

CARVER PLANNING BOARD  
MINUTES OF November 28, 2023

Approved  
1-9-2024

Chairman Cornelius Shea, John Gaskey, Kevin Robinson, Ellen Sordillo, Donald Williams, Bill Cullum, Thomas Bott, Town Planner and Andy Glines of Fuss & O'Neill, the town's consulting engineer.

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. Request by E&S Holdings, LLC. for a Minor Modification to Site Plan, 2 Ricketts Pond Drive (Assessor's Map 32 Lot 1-1) in the Spring Street Innovation District (SSID).  
Filed: 11/8/2023 Open Hearing: N/A Deadline: No deadline for Minor Mod.

Andy Glines of Fuss & O'Neill, the town's consultant engineer indicates he issued a comment memo today regarding the Minor Modification for this project. He indicates the recommendations he had were minor in nature and the applicant was able to address those and issue revised plans which he was able to back check the changes were made. Dawn Egan of E&S Holdings, LLC confirms new plans were submitted to the Board. Chairman Shea asks Mr. Bott if the Fire Department has any issues and he is fairly certain the Department has responded but he's not able to provide details at this moment. Chairman Shea wants to see a second row of evergreens be planted behind the deciduous plants.

Chairman Shea will accept a motion to approve the request by E&S Holdings, LLC. for Minor Modification to Site Plan, 2 Ricketts Pond Drive (Assessor's Map 32 Lot 1-1) in the Spring Street Innovation District with the condition that some type of evergreens be planted behind the deciduous trees to create blockage. Also as an amendment to the motion by Chairman Shea this approval is contingent on the Fire Department's approval. Said motion is made by John Gaskey and it's seconded by Ellen Sordillo. Chairman Shea takes a roll call vote and John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, Donald Williams vote's aye, and Chairman Shea vote's aye. Unanimously approved 5-0-0.

**Public Hearing:**

2. On the application of Route 44 Development, LLC. requesting a Definitive Subdivision approval entitled "Definitive Subdivision Plan for Route 44 Development, LLC Route 44 Commerce Park" pursuant to the Carver Subdivision Control by Law, for property located at off Green Park Way (formerly known as Montello Street) Assessors Map 20,

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Lots 2, 2-1 & 14 and Map 22, Lots 3, 3A, 3B, 3C, 3-1, 4, 5A, 10, 10-1 & 11 in Carver, MA showing 4 proposed non-residential lots in the Green Business Park (GBP) District.  
Filed: 10/18/23      Open Hearing: By 11/28/2023      Deadline: 1/13/2024

Chairman Shea indicates the Board notes the preliminary subdivision application was ruled incomplete because it was lacking necessary and required information, but the applicant has submitted a new plan which more closely aligns with the conceptual plans approved through MEEPA and the URP process.

Zachary Richards of Bohler Civil Engineering and Landscape Architecture Firm represents the applicant. Mr. Richards shows an aerial view of the site, which is 227 acres and is bordered by Route 44 to the south. He indicates the layout has changed from what was presented previously and gives details of the changes which include details of the roads on the site.

They are proposing four buildable lots, which he gives details on, including the roads, cul-de-sacs, curb cuts, traffic, center line radius, vertical curves, intersection site distance, roadway cross sections, travel lanes, and sidewalks, as well as landscape buffers, detention basins and grass swale. Also included are pedestrian crosswalks, light fixtures along the roadway, proper signage for roads, detention basins, run-off water, hydrants, grading plans, land removal, utility plans and telecom electrical conduits. He indicates they have had technical reviews and discussions with the Fire Department regarding truck turning radius and proposed water infrastructure. They are also proposing a compliant storm water system. They have been working with the Town regarding the design process and water infrastructure. He also indicates soil testing has been done on site to determine accessible areas for septic systems and treatment plants. Mr. Richards indicates they are proposing a new location for the access easement to align with the access roads that are used to utilize the cell tower.

Chairman Shea states that in his opinion the Definitive subdivision plan is so different from the Preliminary subdivision application as not to have originated from the Preliminary subdivision application but aligns much more closely with what was studied and done through the state agencies MEEPA, Secretary of Conservation and Energies, Department of Housing, etc. The new design is much better and more in alignment with what the Town was expecting in regards to this process. It Chairman Shea asks why Road B has been changed to a T-intersection rather than intersecting with the traffic circle and the response is it allowed them to create a 90 degree intersection between Road A and Road B. Chairman Shea raises concerns over access points to the cul de sac and safety over cross vehicle traffic. He also asks if EV chargers will be available and the response is this is not solved yet but they believe the future plans will provide service for

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both types of vehicles. Chairman Shea also indicates it should be noted on the plans where the sewer lines and sanitary systems will be located and Mr. Richard replies they will add these to the plan. He also asks about the proposed water tower and the response is that is not part of the proposed subdivision but this will be designed and identified if deemed necessary for the proposed developments. Chairman Shea also wants more details on sewer, water, utilities and safety. Mr. Richards states those details will be added. Chairman Shea states that Route 44 Development is under certain land use requirements through the permitting process, the MEEPA process and the Urban Renewal process, that there are certain expectation that are outlined in the EIR and that the Board has to make sure that there is appropriate sanitary systems proposed for the property. Chairman Shea asks Andy Glines with Fuss & O'Neil, the town's consulting engineer about reports from MEEPA and FEIR and the Certificate of the Secretary of Energy and Environmental Affairs. Mr. Glines indicates he will coordinate with the Town Planner to make sure to reference the latest versions of those documents and include them in a formal review. Chairman Shea also points out if GATRA bus service is to be extended to this area bus shelters should be proposed. The water treatment plant should be 420 feet from wetlands and private wells. He also indicates per the conditions outlined by the Secretary of Energy and Environmental Affairs to include, but not limited to, dust should be kept at a minimum, covering for trucks to minimize debris, on site hours of construction, mufflers on construction equipment, minimize vehicle idling, implement diesel reduction strategies, and recycle 75% of construction material. The conditions are going to be what was outlined in the Secretary of Energy and Environmental Affairs FEIR.

John Gaskey asks what the final elevation is and the response is it depends on the development that goes on the site, but in general the roadways range from 88 feet to 100 feet. Mr. Gaskey also asks if water quality testing has been done and the response it is not anticipated a private well will be utilized but if in the future water testing is required they will comply. He asks the location of the sewage sleeves and the response is in the same area as the gas and telecom lines. Mr. Richards responds that it is not anticipated that a private well will be utilized to serve the proposed developments, that it is anticipated that the Town infrastructure will be used.

Chairman Shea asks about designated truck routes and prohibited traffic through Plympton's residential side and establishment of monitoring wells.

Andy Glines indicates the major road and right-of-way and curvature they are proposing meet the requirements but as the subdivision rules and regulations are written it is up to the opinion of the Planning Board to make the ultimate decision. He also recommends regarding anticipated number of vehicle trips on the roads that the Board determine if the

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roads will meet the anticipated trips after future development. He continues indicating his recommendations for Road A and Road B.

Chairman Shea discusses with Mr. Richards the requirements for sidewalks, such as width, surface and handicap accessibility. Mr. Glines indicates he will provide formal comments on this in his review.

Mark Ruthfuss on the Plympton side of 20 Montello Street addresses the Board and asks what agencies does this project fall under and what oversight there is. Chairman Shea indicates as he understands it the Department of Community Housing Development has oversight under 121b, but multiple other state agencies are involved such as MEEPA, the Secretary of Energy and Environmental Affairs, Fisheries and Wildlife, and the Massachusetts Historic District, and Rare Species. He adds that MEEPA has oversight of a broad range in regards to this project. Mr. Ruthfuss indicates he has to review the plans and changes that have been made and Chairman Shea indicates there have been modifications to the roadway and changes to the septic system will have to be approved through MEEPA as well as changes to in-ground infiltration. Mr. Ruthfuss also asks about any current mitigation and believes he and his neighbors should be informed about this information. Chairman Shea indicates he will ask about this. He further states he had his water tested and it was good, but wants to know why water testing isn't being offered to other residents in the area. Chairman Shea responds he will check into this. Mr. Ruthfuss is concerned about lighting on the major roadway and Mr. Shea responds he will ask the town's consulting engineer to review this. Andy Glines indicates the lighting for the road will be compliant with regulations to avoid as much light pollution as possible. Mr. Ruthfuss is also concerned about all the dirt being left behind on Montello Street from all the big trucks working on the site and Chairman Shea indicates trucks routes have been provided to the truckers which they should be utilizing.

Jeanne Winslow of 28 Heathers Path, Plympton is concerned about the approximate 8,000 vehicles and additional traffic in the intersection with the Dunkin Donuts and gas station. She asks what the estimated size will be of the buildings. Tom Bott responds what is before the Board tonight is a subdivision plan which is for the creation of lots therefore there are no buildings or projects at this time. Also this subdivision plan is for roadways and to make sure there is proper drainage, sewage, utilities, safety and infrastructure. In the future someone may propose a project for the site. She asks about hours of operation for construction and Chairman Shea indicates it will most likely be Monday – Saturday (limited on Saturday) but more discussions will be had to go over this in detail. She asks about the condition of the soil regarding any contamination and Mr. Shea responds he is not sure if any reports have been generated but this actually does not come before the Planning Board.

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Chairman Shea asks Mr. Richards what the hours of operation for construction will be and the response is approximately from 7:00AM to 7:00PM, Monday through Friday, but this needs more consideration by the applicant. Mr. Richards indicates there are environmental concerns and issues for the four phases of the project and there is a Final Inspection Report that was provided to the MADP in September and there will be ongoing groundwater monitoring. Chairman Shea indicates that top soil piles and stock piles should be identified on the plan along with the PFAS encapsulation areas. Chairman Shea indicates it looks like there is a staging area for where they are going to encapsulate and that also should be identified on the plan. Chairman Shea asks if MEEPA has been notified of the proposed changes and the response is no changes need to be given to MEEPA as part of the subdivision. Mr. Gatsky asks for a copy of the final remediation letter and the response it will be provided.

A site walk is scheduled for Tuesday, December 5, 2023 at 8:30AM. The applicant will have the site staked out for the Board's visit.

Chairman Shea will accept a motion to continue the public hearing for the application of Route 44 Development, LLC., to request a Definitive Subdivision approval entitled "Definitive Subdivision Plan for Route 44 Development, LLC Route 44 Commerce Park" pursuant to the Carver Subdivision Control by Law, for property located at off Green Park Way (formerly known as Montello Street) to December 5, 2023 at Carver Town Hall, Meeting Room 1 at 7:00PM. Said motion is made by Kevin Robinson and it's seconded by Ellen Sordillo. Chairman Shea takes a roll call vote and John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, Donald Williams vote's aye, and Chairman Shea vote's aye. Unanimously approved 5-0-0.

**Other Business:**

**A. Planning Board Member Notes-Chairman: None.**

John Gaskey indicates the Carver High School Football team is heading to Gillette Stadium for the Super Bowl on Wednesday, November 29, 2023 at 5:30PM. He also indicates the youth football team, the Midgets, won their Super Bowl and the Pee Wees were knocked out of the Playoffs and the Mites made it to the Super Bowl but fell in their final moments to the other team. He states it was a great season!

**B. Town Planner Notes - Sign Foley Farm ANR, Sign Litter's Paw Decision. Site visit Plymouth Airport:**

The Board decides to do a site walk of the Plymouth Airport on Wednesday, November 29, 2023 at noontime.

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Mr. Bott has the Decision for Litter's Paw, and he reads the Conditions aloud.

**C. Discussion – Potential topics for Town Meeting:**

Chairman Shea indicates there is currently a change to the Usage Chart in regards to frontage and area requirements. He also indicates there is a request from the Town Clerk for codification or change of class regarding zoning regulations. Chairman Shea asks Mr. Bott about the conversations with the state regarding pervious sidewalks and changes in infiltration, which he believes they will not have time to layout for the April 2024 Town Meeting. Mr. Bott indicates subdivision regulations do not go to the Town Meeting, but Zoning does go to the Town Meeting. He continues if the Board wants to change subdivision regulations then a hearing would be held and a vote taken.

**D. Minutes – 10/24/2023:** Chairman Shea will accept a motion to approve the Minutes of 10/24/2023 as edited. Said motion is made by Ellen Sordillo and it's seconded by Donald Williams. Chairman Shea takes a roll call vote and John Gaskey vote's aye, Kevin Robinson abstains, Ellen Sordillo vote's aye, Donald Williams vote's aye, and Chairman Shea vote's aye. Approved 4-0-1.

Chairman Shea indicates it was brought to his attention that this was the last night to legislatively hold the public hearing regarding Route 44 Development, LLC. Mr. Bott states this was the Board's first opportunity regarding the 30 day requirement. Chairman Shea and Mr. Bott discuss their differences of opinions about when the public hearing should have been on the agenda as well as addressing dates for meeting deadlines

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

**Future Meetings**

**December 5, 2023**

**December 19, 2023**

**January 9, 2024**

**January 23, 2024**

Possible Hearing for Planning Board procedures and Policies

**February 13, 2024**

**February 27, 2024**

Documents for 11/28/2023 PB Meeting

Relocation of plantings plan from McKenzie Engineering

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11/28/2023 memo from A. Glines to PB re: minor modification 2 Ricketts Pond Drive

11/28/2023 response ltr from McKenzie to PB re: minor modification 2 Ricketts Pond Drive with plans

Definitive Subdivision application with plans for Route 44 Commerce Park

10/10/2023 Memo from David Formato to 44 Development, LLC re: Route 44 Commerce Park

10/11/2023 Memo from Kathleen Keen, PE to 44 Development, LLC re: transportation summary

11/7/2023 Ltr from Johanna Leighton – Chair of Redevelopment Authority to Cornelius Shea – Chair of Planning Board re: Route 44 Development

11/14/2023 memo from Assistant Deputy Chief J. Boyle to T. Bott re: Route 44 Development – Fire Truck turn exhibits

11/15/2023 memo from Assistant Deputy Chief J. Boyle to T. Bott re: Route 44 Development – Definitive Subdivision Plans

11/28/2023 email from C. Shea to T. Bott - public comments from K. Shea re: Route 44 Development