

CARVER PLANNING BOARD
MINUTES OF June 13, 2023

Approved 7-11-23

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

Meeting was called to order at 7:04PM

Carver Stormwater Management Program FY23 update.

Gabrielle Belfit, a senior environmental scientist with Tighe and Bond speaks to the board. She states she's been working with the Town of Carver for the last five years to implement a stormwater management program. She explains as rainwater falls on paved surfaces and streets and it becomes polluted as it picks up trash oils, fertilizers, sediment, sand and bacteria. This program is in the urbanized part of Carver, mostly northern Carver and a small area to the south. The town had to meet certain requirements in minimum compliance measure categories of the program, specifically for discharges to impaired water bodies. Specific requirements for impaired waters is additional seasonal messaging as follows - in the spring it would be about fertilizer, the summer about pet waste and the fall about leaf litter. The second task is to do a best management practice inventory and assessment. Additional minimum control measure requirements must be reviewed for town codes that cover street design and parking lot guidelines as well as local regulations that might have an impact on allowing green infrastructure to occur. Ms. Belfit shows a map of the different bodies of water that are impaired with phosphorous, mercury, nitrogen, etc.

She speaks about management practice retrofit that was done by the town by taking a complete inventory of all town owned parcels in 2021 and the developed ones that have buildings on them and decided which ones would need an advanced stormwater treatment system to filter out pollutants as well as provide an opportunity for public education. A Stormwater Management Task Force did site walks and reviewed analyses to decide which ones are the top five sites. She then speaks about each site and the issues that need to be addressed. The town has to install one BMP and BBN within six years of the permit effective date but the town can also take credit for any improvements that were made since the beginning of the effective date of permit.

Codes and regulations were reviewed to see how they measure up against national standards and recommendations made will be reviewed by Mr. Bott.

Public Hearing Cont'd:

1. On the application of Matthew Malone requesting a Special Permit pursuant to Sections 5300 and 2230 of the Carver Zoning by Law, located at 309 Tremont Street, Unit #1 in Carver, MA (Assessor's Map 95-3-1) to operate a retail store and service motocross dirt bikes, ATV's, street bikes, Harley's, snowmobile, jetski's, and UTV's repair shop in a General Business District (GB).

CARVER PLANNING BOARD
MINUTES OF June 13, 2023

and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye and Chairman Shea vote's aye. Unanimously approved 5-0-0.

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

Erik Schoumaker with McKenzie Engineering and Attorney Matt Mitchell with Ohrenberger De Lisi & Harris, attorney for the project are present to represent the applicant. Mr. Schoumaker explains the details the proposed site plan indicating the site is located in the Spring Street Innovation Zoning District, the Town of Carver's Water Resource Protection District, bordered by Ricketts Pond and undeveloped woodlands to the east, State Highway Route 44, undeveloped woodlands to the north and Spring Street to the south. He also describes the building, parking (38 spaces), loading ramp, roadway, surface areas, landscaping, access drives, utility connections, septic system and drainage system.

Chairman Shea would like to see more screening on the public street side, and to obscure the parking area. He also asks about the loading zone and what types of trucks will be used, plan for snow removal, location of storage, bike racks, and the number of floors in the building, and if it's two stories the square footage will have to be adjusted. He also asks what will be the proposed fueling and maintenance location and the response is there will be a designated area for construction vehicles. Mr. Shea also wants some type of containment for hazardous spills or waste from vehicles. Kevin Robinson asks about the loading dock and would like the fire department to look it for a possible adjustment in size. Mr. Shea asks why a three-point turn is needed by a truck if the drive is one way and Mr. Shoueee describes the turning radius which is in fact not really a three point turn.

Andy Glines with Fuss & O'Neill, the town's consultant engineer indicates they have done an initial review of this project but have not yet issued a comment letter to the town or applicant. He also states the applicant is proposing a six foot tall vinyl fence along the southern and eastern property lines for screening and noise reduction purposes. He also doesn't recommend installing monitoring wells at this site because it is on higher elevation and further away from the infiltration basin. Also the loading dock has a triangular landscape island directly adjacent to the loading dock and currently has one tree proposed for the island and he recommends some additional plant material. He also recommends having a trench drain at this location because the loading dock is sloped lower than the floor of the building. He also wants to know what type of gates with locks

CARVER PLANNING BOARD
MINUTES OF June 13, 2023

Industrial “A” District (IA). Said motion is made by Ellen Sordillo and it’s seconded by Kevin Robinson. Chairman Shea takes a roll call vote and Richard Dionne vote’s aye, John Gaskey vote’s aye, Kevin Robinson vote’s aye, Ellen Sordillo vote’s aye and Chairman Shea vote’s aye. Unanimously approved 5-0-0.

5. Preliminary Subdivision Plan – Johnson Brothers Cranberries, Off Fosdick Road, (Assessor’s Map 57, Lots 1, and 2A; Map 58, Lot 2 and 8) in a Residential Agricultural District (RA).

Mark Flaherty with Flaherty & Stafani, Plymouth, MA is present and indicates this property is off Fosdick Road and links up with Purchase Street and is 130 acres of which a large portion is cranberry bogs. The property is owned by Johnson Cranberry’s Limited Partnership and they want to subdivide Lot 1 and 2. Lot 1 is 80 acres and 10 acres of uplands and Lot 2 is 51 acres with 12 acres of uplands. They want to put in a 240 foot deep cul-de-sac that would service two houses and there will be 65 and 100 foot buffers. They also want to ensure the wetlands are within the 65 foot buffer. Mr. Flaherty states the cul-de-sac will have a 24 foot width, water basins, retention pond, water main, cultivation of a 20 foot berm, and there are no priority habitat, no flood zones, and houses will be served by septic systems and private wells.

Mr. Flaherty then goes over with the Board the comments they received from Fuss & O’Neill. He points out this subdivision plan falls under MA General Laws and the Town’s subdivision rules and regulations, and if the plan meets the requirements without any waivers it should be approved. Chairman Shea believes there is no justification for the proposed for the excessive cutting and grading for two houses. Mr. Flaherty responds it’s what the developer wants to present to the Board. Mr. Shea asks if an ANRAD was filed with the Conservation Commission and the response is yes and it’s been approved. Mr. Shea also asks if the proposed structures will be within the 100 foot wetland buffer and the answer is yes and Mr. Shea counters he has concerns with this and Mr. Flaherty indicates he will do all he can to comply. Mr. Shea asks if the 30 feet of grading can be reduced and Andy Glines, the Town’s consulting engineer with Fuss & O’Neill responds he did look at this and there is existing soil stockpiles at that location and they are not cutting through natural hills.

Chairman Shea will accept a motion to approve the preliminary subdivision plan for Johnson Brothers Cranberries, Off Fosdick Road, (Assessor’s Map 57, Lots 1, and 2A; Map 58, Lot 2 and 8) in a Residential Agricultural District (RA). Said motion is made by John Gaskey and it’s seconded by Ellen Sordillo. Kevin Robinson asks Mr. Bott is the area of the cul-de-sac considered for viral retention and Mr. Bott responds it’s conceivable to store a lot of stormwater in an area like this versus traditional detention.

CARVER PLANNING BOARD
MINUTES OF June 13, 2023

LLC and the URP and therefor a joint meeting is needed between the Planning Board and RDA, and that has not happened. Any modifications must go through 760 CRM 12.03 through Housing and Development. Attorney Murphy continues, regardless of what the Board decides in accordance with the MA law a definitive plan will be filed within seven months consistent with the URP. Chairman Shea states that this is under an Urban Renewal Plan and is subject to the terms that were agreed on by the Town and Rt. 44 Development, all 301 acres. Chairman Shea asks if the utilities are onsite?; Is the water onsite?; Is the wastewater treatment plant been done?: Chairman Shea answers no. Chairman Shea states that septic systems are a modification to the approved waste water treatment plant and asks if a water storage tank has been provided. She also states 44 Development LLC did not sign the URP, but did sign an agreement with the CRA in April of 2016 and for over seven years Route 44 Development has worked collaboratively with this Town's departments and agencies and she finds it disappointing this is the position the Planning Board is taking.

Chairman Shea states that we are here to work with you and get this done. Mr. Shea states there is an approved plan on file that the Planning Board approved in 2016 and the CRA has to review proposals with a joint meeting with the Planning Board and that has not happened. Mr. Shea also states the applicant is not following the process for this town for this development and any changes have to go before Housing. Attorney Murphy counters this is a preliminary subdivision plan which the URP anticipates happening. Mr. Shea states in a letter received from Dane Torpy indicates under 760 CMR 12 3. DHCH reviews that each urban renewal plan change request on a case-by-case basis and the regulations require a detailed description of a minor or major change and the purpose and effect of the plan change on project activities in accordance with Regulation 760 CMR 12.3.

Mr. Bott states that subdivision plans are not discretionary in front of the Planning Board and what we are discussing tonight is a preliminary plan which is required for an industrial subdivision followed by a definitive plan within seven months. He continues a subdivision plan is not a project and a project is not a subdivision plan. Subdivision plans require a roadway and infrastructure to create frontage for lots and that is the sole purpose of a subdivision. He suggests the Town Administrator ask Town Council to prepare a memo on this . Mr. Shea reiterates the applicant did not follow the process and reads from Town Council's opinion from the URP that states appropriate provisions for rehabilitation, modification, improvement, and the imposition of controls and other requirements for the URP. Attorney Murphy continues to ask the Board to act on the preliminary subdivision plan.

Richard Dionne asks Mr. Bott for further explanation and Mr. Bott indicates the purpose

CARVER PLANNING BOARD
MINUTES OF June 13, 2023

and Planning Board and then be sent to the State to be approved.

He states June 14, 2023 is Flag Day and asks that all brush up on general care and respect for the Flag. He also states Juneteenth, June 19, 2023, now is a federal holiday and town hall will be closed. Juneteenth marks the final act to emancipation in Texas, two years after the Emancipation Act was adopted.

He is also looking at updating a regional bicycle plan.

C. Discussion: None.

D. Minutes of 4/25/2023 & 5/9/2023:

Minutes: 4/25/2023: Chairman Shea will accept a motion to approve the minutes of 04/25/2023. Said motion is made by Ellen Sordillo 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, Ellen Sordillo vote's aye and Chairman Shea vote's aye. Unanimously approved 5-0-0.

Minutes: 5/9/2023: Chairman Shea will accept a motion to approve the minutes of 5/9/2023 as edited. Said motion is made by Ellen Sordillo 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, Ellen Sordillo vote's aye and Chairman Shea vote's aye. Unanimously approved 5-0-0.

E. Adjournment: Chairman Shea will accept a motion to adjourn. Said motion is made by John Gaskey and it's seconded by Ellen Sordillo. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye and Chairman Shea vote's aye. Unanimously approved 5-0-0.

Documents for 6/13/2023 PB Meeting

NPDES, Spreadsheet evaluating low impact and green infrastructure

6/12/2023 email responses from J. Boyle re: 309 Tremont St. M. Malone

Draft Decision for 309 Tremont St., Unit #1 M. Malone

Special permit/site plan application, plans for Beantown Home Services, Inc. – Map 32 Lot 1-5 Ricketts Pond Business Park (off Spring Street)

5/31/2023 memo from A. Glines to PB re: Wankinco

Estimate of Needs

Utilities	\$ 35,000	Increase in fuel and propane charges
Legal	\$ 90,000	
Planning Salaries	\$ 18,000	New Planner with more hours hired after ATM
Capital outlay Stipends	\$ 600	
Police Salaries	\$ 168,170	Currently -100,460 with one more payroll
County Tax Assessment	\$ 420	
Medicare	\$ 22,655	
	<u>\$ 334,845</u>	

Possible Sources

Town Hall Additional Hours	\$ 52,000	80,000 Original Budget
Municipal Insurance	\$ 15,000	Safety Award Discount
Selectboard Contractual	\$ 5,000	Unused from Prior Administration
Accounting Salaries	\$ 25,000	Budgeted to cover contractual cost not captured in clerical budgets
Town IT	\$ 50,495	130,000 Original Budget
Old Colony Assessment	\$ 38,350	FY23 Reduction in Enrollment
Town Wide Maintenance Contracts	\$ 80,000	160,000 Original Budget
Interest on Temp Loans	\$ 69,000	No new Temp Loans in Fy23
	<u>\$ 334,845</u>	

Reserve Fund	\$ 125,000	Reserve Fund to fund below items
	To be paid by reserve fund	
Accounting	\$ 9,500	Pricing of audit and softright contracts increased and staff training
Assessing Salaries	\$ 5,500	
Legal Personnel Matter	\$ 80,000	
Disallowed COVID19 CARES costs	\$ 30,000	CARES Funds were on a reimbursed basis after all the funds where received and the disallowed charges were not reimbured this is a need
	<u>\$ 125,000</u>	

Transfer from Salaries to Expenses		
Carver Fire SCBA Gears	\$ 22,100	Self Funded through Fire Salaries
From Carver Fire Salaries	<u>\$ 22,100</u>	
	\$ -	