

PUBLIC HEARING BY THE CARVER PLANNING BOARD JOINT WITH THE RDA  
MINUTES OF MARCH 30, 2022

Present from the Planning Board: Chairman Bruce Maki, Cornelius Shea, Member, John Gaskey, Ellen Sordillo, Richard Dionne, and Interim Planning Director, Thomas Bott.

Present from RDA Sharon Clark, Chair, RDA, Savery Moore, Johanna Leighton, and Paul Kostas.

Absent: Patrick Meagher, Treasurer, RDA. Kevin Robinson, Planning Board Member

Meeting was called to order at 7:00 P.M. at the Carver Middle High School cafeteria.

Pledge of Allegiance was recited.

The proceedings will be videotaped and rebroadcast by Area 58 TV

Sharon Clark, Chair of the RDA, explains this is a public hearing for zoning amendments the RDA is proposing to the planning board. She introduces Mr. Stephen Cole from the Plymouth Regional Economic Development Foundation, who is also a former town planner. Mr. Cole speaks regarding economic development and particularly the urban renewal plan. He points out the goals and purpose of this project which are:

- Remediate light and contamination.
- Increase property value.
- Restore property to tax rolls.
- Create good paying jobs.
- State-of-the-art development.
- Dedicated customer and revenue stream for NCWD
- 50 years of planning, 30 years of progress. Development is happening.
- Merits are independent of Hillwood. Region is moving in this direction – Carver has someone who is ready to invest.

Mr. Cole shows slides of comparative commercial and industrial tax rates for 18 out of 27 communities and Carver is the third highest in the county. Being proposed are two buildings, one of which will be 1.2 million square feet and the other 500,000 – 600,000 square feet. He points out being discussed are improvements such as traffic flow, with two lanes in each direction, bike lanes and sidewalks on both sides of Main Street. Also, Montello Street is being decommissioned and being replaced with a new Montello Street. Cost of construction for these improvements is 3.2 million that has already been awarded to the town for Montello Street improvements. These slides have been prepared by the VHB Engineering Consulting Company. Cornelius Shea asks who is paying for the design and where the money is coming from. Savery Moore, from the RDA response is this is a MEPA project (Massachusetts Environmental Policy Act. Mr. Shea asks if this was a recommendation of MEPA. Mr. Moore is not sure, but also indicates this intersection needs to be fixed regardless of zoning issues. Mr. Bott explains the

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project will go through MEPA and looking at traffic in the neighborhood and environment issues is part of the MEPA permit process. He also indicates essentially all the improvements required by MEPA (traffic lights, sidewalks, bike lanes, & widening of road) will be at the developer's expense and will not involve another review by the Massachusetts EPA and the MEPA. Mr. Shea is concerned about long-term cost to the town for maintenance of roadways and increase of services in the town. The developer will pay for the town's services for two years, plus the town will keep the equipment, but after that, the town will pick up the maintenance costs. Mr. Shea also brings up cost of increased police and fire department usage.

Mr. Cole continues the presentation indicating VHP has been studying the traffic issue for quite some time and shows a slide of trip projections that are comparative to other potential uses. For example, the warehouse project does provide significantly less traffic impact than what is currently allowed by the zoning.

Discussion:

Mr. Shea asks if the town has control of the property and Ms. Clark responds it is privately owned by Route 44 Development. Mr. Moore states they are looking to change the zoning by-laws to allow a better development to go on the site. VHB created what could be a signalization and traffic flow solution based on existing conditions and with the installation of several green lights to ease traffic flow.

Article 10: Table of Dimensional Requirements - Building Height in GBP.

This Article is submitted by the RDA to amend Carver Zoning By-Law Section 2320 Table of Dimensional Requirements Maximum Building Height in feet to increase the maximum building in the Green Business Park zoning district from 40 feet to a maximum building height of 65 feet and by replacing the language of footnote number 11 & 12 with new footnotes 11 & 12 designated in the Max. Building Height column of said Table.

Discussion:

Mr. Shea asks if the words crossed out in the initial footnote 11 are being removed from the Article, specifically regarding setbacks. Savery Moore indicates they are not dealing with setbacks at all in this footnote. Ms. Clark indicates the words crossed out are being replaced by new language. Mr. Shea tries to confirm this Article is removing the setbacks and increasing the building height and is concerned about neighbors abutting the property. Ms. Clark says there are no residents near the property line which goes up to the Plympton property line as shown on the plan. Tom Bott speaks to the matter stating there are 50-foot setbacks for the front, 40-foot setbacks for the rear and 40-foot setbacks for the side for any building. Footnote deals with if a building is more than two stories high then the setback has increased by 25 feet, so the setbacks are not being eliminated they are just changing how they calculate the setbacks. He also states the setbacks remain in place for the Green Business Park and the new language elaborates on how setbacks are measured. Mr. Shea disagrees with this.

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Mr. Shea believes the amount of tax revenue from the proposed business will be relatively small. Mr. Shea makes the counterpoint that he is concerned about this type of project's long term effect on the town. Mr. Maki also states eventually the project will have to go before the planning board to be approved.

John Smolak, Attorney for Hillwood states the MEPA process was based upon warehouse, industrial, and traffic use. He states approving the zoning articles is the beginning of the process and they will have to obtain multiple special permits from the planning board as well as going through several other processes. He also indicates there will be a higher quality tenant with a 65 foot height in building, which makes the project/property more valuable, which in turn brings in more tax revenue to the town.

Donna Wyeth of 278 Village Way from the audience addresses the board and would like to know more about the traffic. Mr. Cole responds that currently 12,000 cars pass through the intersection per day. She is concerned this will mean 24/7 fire, police and EMS services. Ms. Clark responds that Carver currently has 24/7 fire, police and EMS departments. She also points out Chief Weston believes they will be able to respond without any detriment to the town. There was negotiation of a community benefits agreement which will include two additional police cruisers, two additional officers, and additional EMS staff as well as an ambulance, all of which the developer will pay for three years. Ms. Wyeth asks if at the end of the three year period the town will start to collect more taxes to pay for the additions. Ms. Clark responds this is expected to be rolled into the town's budget in four years. Ms. Wyeth also states it seems to her if the town stays at the 40 foot zoning by-law for the building height, the town would not receive any benefits from the business moving to said property.

Richard Dionne asks the RDA members if an additional fire house will be needed. Ms. Clark responds that is a decision made by Chief Weston and Mr. Moore indicates this project will bring in about \$2,000,000 of revenue to the town which will cover the cost of a couple of police officers per year. Mr. Shea points out that MA Law 40a states zoning by-law changes are limited to the city council, board of selectmen, board of appeals, regional planning agency, planning board, town charter, or the individual owning the land. As such he states only the planning board can move these articles to the town meeting. He continues the RDA is neither a regional planning agency or any other agency mentioned in the town charter. Chairman Maki suggests more information be gathered for review and entertains a motion to close the public hearing on Article 10. Said motion is made by Cornelius Shea and seconded by Ellen Sordillo. All members vote aye. Unanimously approved 5-0-0.

Article 11 - Definitions – Height of Certain Accessory Structures:

This article is submitted by the RDA to amend the Carver Zoning Bylaw, Article VI, Accessory Building and Structures, with the following addition, "except that a structure or structures such

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as a water tower or tank used for potable water supply or fire protection purposes use shall not be subject to such height limitation.”

Discussion:

Mr. Shea strongly suggests the amendment include the words “municipal use. However, Attorney Smolak indicates there are two types of water systems being proposed. One is a municipal system for the North Carver water district. The fire chief also wanted Hillwood to make sure there was sufficient on-site water for firefighting protection services. Mr. Bott states he will talk to the town council on this matter. Chairman Maki entertains a motion to close the public hearing on Article 11. Said motion is made by Ellen Sordillo and seconded by Cornelius Shea. All members vote aye. Unanimously approved 5-0-0.

Article 12 – Access Driveways – Nonresidential Premises

This article is submitted by the RDA to amend Carver Zoning bylaw, Section 3350, Driveway Design, to a minimum of 12 feet wide for one-way traffic and a minimum of 24 feet for two-way traffic.

Discussion: None.

Chairman Maki entertains a motion to close the public hearing on Article 12. Said motion is made by Cornelius Shea and seconded by Ellen Sordillo. All members vote aye. Unanimously approved 5-0-0.

Article 13 - Rezone from Highway Commercial (HC) to Green Business Park (BBP) District.

This article is submitted by the RDA to amend the Carver Zoning Bylaw and Zoning Map 20 Lot 14, by rezoning from (HC) to Green Business Park (GBP), a parcel of land located off Park and Montello street consisting of approximately 7.48 acres.

Discussion:

John Gaskey asks if the land is predominantly wetlands and would like clarification. Sharon Clark and Chairman Maki feel this is irrelevant because if the owner decides to develop the land in the future it will have to be reviewed by the planning board. Chairman Maki entertains a motion to close the public hearing on Article 13. Said motion is made by Cornelius Shea and seconded by Ellen Sordillo. All members vote aye. Unanimously approved 5-0-0.

Article 14 – Amend Section 3580 – Exemptions from Large Scale Ground Mounted Solar

Voltaic Installations. This article is submitted by the RDA to delete the exemptions in the third paragraph of Section 3580.10 and be replaced with a new Section 3580.15 - Exemptions. Chairman Maki reads aloud changes.

Discussion:

Mr. Cole indicates this will allow solar panels for new non-residential building within the GBP.

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Mr. Shea asks why this is exempt from the design standards that already apply to all other large scale solar photovoltaic installations. Mr. Smolak responds it is the state's policy to try and be more green in terms of renewable energy and they could not comply with the by-law which is related to large-scale ground-mounted solar as opposed to roof mounted. He continues this will probably need several special permits and will be reviewed by the planning board. Sharon Clark points out this is only for new non-residential buildings in the GBP. Mr. Moore indicates this proposed change for rooftop solar is mandated by the MEPA Section 61 finding and indicates there will many levels of scrutiny. Donna Wyeth from the audience asks if there is a conflict of interest on the vote since Mr. Gaskey's wife will be presenting at the meeting on 03/31/2022. Mr. Maki will look into this and have an answer for said meeting. He will also talk to the town's council concerning the ground mounted vs. rooftop mounted solar. Ms. Clark asks Mr. Shea if would approve this if they add "in accordance with site plan review by the planning board" to the amendment. His response is yes. Chairman Maki entertains a motion to close the public hearing on Article 14. Said motion is made by Cornelius Shea and seconded by John Gaskey. All members vote aye. Unanimously approved 5-0-0.

Article 15 – Amend Sections 3166 and 3347 – Site Plan Review Performance and parking Lot Lighting Standards. This Article is submitted by the RDA to amend Site Plan Review Performance Standards for Lighting in Parking Lots under Sections 3155 and 3347. Chairman Maki reads the Article.

Discussion:

Sharon Clark indicates the 40 foot height in the parking lot will allow for fewer lights and poles which will be safer for trucks with fewer light poles and the increase in height is only for the Green Business Park and the road that leads from Montello Street. Mr. Shea asks about the light intrusion and Ms. Clark responds that would come under the plan review which the planning board has authority over. The new language would be, "the site lighting in the GBP Zone may be no more than 40 feet in height" and, "except at driveways where illumination is desirable for public safety purposes."

Chairman Maki entertains a motion to close the public hearing on Article 15. Said motion is made by Cornelius Shea and seconded by Ellen Sordillo. All members vote aye. Unanimously approved 5-0-0.

Article 16 – Amend Section 3521. Permitted Signs for Green Business Park (GBP) District. This Article is submitted by the RDA to amend the Carver Zoning Bylaw, Section 3521 (Permitted Signs) by replacing the term "HIGHWAY COMMERCIAL/INDUSRTIAL DISTRICTS" with the terms "HIGHWAY COMMERCIAL/INDUSTRIAL/GREEN BUSINESS PARK DISTRICTS."

Discussion. None.

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Chairman Maki entertains a motion to close the public hearing on Article 16. Said motion is made by Cornelius Shea and seconded by John Gaskey. All members vote aye. Unanimously approved 5-0-0.

Article 17 – Amend Section 2230. Use Regulation Schedule - Industrial - Allow Privately Owned Wastewater Treatment Facilities as an Accessory Use. This Article is submitted to the by the RDA to amend Industrial – allow Privately Owned Wastewater Treatment Facilities under footnote 5 with the addition: “which are permitted by right as an accessory use and structure.”

Discussion:

Mr. Shea would like to know why “by right” was added in the article. Mr. Moore responds currently the by-laws allow a wastewater treatment facility as a primary structure and they do not allow one as an accessory structure to a building of this size. Mr. Shea is concerned because this property has been highly contaminated multiple times over many years and should be scrutinized in review. John Smolak addresses the matter indicating the design flow in excess of 10,000 per day requires a state groundwater discharge permit which is reviewed by the DEP after an extensive review process, including review by the Board of Health as well as several other agencies, and this would only be for the Green Business Park. Mr. Shea indicates he would like to see the words “by right” struck from said addition to the article. Mr. Moore states by striking the words “by right” would allow the permit to be denied. Rather, he suggests saying “upon approval of the DEP. Mr. Shea disagrees and feels the town has the right to make far more stringent laws and recommendations. Thomas Bott indicates permitting is wholly in the realm of the DEP. Chairman Maki asks Tom Bott to speak to the Board of Health on the matter and also states this matter can be addressed in the site plan review with conditions on the plan. Mr. Moore asks Tom Bott if the planning board has the authority to supersede the DEP permission. His response is no, it’s Board of Health issue, it’s a DEP issue. Mr. Shea states the article is completely unnecessary because accessory use does not include packaged treatment plants as accessory uses to a subdivision, commercial or industrial development. Ms. Clark indicates they had KP Law vetted this and suggests it can be clarified in the form an opinion. Mr. Moore believes the article should be eliminated. Chairman Maki states they this matter will be looked into more information obtained, and the discussion will continue at meeting on March 31, 2022.

Chairman Maki entertains a motion to close the public hearing on Article 16. Said motion is made by Cornelius Shea and seconded by Ellen Sordillo. All members vote aye. Unanimously approved 5-0-0.

Adjournment - RDA

Sharon Clark entertains a motion for the RDA to adjourn their participation in the meeting. Said motion is made by Savery Moore and seconded by Johanna Leighton. All members vote aye. Unanimously approved 4-0-0.

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Article 19 – Zoning By-Law Section 3500 Signs Amendment. This amendment to Section 3500 is submitted by the Carver Building Commissioner to replace the Planning Board as the permitting authority to the building commissioner. By doing so, the following sections will be amended: Section 3530 Standards; Section 3550 Additional Regulations For Specific Types Of Signs; Section 3560 Administration; and Section 3570 Special Permit to Exceed Dimensional and Lighting Requirements for Signs. Thomas Bott reads aloud the proposed amendments. Chairman Maki entertains a motion to close the public hearing on Article 19. Said motion is made by Cornelius Shea and seconded by Ellen Sordillo. All members vote aye. Unanimously approved 5-0-0.

Further Discussion:

John Gaskey asks the Chair to entertain a motion to have the board allow the citizen petitions to be discussed first at the meeting on 03/31/2022. Chairman Maki entertains the motion to discuss the citizen petitions before any others and said motion is made by John Gaskey and seconded by Cornelius Shea. Chairman Maki votes nay, Cornelius Shea, John Gaskey, and Ellen Sordillo vote aye. Approved 3-1-0.

Adjournment – Planning Board:

Chairman Maki entertains a motion to adjourn the planning board. Said motion is made by Cornelius Shea and seconded by Ellen Sordillo. All members vote aye. Unanimously approved 5-0-0.