

Approved
11-9-21

CARVER PLANNING BOARD MINUTES OF OCTOBER 12, 2021

Present: Chairman Bruce Maki, Jim Walsh, Ellen Sordillo, Cornelius Shea, Kevin Robertson, and Richard Dionne.

Member(s) Absent: John Gasky

Meeting was called to order at 7:01 P.M.

Pledge of Allegiance.

Sign Permits:

1. **Wall sign and directory sign for Louis Nails and Spa**, 2 Montello Street. Mr. Maki opened discussion with Ms. Mary Dong from Art Studio Sign and Neon who is representing the nail spa. Ms. Dong explained the new signs would replace signs from the prior nail salon and will be roughly the same size, and will meet all regulations under special permit. Motion to approve the signs was made by Cornelius Shea, seconded by Ellen Sordillo. Unanimously approved 5-0-0.
2. **Wall sign and directory sign for RE/MAX Platinum** located at 73 Main Street. Mr. Maki opened the discussion with All American Signs, who represents RE/MAX. The sign meets all requirements. Motion made by Cornelius Shea, seconded by Ellen Sordillo to approve the sign. Unanimously approved, 5-0-0.

Windy Bog Doggy Daycare – review of Board's Decision of Approval on September 28,

2021. Jim Walsh gave a brief history of the matter explaining that the owner of the doggy daycare requested to have 20 dogs at her establishment. A discussion was made by the board to bring the total number of dogs down to 15, which Ms. Gori agreed to. It was Jim's recollection that if Ms. Gori wanted more dogs she should come back next year to re-apply or whatever year she wanted to increase the amount. Even though this is not a public hearing Mr. Maki allowed Ms. Laura Jewett, next door neighbor to speak. She went onto explain that when Ms. Gori first filed the application she described taking care of the dogs as a hobby count. According to Ms. Jewett, a hobby counting was described as 6 to 10 dogs, adding that somehow the number of dogs increased to 20 dogs. Also according to Ms. Jewett there was a part missing from the September 28th decision. She explained that her and her husband understood they would call Ms. Gori directly in real time with any problems or concerns, rather than calling the authorities. For one year they would keep track of their phone calls and texts to Ms. Gori and come back to the board in one year to see how she was doing with the 15 dogs, and if she wasn't doing well they would lower the amount of dogs to 6 to 10. According to Mr. Maki and Mr. Dionne, it was their understanding that the Decision concluded that after one year Ms. Gori could come back to the Planning Board, and depending if there were any complaints or not, she could request an increase to 20 dogs. Mr. Maki asked Jim Walsh if Ms. Gori filed a request for a commercial

kennel or for a hobby. Jim Walsh replied that an application for boarding had to be a commercial application. Ms. Gori had explained in order to operate her business as profitable the boarding of 6 to 10 dogs a was not enough, and that she needed to take care of 15 dogs to make her business run. Ms. Jewett went on to explain that on Sunday October 10th the barking was so bad they she and her husband walked over the Gori kennel and found 5 dogs barking non-stop. They didn't say anything, but when the barking continued into Monday, the October 11th, they contacted Ms. Gori about it. According to Mr. Maki only pickup of dogs were to happen on Sunday's until the end of the month to assist with dogs from King Richard's fair. Cornelius Shea suggested to Ms. Jewitt that she should notify the police or animal control about noise complaints because the kennel's business is licensed through the clerk's office where if multiple complaints were received it would raise the issue and possibly put her license in jeopardy. She indicated they would wait to the end of King Richard's Fair to complain, and Mr. Shea informed her to make any official complaints to police or animal control where they would be recorded and logged in through appropriate channels. He also suggested she log her own calls for a backup and said the calls would be recorded. Discussion ended.

Public Hearing – Continued:

On the application of JCM Carver Acquisitions LLC requesting a Special Permit (for Fast Food or Drive-In Restaurant) and Site Plan Review pursuant to sections 2200 (Use Regulations), 2300 (Dimensional Requirements), 2330 (Multiple Principal Structures), 3100 (Site Plan Review), 4300 (Water Resource Protection), 5300 (Special Permit) and other pertinent sections of the Carver Zoning Bylaw, located at 287 Tremont Street (Assessor's Map 94, Lot 5-0-R) to demolish an existing 525 square foot building and construct a new 50 ft. by 25 ft. ice-cream shop building and a 90 ft. by 50 ft. storage garage, landscaping and parking. Property is located in the General Business (GB) District. Continued to the November 9, 2021 Planning Board meeting

96 Forest Street, EJCP LLC - Request for Minor Modification to Site Plan. Continued from September 28, 2021. The site plans have been approved. Attorney Robb D'Ambruoso is present and represents Eric Pontiff, a Principal. Mr. Pontiff would like to combine 4 bays in the 5 bay rear building to lease to tenant in front building. Modifications will not affect exterior of building, just removal of three interior walls. Mr. Maki opens the discussion explaining that there are only 4 members present tonight and that if a vote is taken, it will be a majority vote. However, he states a vote tonight probably won't take place because the board is waiting to receive a letter from the fire department about the stored chemicals. Mr. Maki also wants to explore whether these are minor modifications, since the front of the building is for storage of chemical products for use on cranberry bogs. The applicant stated that a report is filed annually with the fire department regarding the stored chemical. The building in the rear was approved as a craftsman/tradesman site.

Mr. Pontiff indicates that the buildings are closed to the public. Mr. Maki is concerned that although this seems like a minor modification it might not be, but since the rear building is going from a craftsman/tradesman building to a storage facility which will be used by the tenants in the front building. He's worried about pesticides and other chemicals being stored. His primary

concern is if it will bring storage to our town, does the town actually need a warehouse. Cornelius Shea believes this is not a minor modification and notes when plans were approved they were for a craftsman and tradesman building. He is also concerned about the storage of chemicals on site. Mr. Shea also feels this is not an appropriate re-class. The building was for the trades such as carpentry and cabinet building, jewelry building, etc., and now Mr. Pontiff is proposing to change the use of the building into a warehouse, which he considers a major modification. He continues that that building was supposed to bring employment and businesses to the town, and proposing to use the building as a storage warehouse, then that is what should have been applied for. Attorney D'Ambruoso indicates there will be no chemicals stored in the rear building. He also points to Section 2330 of the by-laws in which there is no mention of craftsman and tradesman, rather it the by-laws state no more than one non-residential principal structure may be erected on the lot pursuant to a special permit by the planning board. The board discusses the permits for the original buildings and expresses concern the buildings will not be used for what had been originally approved. Mr. Maki asks Mr. Walsh when the board expects to hear from the fire department to which responds a report should be received by the next board meeting.

Will Sinclair, a neighbor, and former planning board member, is concerned about confinement of fertilizer chemicals and asked how the principal intends to control any spill. He said there are 2 buildings on the lot, one for craftsmen and the other for chemical materials. He is concerned the principal now wants everything in one building. Should this be a special permit, asked Mr. Sinclair? He is concerned about a possible explosion. Judy Richards, another concerned neighbor, is worried fertilizer will probably be stored in the rear building. She spoke to fire officials about it and is concerned for safety of neighbors and loved ones. The board decided to wait to receive the letter from fire department before continuing matter. Motion by Kevin Robertson, seconded by Ellen Sordillo to continue the meeting to October 26, 2021. Unanimously approved, 5-0-0.

Rockland Trust Company – Special Permit located at 124-128 Main Street. Ms. Heather Dudko represented the Rockland Trust and Mr. Stephen Carroll of Rockland Trust presented the matter. Rockland Trust would like to replace large sign which has a soft glow. Small signs will remain on site. Mr. Maki indicates the Board has approved some soft glow signs in the past. The existing sign is 13sq ft., which is already over the allowed size. The reason a new sign is being requested is the landlord wants to paint the building, which will diminish the visibility of the sign significantly. Therefore a soft glow sign (lights only the letters – not the backdrop) is being requested. The timing the lit signs was discussed and it was decided the sign would automatically be set to light from 8:30 A.M. to 6:00 P.M. daily, except Sunday's. It was also agreed that the sign would be 30 sq. ft. Motion by Kevin Robertson, seconded by Bruce Maki to approve the changes under those conditions. Unanimously approved, 5-0-0.

Bayberry Dunes, LLC – Special Permit located at 2 Lillian Way. Mr. LONNIO a principal is represented by Attorney D'Ambruoso. Jim Walsh gives a brief history of the property. He indicates this is an old project and was done before he started working at the town

and on his second day there was a public hearing on this matter. Publication of the project was advertised and the advertisement did not mention it was a special permit with two principal structures on the same lot. It went through the site plan review process and during that process and no one, including Mr. Walsh, caught onto the fact that the special permit for two principal structures was required and the project was approved. Building permits were issued and construction ensued. It was before Mr. Bouchet started it was discovered special permits for the two principal structures on the same lot were never issued for this particular project. What was issued was a site plan review and it was eventually found that it was non-conforming. Mr. Maki also states there was not a special permit for this land. The project was approved by the former planning board, but there was an error made when the initial application was introduced. The owner wants to construct 2 commercial buildings, one 6,000 sf and one 7,200 sf, for a total of 13,200 sf on one lot. The proposed building will be used for craftsman/tradesman. Attorney D'Ambruoso says there was a site plan review and the owner received 2 permits and built the buildings, and he is not at fault because the Town made an error. Cornelius Shea wants to make sure what the buildings are being used for. Jim Walsh says the new tenants must comply with Section 2330 of the by-laws and must demonstrate requirements are being made. Judy Richards, a neighbor, said she does not like the buildings and they are eyesore and embarrassment to the community. She also indicated there is a drainage problem resulting in excess street water and that snow removal was also a problem. She is very displeased with the design of the building. Mr. Maki says many people in town don't like the looks of the building. Attorney D'Ambruoso indicates the owner has spent a lot of time and money improving the appearance of the building and will add significant landscaping. The landscaping has not been started yet, but is ready to go immediately. William Sinclair, a neighbor, said the site plan was approved and it has nothing to do with the special permit request. He continues that by-laws are in place and they are specific. He wants to see an architectural rendering of the project because he is concerned about parking for all the bays. He continued that the town is not putting the by-laws in place and the drainage is bad and there is significant street flooding. Attorney D'Ambruoso indicates there is no reason to re-litigate this because Town made an error two years ago. He said the owner is not trying to dispute the condition of the property and will make changes to correct the look of the building and drainage issue. William Sinclair would like a compromise. The owner will plant dogwoods, arborvitae, and rhododendrons which will eventually grow on the side of the building. Richard Dionne would like to see a physical rendering of the proposed changes. At this time there are only plans and no rendering. Mr. Maki sets up a site visit for October 18th at 12:00 P.M. All will attend except for Kevin Robertson. A Motion is made by Cornelius Shea, and seconded by Ellen Sordillo, to continue matter on October 26, 2021, 7 P.M. Unanimously approved, 5-0-0.

Bayberry Dunes, LLC – Special Permit to exceed number of signs for property located at 2 Lillian Way. The proposed size and location of the sign were discussed by the owner and the board and Jim Walsh reviewed the plans. Mr. Maki explains the size for the proposed sign is 84" and 72". When the board is on the site visit on October 26th, they will also be shown where the sign will be placed. Cornelius Shea makes a Motion, seconded by Ellen Sordillo to continue this matter on October 26, 2021 at 7:00 P.M. Unanimously approved, 5-0-0.

North Light Realty Trust – Site Plan and Review and Special Permit at 1 Marion Drive.

Mr. Gregory Morse, a registered engineer represents the owner, Buzz Artiano and shows and describes plot plan for 2 new buildings on site for warehouse/office buildings with associated driveways, parking, drainage and landscaping. He reviews with board the handouts he has given out. Mr. Morse is submitting the application and would like to get the Board's comments tonight and then come to next meeting to discuss. There is a long list of comments already received from Mr. O'neil, and Mr. Maki wants the site staked out and the board agrees to visit the site on October 19, 2021 at 12:00 P.M. All but Kevin Robertson will attend. At the time of the visit there will be no signs but attendees will see the company sign on the marquee and above the doors on building. Motion made by Kevin Robertson, seconded by Ellen Sordillo, to continue matter at October 26, 2021 at 7:00 P.M. Unanimously approved, 5-0-0.

Other Business:

A Motion was made by Kevin Robertson, seconded by Ellen Sordillo to approve the minutes of September 14, 2021. Unanimously approved, 5-0-0.

A Motion was made by Kevin Robertson, seconded by Cornelius Shea to approve the minutes of September 28, 2021. Unanimously approved, 5-0-0.

The board members wished Jim Walsh goodbye and good luck. His last day will be October 15, 2021. He will be missed.

Adjournment

Motion to adjourn made by Kevin Robertson, seconded by Ellen Sordillo. Unanimously approved, 5-0-0.

Adjourned at 10:15 P.M.

Minutes submitted by Maryann Graham.