

CARVER PLANNING BOARD
MINUTES OF November 22, 2022

Approved 12-13-22

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

Absent: Thomas Bott, Town Planner

Meeting was called to order at 7:03PM

Pledge of Allegiance is recited.

The proceedings will be videotaped and rebroadcast by Area 58 TV

ANR

1. The purpose of this plan is to combine Parcel A with Lot 6A on Main Street (Assessor's Maps 119 Lots 7 & 6A).

George Bachi addresses the board indicating he is before the board because his wife, Rebecca Bachi is ill. Mr. Bakey's brother-in-law, who owned the land, passed away about a year ago and did not leave a will and probate ensued for almost a year. Rebecca Bachi was appointed by the court to deal with the property and she decided to add the property to their current land which is beside the lot. Chairman Shea indicates both properties have the appropriate frontage and square footage.

Chairman Shea will accept a motion to approve the ANR for 190 and 192 Main Street, Carver. Said motion is made by Richard Dionne and seconded by Ellen Sordillo. Mr. Gaskey suggests a condition should be the board receive a copy of the Court's Decision regarding the probate and Mr. Bachi indicates they will comply. 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.

Minor Modification Cont'd:

2. Jellystone Park Cranberry Acres, 20 Shoestring Road (Assessor's Maps 124 & 125 Lots 13 & 3A) Minor Modification to Water Park. Chairman Shea indicates the board received Fuss & O'Neil's review letter, which is the second review memo concerning the project. Andy Glines of Fuss & O'Neil, civil engineer for the Town of Carver, indicates the applicant has addressed all the comments.

Dan Flores of SFC Engineering is present to represent Jellystone Park Cranberry Acres and gives an update on the project. He states they submitted a Request for Determination from the conservation commission and it was voted negative therefore there was no need for Notice of Intent or Order of Conditions for the work at the pool area. Chairman Shea points out a special permit needs to be approved as mentioned in several past meetings because of impervious surfaces which were not on the original plan. Mr. Flores states the original special permit issued in February 2022 was for the campground expansion which

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included as special permit as well as site plan approval. Mr. Shea states the project can't be approved with more than ten thousand sq. ft. of impervious surface and he believes this area is 12 thousand sq. ft. of impervious surface. Mr. Flores states the area is of a partial pool area which includes campsites with gravel roads and is less than 10 thousand sq. ft. of impervious surface. Chairman Shea points out the original special permit was for usage of the water park. Mr. Gaskey and Mr. Glines state that no design for site improvements for the waterpark itself. Mr. Flores states the conservation commission also recommended to maintain erosion sediment controls. Kevin Robinson confirms with Mr. Flores the waterpark is only for campground guests. The board and Mr. Flores review the compliance of several conditions on the site, such as lights for the pool, infiltration basin and general store for guests only. Mr. Glines points out there was one waiver request from the applicant for a maintenance building and he approved the waiver. Mr. Flores indicates the Carver Fire Department issued an email stating there are no fire department related matters at the site. Mr. Shea indicates unless a net increase of less than 10 thousand square feet of impervious surface can be confirmed by the Town's engineer a public hearing will need to take place because the impervious surface will be over ten thousand square feet.

Chairman Shea will accept a motion to continue the matter for Jellystone Park Cranberry Acres until the meeting of December 13, 2022 at 7:00PM.

Draft Decision Review:

3. On the proposed draft decision of Priolo Concrete Forms, Inc. All the members do not have any concerns regarding the draft decision.

Public Hearings Cont'd.:

4. Priolo Concrete Forms, Inc. requesting a Special Permit pursuant to Sections 5300 and 4341 of the Carver Zoning by Law, 0 Forest Street, in Carver, MA (Assessors Map 49 Lot 62-7-R) for the construction of a 7,400 S.F. building and associated driveway, parking area, and utilities. The proposed use is a Craftsman/Tradesman building. There will be 28,237 S.F. of impervious area in a General Business Zoning District.

Richard Dionne brings up the matter of the tractor trailer traffic. Mr. Priolo states he doesn't believe in limiting access to tractor trailers at the site. Mr. Priolo also has issues with the cross sections in the building, that being he would like an open space and then build inner walls accordingly depending on occupancy, e.g., some occupants might want to rent two spaces without a wall in between them. Chairman Shea points out the board has to go by what the original site plan proposed, which was five separate spaces within the building. Any changes to that would have to come before the board proposing a minor modification.

Andy Glines indicates MASS DOT qualifies Forest Street as a local road and a statement from MASS DOT project development design guide indicates on local streets the design might fully accommodate smaller trucks with the knowledge that at intersections the

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occasional large truck can back up while turning and can encroach upon opposing lanes. These types of decisions are situation specific and depend on the frequency of large vehicles, the amount of other traffic and the character of the area. Therefore, based on MASS DOT guidelines it's not an uncommon occurrence on local roads for larger tractor trailer vehicles to cross into other lanes specific to intersections. He believes this would be an acceptable turning movement based on the local road and proximity to the proposed curb cut at this intersection. Chairman Shea reiterates his concerns regarding safety, disturbances and the character of the neighborhood in regard to tractor trailers. Chairman Shea points out the board has not heard back from the conservation commission or the DPW which is required by state law regarding a public hearing.

Chairman Shea will accept a motion to continue the public hearing of Priolo Concrete Forms, Inc. to the meeting of December 13, 2022 at 7:00PM. Said motion is made by John Gaskey and seconded by Richard Dionne. 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. On the application of Weathervane at Patriots Pines requesting a Special Permit and Site Plan Review to Sections 2230, 3100, 3900, 4300, and 5300 of the Carver Zoning by Law, and a Definitive Subdivision Plan pursuant to the Carver Subdivision Control by Law, for property located at 0 South Meadow Road in Carver, MA (Assessor's Map 112 Lots 1-5E, 1-5I, 1-5J, 1-5K, 1-5L, 1-5M, 1-5N, 1-5P, 1-5Q, 1-5R, 3-88A, and Map 107 Lot 1-4A) the applicant seeks to append 9± acres of adjoining land to the property and modify the subdivision boundaries in compliance with MGL Chapter 41 Sections 81W, (ii) increase the unit count from 54 units to 66 units, (iii) alter the building configuration to create zoning compliant triplexes, and (iv) adjust the roadway layout and lot configurations to accommodate alterations to Phases 2 and 3 of the project in the Residential Agricultural Zoning District.

Andy Glines of Fuss & O'Neil, the town's engineer, indicates they have not issued a comment letter on this matter as of yet. Jeff Tocchi, is present to represent Weathervane at Patriot Pines, LLC. Jim Rizzo is also present as well as Mark Romano, the designer on the project. Sarah Stearns and Dan Gagne of Beals & Thomas are also present. Jeff Tocchi speaks to the board regarding the proposed project and goes over the photos and maps showing what construction has been done to date. The applicant proposes that on phases 2 & 3 there be a total of 66 units rather than the 54 units which was previously approved. The dwellings will be triplexes which add to the unit count, all of which will conform the layout previously approved for phase 1. There will be seven affordable units.

John Cavicchi of 11 Wade Street, Carver and other members from the audience indicate they are concerned, as neighbors, of their water pressure being affected. He asks how many wells there will be and the response is 12. Mr. Tocchi indicates since this is an over 55 development the DEP identified the usage of water as being low. He also indicates that well testing has been done and the wells are all private. Chairman Shea indicates the board will require monitoring of the wells on site. Jim Rizzo indicates there will be a pond/pool in the center of the site which will be lined and won't interact with

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groundwater. Andy Glines recommends some of the storm water from the pool be used for irrigation storage if feasible. The applicant agrees to look into this. Mr. Tocchi points out there are 11 lots for dwellings and another separate lot will be used for irrigation purposes.

Brian Abatiello of 15 Wade Street addresses the board and asks about the drainage from the site. Dan Gagne of Beals & Thomas responds they have kept the drainage from the site away from the abutting properties. Mr. Abatiello also asks about landscaping to provide privacy for residents on Wade Street. Mr. Rizzo responds he will be glad to meet with any neighbor on Wade Street to discuss specific concerns.

Chairman Shea will accept a motion to continue the public hearing of Weathervane at Patriot Pines LLC to the meeting of December 13, 2022 at 7:00PM. Said motion is made by John Gaskey and seconded by Richard Dionne. 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.

6. On the application of Slocum-Gibbs Cranberry Co. requesting a Definitive Subdivision (Gibbs Street Subdivision) approval pursuant to the Carver Subdivision Control By-Law, for property located "off Wareham Street", on (Assessors Map 127 Lot 33, and Map 128 Lots 1, 2, 3, 6-1, and 15) in Carver, MA in a Residential Agricultural District. Proposed work includes construction of a ±400-linear foot roadway and cul-de-sac, stormwater management system, and off-grading to support a three-lot conventional subdivision. Each proposed single-family dwelling lot will have its own private well and septic system.

Attorney Dan D'Ambruoso of D'Ambruoso Law represents the applicant and addresses the board giving an overview of the project and indicates the plans comply with the rules and regulations of the board and laws. Chairman Shea asks if there are buildings in the area and the response is yes, there are farm buildings in the area and a residence, a barn, an office building and an out building. The applicant is proposing one new house. Chairman Shea asks why a rear lot is not being proposed through an ANR. Andy Glines of Fuss & O'Neil, the town's engineer asks Attorney D'Ambruoso to clarify as to Section 2330 of the zoning by-laws pertaining to multiple principal structures on one lot. Attorney D'Ambruoso states if it was determined they could not construct a new residential structure without removing the existing residential structure, then they would remove the existing residential structure. Chairman Shea would like to see plans for the proposed buffers between the cul-de-sac and the abutting cranberry bog.

The board will do a site walk at the site on Saturday, December 3, 2022 at 9:30AM. Chairman Shea will accept a motion to continue the public hearing of Slocum-Gibbs Cranberry Co. definitive subdivision plan to the meeting of December 13, 2022 at 7:00PM. Said motion is made by Richard Dionne and 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.

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Other Business:

7. Request for Extension to Special Permit/Site Plan Review Approval for NW Plymouth Street Solar, LLC, 204 Plymouth Street (Assessors Map 48 Lots 2, 6 & 7) in Carver, MA.

Attorney Dan D'ambrouso of D'Ambruoso Law represents the applicant and addresses the board expressing the applicant's reasons for requesting an extension on the project. The permits are sets to expire in May 2023 and they would like an extension for two years. The main reason for the extension is that the MA Department of Public Utilities is reexamining Eversource's grid and proposing modification plans and this is causing a delay. Chairman Shea notices that no waivers were granted in regard to underground utilities and the proposed plan was in anticipation of a worst case scenario as required by Eversource. Sarah Stearns of Beals & Thomas speaks to the board indicating the underground utilities are proposed across the site from the array to the point of interconnection at which point the utilities will not be underground but rather at grade or on poles. Ms. Sterns further states that they had proposed a couple different scenarios based on what Eversource would likely be requiring and that was still up in the air. Chairman Shea requests the applicant supply a letter to the board from Eversource indicating justification for the utility poles to be above ground at the interconnection.

Chairman Shea will accept a motion in regards to request for extension of special permit and site plan approval for NW Plymouth Street Solar, 204 Northwest Plymouth Street, to June 23, 2024. Said motion is made by Kevin Robinson and 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.

8. Request for Extension to Special Permit/Site Plan Review Approval for Fuller Street Solar, LLC. c/o NewCo Development Services (Assessors Map 50 Lots 8 & 10A) Carver.

Attorney D'Ambruoso of D'Ambruoso Law and Sarah Stearns of Beals & Thomas represent the applicant and address the board and give an overview of the project. The main reason for the extension is that the MA Department of Public Utilities is reexamining Eversource's grid and proposing modification plans and this is causing a delay. Kevin Robinson states he must abstain from this matter therefore Donald Williams, the alternate, will take his place.

Chairman Shea will accept a motion in regards to the request for an extension of special permit/site plan review approval for by Fuller Street Solar, LLC. c/o NewCo Development Services, to May 27, 2024. Said motion is made by Ellen Sordillo and seconded by Richard Dionne. 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.

Other Business

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- A. Planning Board Member Notes-Chairman: Potential Town Meeting Articles:
Chairman Shea asks the board members to think about potential town meeting articles they want to consider. Chairman Shea would like to bring affordable housing requirements in line with the transfer development, a by-law which was passed last year and calls for 10 percent as opposed to 20 percent. He would also like to see some of Carver By-laws brought into alignment with other Carver by-laws. He would also like to speak to someone about amending the stipend allotted to the members because members give a lot of time and their family time, and even though it is for good cause and a civic duty he also doesn't feel it should become an unreasonable financial burden to them and expenses by individual members should be discussed.
- B. Planning Director Notes: None.
- C. Discussion: The board members wish each other a Happy Thanksgiving. Chairman Shea wishes Mr. Bott and his family condolence and thoughts and prayers are with them, and also prayers and good wishes to Ellen Sordillo on her upcoming surgery.
- D. Minutes – 9/27/2022, 10/18/2022 and 10/25/2022:

Chairman Shea will accept a motion to approve the minutes of 9/27/2022 as amended. Said motion is made by Ellen Sordillo and seconded by John Gaskey. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Chairman Shea vote's aye, Kevin Robinson vote's aye and Ellen Sordillo vote's aye. Unanimously approved 5-0-0.

Chairman Shea will accept a motion to approve the minutes of 10/18/2022 as amended. Said motion is made by Ellen Sordillo and seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Chairman Shea vote's aye, Kevin Robinson vote's aye and Ellen Sordillo vote's aye. Unanimously approved 5-0-0.

Chairman Shea will accept a motion to approve the minutes of 10/25/2022 as amended. Said motion is made by Richard Dionne and seconded by Ellen Sordillo. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Chairman Shea vote's aye, Kevin Robinson vote's aye and Ellen Sordillo vote's aye. Unanimously approved 5-0-0.

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

Documents for 11/22/2022 PB Meeting

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ANR Application and plans 192 Main Street Assessor's Maps 119 Lots 7 & 6A

Memo from A. Glines to PB 11/14/2022 re: Jellystone Park water park

Memo from A. Glines to PB 11/22/2022 re: Jellystone Park water park

Draft decision for 0 Forest Street

Application for modification to special permit, site plan review and definitive subdivision for 0 South Meadow Road – Weathervane at Patriots Pines

Plans for 0 South Meadow Road – Weathervane at Patriots Pines

Application for Slocum-Gibbs Cranberry Co. Definitive Subdivision (Gibbs Street Subdivision) Assessors Map 127 Lot 33, and Map 128 Lots 1, 2, 3, 6-1, and 15

11/21/2022 memo from A. Glines to PB for Gibbs Street Def. Subdiv.

Ltr from Atty. D'Ambruoso dated 11/3/222 requesting an Extension to Special Permit/Site Plan Review Approval for NW Plymouth Street Solar, LLC, 204 Plymouth Street Assessors Map 48 Lots 2, 6 & 7

Ltr from Atty. D'Ambruoso dated 11/3/222 requesting an Extension to Special Permit/Site Plan Review Approval for Fuller Street Solar, LLC. c/o NewCo Development Services (Assessors Map 50 Lots 8 & 10A