

CARVER PLANNING BOARD  
MINUTES OF November 1, 2022

Approved 12-13-22

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

Meeting was called to order at 7:02PM

Pledge of Allegiance is recited.

The proceedings will be videotaped and rebroadcast by Area 58 TV

**Minor Modification Cont'd:**

1. Jellystone Park Cranberry Acres, 20 Shoestring Road (Assessor's Maps 124 & 125 Lots 13 & 3A) Minor Modification to Water Park.  
At the request of the applicant this matter will be continued to the meeting November 22, 2022 at 7:00PM.

**Closed Public Hearing Cont'd:**

2. On the application of Priolo Concrete Forms, Inc. requesting a Site Plan Review pursuant to Sections 2230 and 3100 of the Carver Zoning By-Law, for property located at 0 Forest Street, in Carver, MA (Assessors Map 49 Lot 62-7-R) in the General Business Zoning District. Applicant proposes the construction of a single commercial building, associated utilities, stormwater control, parking lots and access drives. The building will be used as a craftsman/tradesman building.

Chairman Shea indicates the board received more evidence concerning the matter but points out this is in violation of the open meeting law because no new evidence can be heard after the public hearing is closed. However, there will be a special permit hearing where new evidence can be introduced in regards to this project.

Chairman Shea will accept a motion to open the meeting for discussion regarding the application of Priolo Concrete Forms for site plan review regarding 0 Forest Street. Chairman Shea indicates all the waivers requested by the applicant were not listed on the plan therefore he asks them to be listed. Chairman Shea reads aloud the conditions of the project. Discussion among members ensues about truck deliveries and compliance with conditions after the project is completed.

Chairman Shea will accept a qualifying motion in regards to the project. John Gaskey qualifies his motion to approve the application of Prioli Concrete Forms for site plan review as discussed with the conditions and it's seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey votes aye,

CARVER PLANNING BOARD  
MINUTES OF November 1, 2022

Chairman Shea vote's aye, Kevin Robinson vote's nay and Ellen Sordillo vote's nay. Approved 3-2-0. In the middle of the motion before the board, the applicant was apparently aggravated with the board and left the meeting abruptly.

Although Mr. Shea's vote is to approve the project he notes concerns about the residential area, gravel driveway and multiple 18-wheelers showing up and leaving at any time, but understands these issues have been addressed in the conditions. Mr. Shea states the reasons as five businesses going in the site, multiple 18 wheelers showing up and leaving at any time, it is a pinch point for a large residential area providing access to necessary goods and services for the residences of the agricultural/residential zone, tractor trailers are large, loud and disruptive and present issues to health and safety of residential areas, pedestrians, and bicycles. It is a heavily traveled area and raises concerns about congestion and safety. The fact there are no crosswalks, line of site issues, multiple intersections on side roads, no turning lanes, bike lanes or sidewalks, lack of traffic study, impeding oncoming traffic and well-traveled by school buses. These concerns are being addressed as my concerns of adequacy of buffering ability to screen residential areas from noise and other disturbances. In response to Ms. Sordillo's concerns over 18 wheelers Mr. Shea states the property at 90 Forest Street is under the same prohibition due to an abutting residential area and character of the neighborhood and concerns over health and safety of pedestrians.

3. Issuance of special permit to Ironwood Renewables, 223 Meadow Street, Carver pursuant a Decision and Judgment issued by the Land Court in Ironwood Renewables, LLC v. Carver Planning Board, Land Court, C.A., 21 MISC 000488.

Chairman Shea indicates they received a Judgement from the Land Court regarding Ironwood Renewables, LLC regarding their appeal for denial of a special permit. This must be acknowledged by the board and voted on with fourteen (14) days of the Judgement which was October 27, 2022. John Gaskey would like to make a motion to appeal the decision based on several items being left out of the facts. Chairman Shea agrees that facts were left out but states at this time no new evidence can be introduced in the matter. Mr. Gaskey counters that it is not new evidence, but rather it had been in introduced previously before the board. Mr. Bott stated in order to appeal the matter a request would have to go through the Town Administrator's office to engage town counsel. Chairman Shea stated we do not have all the documents for the case. Mr. Gaskey wants to see all the documents regarding the summary judgement.

Chairman Shea will accept a motion pursuant to the Judgement issued by the Land Court dated October 27, 2022 in regards to Land Court in Ironwood Renewables, LLC v. Carver Planning Board, Land Court, C.A., 21 MISC 000488 to grant the special permit with the conditions in the Decision dated September 14, 2021. Kevin Robinson makes said motion it's seconded by Ellen Sordillo. Chairman Shea opens the meeting for discussion. Mr. Bott indicates the Judgement means the special permit must be issued

CARVER PLANNING BOARD  
MINUTES OF November 1, 2022

but also points out the board can still file an appeal within 20 days of the issuance of the Judgement. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey votes nay, Chairman Shea vote's aye, Kevin Robinson vote's aye and Ellen Sordillo vote's aye. Approved 4-1-0.

**Other Business:**

- A. Planning Board Member Notes-Chairman: None.
- B. Planning Director Notes – Discussion Operating Procedures: None.
- C. Discussion: The next planning board meeting will be November 22, 2022.  
There is a discussion regarding the meeting with Eversource regarding above ground vs. underground interconnections. The Carver Cowboys, Mites and Pee-wee's are advancing to the playoffs on Sunday November 6, 2022.
- D. Minutes: None.
- E. Adjournment: Chairman Shea will accept a motion to adjourn. 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 votes aye, Chairman Shea vote's aye, Kevin Robinson vote's aye and Ellen Sordillo vote's aye. Unanimously approved 5-0-0.

**Documents for 11/1/2022 PB Meeting**

Email from Bob Rego to Thomas Bott re Landscape Plan for 0 Forest Street

Landscape Plan for 0 Forest St

Draft decision for 0 Forest Street

Excerpt from the MassDOT project Development & Design Guide (PDDG, 2006 from Andy Glines Exhibit 6-15

Judgement from the Commonwealth of Massachusetts Land Court Department of The Trial Court for 223 Meadow Street

Memorandum of Decision and Order on Plaintiff's Motion for Summary Judgement from the Commonwealth of Massachusetts Land Court Department of The Trial Court for 223 Meadow Street

Draft decision for 223 Meadow Street from Amy Kwesell