

Approved
4-26-2022

CARVER PLANNING BOARD
MINUTES OF MARCH 22, 2022

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

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

ANR:

1. Create two (2) lots from Map 85, Lot 100-1-R located at 276 Meadow Street.

Don Bracken from Bracken Engineering, Inc. addresses the board regarding an existing lot of about 3 acres with frontage on Meadow Street, and also some frontage on Bates Pond Road. The proposal is to create a lot with an existing house and to create an additional vacant lot. They have gone before the conservation commission and had the wetland lines approved. There will be 387 feet of frontage for each lot and on the vacant lot there will be 218 feet on the lot to be created with the line to the existing house. Tom Bott indicates there also there must be front acreage on the lots. Mr. Shea points out there must be a required 150 feet of frontage with each lot and Mr. Bracken explains the project falls within the guidelines. Mr. Shea also points out Lot 2 is not a buildable lot and Mr. Bracken disagrees. Mr. Shea continues it's up to the planning board to clarify if this is or is not a non-buildable lot. He goes onto to point out variances from the wetland department would be needed because almost all the property within that 100 foot wetland zone and would preclude any sort of building or structures, plus he also sees that some clearing of the land has been done without permits. The response is that is correct and clearing has taken place behind the house. Mr. Shea indicates this will have to be cleared by the conservation commission. Mr. Bracken indicates they met the requirements of the conservation commission and the plans to show the 60 foot bar from the 100 foot buffer. Tom Bott explains the planning board's determination does not constitute that it complies with zoning and the applicant will still have to go to the building commissioner to get a building permit, as well as the conservation commission. The board's option is to endorse the plan because it has frontage and it has access on the way. Mr. Shea indicates it should be noted in the determination this is not a buildable lot without further relief from the zoning board.

Mr. Shea makes a motion to endorse the ANR plan dated March 8, 2022 noting the planning board endorsement is not a determination as to conform with zoning regulations and the lot needs further review by the conservation commission. The motion is seconded by Mr. Gaskey. All members vote aye. Unanimously approved 5-0-0. The members sign the Mylar plan and will sign the copies at the end of the meeting.

CARVER PLANNING BOARD MINUTES OF MARCH 22, 2022

2. Create three (3) lots from Map 32 Lot 1-1 located Off Spring Street.

Eric Shoemaker with McKenzie Engineering Group who is representing RPBP LLC addresses the board. He explains in 2019 they received an endorsement for a definitive subdivision for a road coming off of Spring Street directly adjacent to Route 44. They filed site development plans for review for lots 1 and 2. The applicants would like to modify the lot lines from what was previously approved and would like to create lots 1, 2 and 2b. The lots all have sufficient uplands over 60,000 sq. feet each and all are in excess of the 175 foot frontage requirement. Mr. Shoemaker submits a copy of the original plan of what the lines looked like previously. This was originally proposed as an eight lot subdivision but the applicant is only modifying two lots on the western side of road A of which they want to create three lots. Tom Bott indicates the applicant will have to come back with a site plan to be reviewed in 21 days. Mr. Dionne asks if Road A is where the waste station is located now. The response is yes. He then asks about drainage ditches on both sides of the project. Mr. Shoemaker states there is a drainage easement labeled in the plan abutting the right of way on Spring Street. The site plan to be proposed will include more specifics on this.

Chairman Maki entertains a motion to endorse ANR plan prepared by McKenzie Engineering Group dated February 17, 2022, noting the planning board endorsement is not a determination with performance of the zoning regulations. Kevin Robinson makes said motion and it's seconded by Ellen Sordillo. Approved Unanimously 5-0-0. The members sign the Mylar Plan.

Public Hearing Cont'd.:

3. 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. Chairman Maki entertains a motion to continue the hearing for Kerri Galbreath regarding Dog Daycare to meeting of April 26, 2022. Said motion is made by Kevin Robinson and seconded by Cornelius Shea. Unanimously approved 5-0-0.
4. 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.

Branden Barry, a civil engineer for the project addresses the board. The applicant

CARVER PLANNING BOARD MINUTES OF MARCH 22, 2022

wants to reconfigure the efficiency of the drive through and reduce on-site queuing for ordering . He presents landscaping ideas to the board. He believes they can provide additional landscape screening in areas around the project. The board had concern earlier about circulation on the site, particularly regarding delivery trucks and fire apparatus. He indicates there will be ample space for both. As far as signage is concerned, it will be similar to what exists today, and his company has worked with McDonalds and believe they have done a good job in cleaning up most of the signs that are not permitted.

Tom Bott indicates he received notice from the fire department stating the access area is adequate for fire apparatus. Mr. Shea visited the site and doesn't see how this modification will benefit the town and doesn't see how increasing the traffic will provide better safety, plus there seems to be a problem with cross-over traffic when leaving the business. Mr. Maki's opinion is he doesn't see an increase in traffic from what already exists, rather people will have two lanes to place order orders more efficiently and leave the site quicker. John Gaskey doesn't feel this will adversely impact the traffic situation. Mr. Shea asks if handicapped spaces are adequate for wheel chair access at end of vehicle and that the vehicles will be able to back up with enough space. The response is yes and they are meeting the requirements. The applicant is also proposing a crosswalk from the handicapped spaces to the building. Ellen Sordillo is concerned about traffic not stopping at crosswalk for handicapped persons. Applicant responds they will put in sign to be careful "pedestrians crossing". Mr. Shea would like to see more landscaping done on the Northeast corner of the building. This will be a condition in the decision.

Chairman Maki entertains a motion to close the public hearing regarding McDonalds USA on 94 North Main Street. Kevin Robinson makes said motion and it is seconded by Ellen Sordillo. All members vote aye. Unanimously approved 5-0-0.

Tom Bott drafted a site plan decision. He states the site plan decision will go to the building commissioner and the special permit decision of the town clerk however the town clerk will receive copies of both. Tom Bott reads aloud the decision, including conditions, dated 11/21/2021.

Chairman Maki entertains a motion to approve the site plan review with conditions, for McDonalds USA to add a second drive-through lane with conditions outlined in the decision dated March 22, 2022. Kevin Robinson makes said motion and it is seconded by Cornelius Shea. All members vote aye. Unanimously approved 5-0-0.

Tom Bott reads aloud the decision, including conditions, for the special permit for McDonalds USA. Chairman Maki entertains a motion to approve the special permit application with conditions, for McDonalds USA to add a second drive-through lane with conditions outlined in the decision dated March 22, 2022. John Gaskey makes

CARVER PLANNING BOARD MINUTES OF MARCH 22, 2022

said motion and it is seconded by Cornelius Shea. All members vote aye.
Unanimously approved 5-0-0.

Sign Permit:

5. McDonald's USA, LLC, 94 North Main Street in Carver, MA (Assessor's Map 18 Lot 3-A). Brandon Barry explains the signage being requested. They want a pre-ground menu board and a gateway clearance bar in the second lane which will give the purchaser time to make a decision before they come to the order board. Cornelius Shea mentions he was concerned about temporary signs, such as for hiring and traffic control of which there were many in the windows. Mr. Barry indicates they passed along the message to McDonalds that only signs that are approved can be present. McDonalds does want to work with the town to correct this. Cornelius Shea discusses the lighting of the establishment and wants the applicant to adhere to the by-laws of the town, particularly limited signs will be off for a half-hour before opening and a half hour after closing. Cornelius Shea suggests making edits to the decision to add the conditions to the decision. Tom Bott will add the conditions to the decision and the board members will go by his office to sign said document. Cornelius Shea makes a motion to approve those conditions and said motion is seconded by Kevin Robinson. All members vote aye. Approved unanimously 5-0-0.
6. Quest Diagnostics, 68 North Main Street in Carver, MA (Assessor's Map 49 Lot 67-101). The board reviews the package prepared by Tom Bott and discuss the various signs on the site. There is not a representative present tonight to address the board on this matter. It is decided to continue the matter to the meeting of April 26, 2022. Judy Richards of 5 Lillian Way addresses the board. She indicates there is currently no sign there for a directory. There is only a sign on Route 58 showing "Atlantic Rentals", a leasing company. There is no directory for the building other than a directory sign over the door of the building. She is concerned about a sign being put too close to the road which would obscure traffic. Chairman Maki entertains a motion to continue the sign permit hearing for Quest Diagnostics on 68 North Main Street to the meeting on April 26, 2022. Said motion is made by Cornelius Shea and seconded by Ellen Sordillo. Unanimously approved 5-0-0.

Public Hearing Closed:

7. 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.

CARVER PLANNING BOARD MINUTES OF MARCH 22, 2022

Tom Bott prepared a site plan and a special permit decision which he shared with Carver Fire Department as well as Andy Glines of Fuss & O'Neil, both of whom reviewed the decisions and did not have any issues with them. Tom Bott reads aloud the site plan decision. Chairman Maki entertains a motion to approve the site plan application of George R. Ajami – Timeless Stoneworks, LLC to add a third building with the conditions and approved waivers outlined in the decision, dated March 22, 2022. Said motion is made by Kevin Robinson and seconded by Ellen Sordillo. Unanimously approved 5-0-0.

Tom Bott reads aloud the decision for special permit. Chairman Maki entertains a motion to approve the special permit application of George R. Ajami – Timeless Stoneworks, LLC to add a third building with the conditions and approved waivers outlined in the decision, dated March 22, 2022. Said motion is made by Cornelius Shea and seconded by Ellen Sordillo. Chairman Maki indicates since John Gaskey and Ellen Sordillo were absent from the previous meetings on this matter they cannot vote tonight and therefore designates associate member, Richard Dionne for the purpose of acting on a special application in the case of absence. Vote is taken and approved by Cornelius Shea, Kevin Robinson, Richard Dionne and Chairman Maki. Approved 4-0-0.

Other Business:

Topics not reasonably anticipated by the Chairman 48 hours in advance of meeting

*Weathervane Development South Meadow Road informal discussion/pre-filing meeting. Jeff Tocchio addresses the board regarding a pre-file update. Also attending the meeting is Sarah Sterns, Jake Bristol, Mark, Romanowitz, as well as Taylor Corsano from Crocker Design. They are here tonight to propose modifications to the land associated with Phase 2 and 3. Mr. Romanowitz addresses the board referring to the site plans. The land that attaches to Wade Street as well a parcel that goes up to the 88 piece primary box, outlined on the plan in blue, is being proposed. They have extended the land on the plan and moved the road further away from Wade Street and added triplexes closer to the woodland views and golf ranges. The only restriction they had was staying 65 feet off of the wetlands which they complied with. The open space is the same as Phase 1 and there will be three open space lots and they have met the requirements on this as well. A new project on Silver Street is now addressed by Jeff Tocchio. He indicates the subsidized housing inventory for the town is 3.1% and they are proposing to add another 55+ townhouse development proposed under the by-laws, basically 3900, to come up with possibly rentals. That way 100% of the units count against subsidized housing inventory. There would be 21 additional units on Silver Street plus the 66 units on South Meadow. Mark Romanowitz goes through the plans for Silver Street, which has been under agreement for some time and there has been previously discussed with different administrations. The triplex homes on Silver Street will be a bit smaller than

CARVER PLANNING BOARD MINUTES OF MARCH 22, 2022

those on South Meadow. Each townhouse will have a single car garage with a parking space out front. The current design is just over 1,000 sq. ft. and it is one story living, with a master, guest bedroom, a den space, kitchen and living room. These townhouses will have fire protection similar to those on South Meadow. The buildings will be 18 – 19 feet tall with similar detailing used on South Meadow. Chairman Maki asks for details on water and septic on the project. The response is they found primary and reserve systems in this location with natural soils that will support the septic. Wells will be similar to what is at South Meadow. The townhouses will all be owned by one owner and people will rent and all the units can be affordable housing. The entrance to the property will be off Route 58 and the property is 25 acres.

Cornelius Shea asks if the water has been tested. The answer is testing has not been done yet, and Mr. Shea suggests that be done before construction is started. The original house currently on the land will be attached and renovated to be a triplex. Taylor Corsano from Crocker Design indicates its two lots that have been combined, but have not yet been combined with the 12 Main Street lots. Mr. Gaskey asks if they are taking seven low income housing units and putting them on Silver Street, so the whole area will be low income housing. The response is yes and they state they are within the regulations to move units from one spot to another spot. Mr. Maki points out on the previous decision made by the board there were going to be six affordable units on South Meadow. Mr. Tocchio indicates the board's previous decision stated the applicant was to provide two affordable houses per phase and what is proposed now instead of providing six affordable houses, there will be seven. Chairman Maki further indicates the problem with this is the units are supposed to look like the area they came from. Mr. Tocchio believes they have complied with the state law on this matter because with the affordable houses you could not drive into Silver Street. He also indicates all the units on Silver Street will be rentals, therefore are considered low-income. Mr. Gaskey points out the applicant might consider keeping two units on South Meadow and put the remaining seven on Silver Street. Tom Bott mentions that towns like an increase in rental housing because demand is very high and when a town has an affordable housing development the town gets 100% credit for the unsubsidized housing inventory. Mr. Tocchio adds that there are many millennials in there thirty's who cannot afford a down payment on a home, so rentals are a good solution for them. Tom Bott clarifies that poor people cannot afford affordable housing and it's not low income housing. Carver's medium income is based on Boston's medium income, and given the medium income in Boston is higher, Carver is included in that number and the rentals will be based on what people are making in Boston. Chairman Maki indicates he would still like to see affordable housing be on South Meadow. Mr. Tocchio thanks the board for allowing them to speak about their proposed plans.

CARVER PLANNING BOARD MINUTES OF MARCH 22, 2022

Other Business

- Tom Bott addresses the board regarding the town's public meeting for the Articles on March 30, and 31st which will be held at 7:00PM at the Carver Middle High School cafeteria. To be addressed on the 30th are the TDR Bylaw is the 11th article that's on the warrant and the Select Board's request for a moratorium on solar. This will be followed by the petition for change in the medical marijuana map, moratorium on battery storage, a moratorium on solar and another moratorium on solar. What he is suggesting is that we address the first 10 articles on the 30th and come back on the 31st and address and start with the TDR Article.
- Tom Bott speaks about planning board opportunities. He notes the town's election is Saturday, April 23, 2022. Planning Board scheduled meetings are for March 30 & 31st, and April 12, 2022. He has been trying to set the table for the transition to a new Chairman. He has set up a meeting for April 12, 2022 at the Carver Middle High School at 6:00PM which will be prior to the regular planning board meeting (which will be a regular town meeting) on said date for the purpose of voting issues that might like to be to be discussed.
- Tom Bott speaks about Operating Procedures and Training Options. He explains the CPCT sees this as two tiers, one being roles and responsibilities at the planning boards and boards of appeals, introduction to subdivision control law and ANR, introduction to the zoning act and writing reasonable and defensible decisions. For \$200 the town can hire CPTC to do training include: Roles and responsibilities of planning board; Introduction to the zoning act; Introduction to subdivision control law and ANR; Writing reasonable and defensible decisions; Site plan review; and Special permits and variances. Schedules for sessions will probably start in late April. He came across an Operation Procedural Manual and made a copy for the board members to review for any changes.
- Tom Bott speaks about MBTA by-law. He made a presentation to the board of selectman on this on March 15, 2022. The gist of the by-law is the town has to zone a 50 acre area for 15 dwelling units per acre. The town has to permit the construction of the zoning of 750 units of housing and if the town doesn't do this the town will not be able to receive Mass Work Grants, Housing Commission Grants, Housing Initiative Grants or Public Works Grants. This is due to a change in the law made by the Commonwealth last year in order to create more affordable units as well as more housing units in general for those towns included in the MBTA community. Carver is an MBTA adjacent community and the law says if Carver is adjacent to an MBTA town, like Middleboro or Kingston, then Carver is considered as part of the community. He states the town is eligible for grants next year. He passes around a sheet listing comments the town of Carver will send to the Commonwealth about the MBTA law. He reads aloud the lists of comments. The members discuss the grants and benefits of same with Tom Bott.

CARVER PLANNING BOARD MINUTES OF MARCH 22, 2022

Minutes

- Chairman Maki entertains a motion to approve the Minutes of 02/22/2022. Said motion is made by Cornelius Shea and seconded by John Gaskey. Unanimously approved 5-0-0.
- Chairman Maki entertains a motion to approve the Minutes of 03/08/2022. Said motion is made by Cornelius Shea and seconded by Ellen Sordillo. Unanimously approved 5-0-0.

Adjournment

- Chairman Maki entertains a motion to adjourn the meeting. Said motion is made by Cornelius Shea and seconded by Ellen Sordillo. Unanimously approved 5-0-0.

Documents for 3/22/22 Planning Board meeting:

- Plans from Bohler for McDonald's – WB-50 Circulation, Fire Truck Circulation, Garbage truck circulation and Site layout plan
- ANR Mylar Plan – Lot 1-1 located Off Spring Street
- Memo from Andrew Glines, PE dated 3/15/2022 (Timeless Stoneworks, LLC.)
- Draft decisions, Site Plan Review and Special Permit (Timeless Stoneworks, LLC.)
- Response letter and revised site plans from Green Seal Environmental, LLC. dated 3/4/2022 (Timeless Stoneworks, LLC.)
- Draft decisions, Site Plan Review and Special Permit (McDonald's.)
- Draft Planning Board Minutes 2/22/2022
- Draft Planning Board Minutes 3/8/2022