18-3-A). Currently at the drive-through there are two order displays and two menu boards, which accommodate the one lane. When they transition to double lanes all those features will be used but one of the lanes will need a secondary pre-browse board, which is about a 10 foot sq. sign which is internally illuminated and shows menu items for the second car in line to improve their ordering, similar to what is on site today. The second sign they are looking is for the gateway clearance bar which is about 9 feet to accommodate the canopy. They want to swap that sign with a double one that will sit at the tip of the island with bars going in both directions so both lanes have that clearance indicator. The two signs they are looking for are specifically for the drive-through.

Chairman Maki entertains a motion to continue the site plan review and special permit request to the March 8, 2022 at 7:00PM. Kevin Robinson makes a motion to continue the matter and it is seconded by John Gaskey. Chairman Maki takes a voice vote and Shea, Gaskey, Maki, & Robinson vote aye. Approved 4-0-0.

Other Business:

1. Request for extension for Site Plan Review - Rocky Maple Solar, 370 Tremont Street Solar (Map 128 Lot 7 and Map 128 Lot 8).

Sarah Sterns with Beal's and Thomas addresses the board. This project is proposed at the Wareham Carver town line and the project is split between the two communities. There has been a delay in the project and the applicant would like to request a one year extension of the site plan to make it valid for the length of the special permit which is valid for two years. Cornelius Shea asks the applicant when they expect this matter to be settled. The response is the time frame to settle this is uncertain due to overall delays and short staffing. Mr. Shea also asks what the appeal was for. The response is the Wareham conservation commission denied the project. The carver

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conservation commission and the planning board have approved it. No work has begun on the Carver side because the project is split 70% Wareham and 30% Carver. The Carver portion of the project has no frontage, and it really can't work without the Wareham component. Chairman Maki entertains a motion to approve the site plan review on Rocky Maple Solar, 370 Tremont Street. Cornelius Shea makes a motion to extend the Rocky Maple Solar project for one year, until March 23, 2023. It is seconded by Kevin Robinson. Chairman Maki takes a voice vote and Shea, Gaskey, Maki, & Robinson vote aye. Approved 4-0-0.

2. Motion to authorize Town Counsel to draft a response to the Open Meeting Law Complaint on behalf of the Planning Board. Chairman Maki reads the Complaint to the Open Meeting Law Complaint out loud. Tom Bott reads out loud he received from town council on this matter. Chairman Maki entertains a motion to have town council draft a response to the Open Meeting Law Complaint on behalf of the Planning Board. Cornelius Shea makes a motion to have town council draft a response and it's seconded by John Gaskey. Chairman Maki takes a voice vote and Shea, Gaskey, Maki, & Robinson vote aye. Approved 4-0-0.

- The next regular meeting will be March 8, 2022.
- There will be a joint meeting of the planning board and redevelopment to discuss the town meeting zoning articles, on March 2, 2022, and if needed on March 3, 2022 as well. The meeting(s) will be held at the Middle School auditorium.
- Tom Bott notes that if anyone is interested there will be CPC training for vested rights and non-conforming structures on March 23, 2022 at 6:00PM on the local zoom channel.
- He further notes that he has been invited to the Finance Committee meeting to talk about planning board budget.
- Motion made by Cornelius Shea and seconded by Kevin Robinson to approve the minutes of 01/25/2022. Chairman Maki takes a voice vote. Chairman Maki takes a voice vote and Shea, Gaskey, Maki, & Robinson vote aye. Approved 4-0-0.
- The Minutes of 02/08/2022 are tabled to next meeting.

Adjournment

Chairman Maki entertains a motion for adjournment. Motion is made by Cornelius Shea and seconded by John Gaskey. Chairman Maki takes a voice vote and Shea, Gaskey, Maki, & Robinson vote aye. Approved 4-0-0.

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Documents for 2/22/22 Planning Board meeting

- Assessor Map 124 submitted by Walter Morrison
- Draft decisions – Jellystone - Special Permit
- Draft decision – Jellystone - Site Plan Review
- Memo from Andrew G. Glines, PE dated 2/18/2022
- Site layout plan of Jellystone
- Email from Thomas Bott dated 2/22/2022
- Scaled measurements from the Town Planner
- Plot plan with the fenced in area and fencing lengths map
- Map of interior parts of the building
- Memo from Assistant Deputy Chief Jesse Boyle
- Memo from the Board of Health Agent, Kevin W. Forgue
- Signed affidavit from Michelle M. Manley and Lori L. Colon for 38 Purchase Street
- Copy of Signature page for Special Permit for Michelle Manley
- Decision for 38 Purchase Street
- Special permit application for McDonald's
- Site Plan Review application for McDonald's
- Proposed site plan documents for McDonald's
- Sign Permit application for McDonald's
- Draft minutes of 1/25/2022
- Draft minutes of 2/8/2022