

**Planning Board Minutes  
Tuesday, April 12, 2016**

APPROVED  
4-26-16

The Carver Planning Board met on April 12, at the Carver Town Hall, Meeting Room #1, 108 Main Street, Carver, Massachusetts. This meeting was videotaped for cable cast area 58, channel 15.

Mr. Bruce Maki opened the meeting at 7:00 p.m.

**PRESENT:** Bruce Maki, Chairman; Kevin Robinson; William Sinclair; James Hoffman  
**ALSO PRESENT:** Marlene McCollem, Director of Planning and Community Development; Christine Champ, Recording Secretary

**Approval Not Required Plan:**

Nicole & Robert Perry - 5 Snappit Road (Assessor's Map 34-5-P1) - to create 2 lots out of 1, subject to a variance dated July 21, 2015.

Filed with the Town Clerk: March 29, 2016

Last Meeting: April 12, 2016

Deadline: April 19, 2016

Chairman Maki read the notice aloud. Ms. McCollem stated the Perrys would not be in attendance and she recommended the endorsement of two lots, with house and barn. The owners already went to zoning. Ms. McCollem also recommended that it met all the guidelines and the variance gave them all the relief they needed.

Mr. Sinclair motioned to endorse for the Perrys at 5 Snappit Road. Mr. Hoffman seconded the motion. It was voted unanimously.

The plans were to be signed after the meeting.

**Public Hearing:**

Ground Effects Landcaping, Ltd. - Special Permit - 68 Main St. (Assessor's Map 71-9-3)-to allow a full-service landscape construction and maintenance company in a General Business District. (Zoning Bylaw §§2230, 5300).

Filed with the Town Clerk: March 17, 2016

Last Meeting: June 14, 2016

Deadline: June 15, 2016

Chairman Maki read the Hearing Notice into the record. Peter Bishop and Shawn Bishop, the owners of the business, were in attendance and stated their business was out of Marshfield and

they were looking to relocate to Carver. Their plan would be to keep the back for equipment. They wanted to have employee parking. They also wanted to have retail business in the front.

Chairman Maki inquired about the similar use previously (Johnson Landscaping). Jamie Emerson of 4 Mazzilli Drive related there had been some updating to the building and a lot of interior work and cleanup inside. Mr. Emerson stated that Scott Johnson had been there for 20 years and the only changes were the bins out front. Mr. Emerson also stated that next door Earth Works had been there for years and everything had been inspected and signed off.

Mr. Shawn Bishop suggested that they would be full service, with all landscaping materials needed for a small local homeowner, landscaper or the public. He stated he saw Carver as a growing community and he thought it was attractive to younger families, while still keeping them in the middle from Cape Cod to Boston.

Chairman Maki inquired about the storage bins. Mr. Peter Bishop said they would be concrete bins for storage. Mr. Shawn Bishop stated they would be portable. He said they would plant flowers and he felt this would complement the local area and street.

Chairman Maki asked if they planned on marking the spaces and was informed they were already marked.

Chairman Maki asked if the Board had any questions. Mr. Sinclair inquired about the types of materials and their impact and wanted to know if the Board of Health has looked at this. Mr. Shawn Bishop said not yet. Shawn Bishop said the materials were organic and listed some. He said there would be bulk landscape materials. There was concern about any chemicals in the materials. Mr. Shawn Bishop described the size of the bins to be about 6 feet high. Mr. Sinclair said on Emerald, they were limited and they will look at the limitation of height.

Mr. Sinclair said this is a need and complimented Jamie Emerson on what a nice job he had done on this building. He thanked Mr. Emerson. Mr. Emerson said there were five or six applicants for this property and he said he thought they (Bishops) would be a great fit for this town, the real deal, successful. Mr. Sinclair wanted to make sure there was a good fit. Mr. Shawn Bishop said they wanted it to look good visually, high end. He wanted to project that to the town's people.

When asked about the containers, Mr. Shawn Bishop stated they were sea containers and they would be used for off-season equipment storage (i.e. in the winter, summer equipment and in the summer, winter equipment). Mr. Sinclair would like comments from the fire department for the storage end of the containers.

Mr. Sinclair inquired if there were any designs on the yard office trailer. Mr. Shawn Bishop stated it was an 8 X 20 pre-fab office container, just for the yard manager for paperwork and coordinating deliveries. He stated there would be gated posts to secure the yard. Mr. Sinclair was concerned about stacking there, coming in and out of facility onto Main Street. Mr. Shawn

Bishop stated the gate would be closed at night. He said there would be parking around the building and the yard office was in the most convenient location. He said the customers don't spend a lot of time on the property and the majority of business is delivery; that it's a phone-based business.

Mr. Sinclair felt this would be a great location and great for customers. Mr. Shawn Bishop said he can move the trailer if Mr. Sinclair was more comfortable. Mr. Sinclair said it would be a place of congestion and that he would like to see it in the back. Mr. Shawn Bishop said they will move it if Mr. Sinclair feels better and that anywhere on that side of the property works. Mr. Sinclair said he was also concerned with the looks of the business on Main Street. Other than that, he said he was good.

Chairman Maki asked for any other questions. Mr. Robinson inquired about changing out of the trailer down the road and Mr. Shawn Bishop said that would be his vision. Chairman Maki inquired about the hours and months. Mr. Shawn Bishop said it would be April through December, but a year-round company. He said there was not a lot of coming and going January and February. Mr. Robinson asked about the size/amount of vehicles. Mr. Shawn Bishop said it would be about 15 vehicles and 10/20 employees. He added, once they get going, they're gone.

Mr. Sinclair requested to know the hours. Mr. Shawn Bishop stated Monday through Saturday, 7:00 to 4:00 for retail and 7:00 to 5:00 for construction business. Chairman Maki wanted to know, other than materials, would there be stone? Mr. Shawn Bishop said there would be stone and other stock would be stored in back where equipment was. Mr. Robinson inquired, no dumping of yard waste? Shawn Bishop said no.

Chairman Maki asked for any audience questions.

Mr. Arthur Parent of 65 Main Street, across from the location, had two concerns. He said his first concern was, yard waste was stored there in the past. His second concern was the noise at 7:00 a.m. (in the summer). He said Mr. Johnson was instructed not to but did. Mr. Parent would like a provision of no storage on the site and something about the noise. Mr. Shawn Bishop answered that they empty the trucks every day on the way back from work. He further described to Mr. Parent what was stored. Regarding noise, he said they would start at 7:00, but the only time there would be noise was the snow plowing in the winter. Mr. Parent said he understood.

Jimmy Legrand of 63 Main Street stated he lives next to Mr. Parent. He said he had the same concerns as well as storage of cut grass. He asked if there would be any occupants in the building and Mr. Shawn Bishop told him no.

Mr. Emerson said Mr. Johnson did have mulch and that he (Mr. Emerson) took 18 tractor loads out. He said he felt this business would be different. He also said everything was clean. Mr. Emerson also stated the fire department has been through and it is all cleaned up.

Mr. Peter Bishop would like a small container in back to hold about 40 yards of material, as it

would make it efficient for them as short-term storage. Chairman Maki wanted to know, how short term is that? Mr. Shawn Bishop answered, like a week. Chairman Maki said, we'll have to look into the smell and neighbors.

Mr. Sinclair wanted a process of schedules for removal of compost, whether the container is full or not, when it will be removed. Mr. Sinclair said, in the meantime, they would take a look at the bylaws.

Mr. Peter Bishop stated, the other business was more lawn-based and theirs is not like that. He said it was totally different, dirt, rocks, concrete, a little bit of everything. Mr. Peter Bishop said that was why they want to keep the dumpster, they turn every few days. He said they will provide a schedule for the Board which will be for the neighbors.

Mr. Sinclair asked about the material droppings. He wanted control of the droppings coming from the yard to Main Street.

Mr. Sinclair also inquired about the sign, wanting to know how far back from the street and the design. (Mr. Shawn Bishop indicated on plan.) Mr. Emerson said they took it through the permit process and they did setbacks from the road. He thought it should be all set. Mr. Shawn Bishop added, the sign base was already installed. Chairman Maki asked if the sign permit was necessary and Mr. Emerson said it was done. Ms. McCollem said she thought it was done in September (for frame). She added the Board can make panels part of the specifications. Chairman Maki inquired if the sign was lit and Mr. Emerson said, not at this time. Provision for future.

Mr. Robinson inquired if there would be repairs to vehicles on site? Mr. Shawn Bishop replied, just a little maintenance like tires inflated. Mr. Robinson is concerned that vehicles are not to be serviced there and he also wants a provision for no one living in the building. Mr. Emerson said he removed the shower and changed the regular kitchen to an office kitchen, no longer accommodating for a person staying there.

When asked if there would be any fertilizer stored there, Mr. Shawn Bishop answered, a small amount, for their own project use, and they would not be selling retail fertilizer. Chairman Maki asked if there would be a showroom. Mr. Shawn Bishop said there would be some displays. He also stated, initially, products that would sell in their construction business, primarily bulk products.

Chairman Maki asked how many employees and Mr. Shawn Bishop said they have 20 at present but there could be as many as 35, as they work Plymouth to Weymouth.

Chairman Maki asked for any other questions from the Board. He suggested it be continued to the next meeting on April 26th. Mr. Shawn Bishop said they will drop information to Ms. McCollem and she will have it for the next meeting. The board decided no site visit was

necessary. Ms. McCollem will collect all the materials for the next meeting and she will have the Board of Health review as well.

Mr. Sinclair asked if there is dust control and Mr. Shawn Bishop referred to the sweeper and said the yard was paved. He said the dust was at a minimum because of the pavement.

Mr. Sinclair made a motion to continue. Mr. Hoffman seconded the motion. It was voted unanimously.

**Site Plan Review:**

Jamie Emerson - Tremont Street (Assessor's Map 95-3-1)-for the construction of a 7,470 s.f. building and associated site work in a General Business District (Zoning Bylaw §3100).

Chairman Maki read the article into the record. Ms. McCollem said she received an email tonight to continue to the April 26th agenda from Greg Morse.

Mr. Sinclair made a motion to continue the hearing to April 26th at 7:00 p.m. Mr. Hoffman seconded the motion. It was voted unanimously.

The board decided to do a site walk of what was there. Ms. McCollem said the site visit was scheduled for Monday, April 25th at 6:00 p.m. and she would post and send all a reminder. She said she would let Greg Morse know. She noted the property was staked for the conservation hearing.

**Discussion:**

Review of final plans submitted for Linbia's Path, Definitive Plan Decision dated May 26, 2015.

Regarding Linbia's Path, the six-lot subdivision off of High Street, the Board allowed the waiver for grade and change of sign name.

Ms. McCollem went through the conditions listed on the May 26, 2015, correspondence to Ms. Lynn Doyle, Town Clerk.

Condition 1. Prior to endorsement of final plans, true photocopy filed with the Registry of Deeds should be submitted to the Carver Planning Department; Condition 2. 3.6 acres of open space should be conveyed to the Carver Conservation Commission per Section 3864 of the Zoning Bylaws; Condition 3. Prior to endorsement, needs covenant. Ms. McCollem recommended the Board sign these. She suggested they sign duplicate original and she has them. She could recommend they sign the covenants and she'd have notarized. Condition 4. No need to worry yet about this condition. Condition 5. This was not an issue yet. Condition 6. This was not an issue yet. Condition 7. This condition was fine. Condition 8. This condition was fine. Condition 9. Three house lots would be given building permits. Ms. McCollem said this is

something that the Board would watch. Condition 10. Prior to endorsement, final plans are needed and they must be reviewed by the Board. Ms. McCollem is waiting for comments. She suggested they not sign. Ms. McCollem said she would follow up with Shawn and that they could come in and sign plans when all was final and words were in by Shawn. Ms. McCollem said the applicant wanted to get started and get going. Ms. McCollem said they can wait until April 26th and Mr. Sinclair agreed, wanting to wait until then.

Mr. Sinclair asked if anyone could sign and Ms. McCollem said anyone could sign. She suggested a majority of members should sign.

Ms. McCollem said she would follow up with Shawn and put it on the agenda for the 26th. She asked them to sign the covenants and Chairman Maki agreed. They were passed around and signed by the members.

Comments to be sent to the ZBA regarding the proposed 40B subdivision off of Plymouth Street.

Chairman Maki referred to the plan in the package of the proposed 40B subdivision. He said it was not very specific with no septic system and no details. Chairman Maki said it was presented to housing partnership and it hasn't progressed any further than when it was submitted. He said he felt there were no details and was looking to Ms. McCollem for input. Ms. McCollem said they need to give the Zoning Board more specific designs and they are supposed to provide by mid-June. She recommended when they have more definitive plans, they can be re-submitted. Ms. McCollem said we don't have enough information at this point for referral. Chairman Maki said, we need plans updated with more detail.

Mr. Sinclair asked if the Zoning Board had hired an engineer to look at and follow. Ms. McCollem said, not yet. There is a need to do procurement for scope of work and negotiate a price and the Board does not have a plan to send in procurement package.

Mr. Sinclair asked if Ms. McCollem could give an idea of what happened at the initial Zoning Board hearing. Ms. McCollem said it was opened and continued on April 17th or 18th. She could not summarize but it would be in the minutes and televised. She thought people could get copies of draft minutes or stream. The hearing has been continued to July. Mr. Maki said the board will wait until they get other plans.

### **Other Business:**

#### **A. Planning Board Member Notes**

Mr. Sinclair wanted to remind people of the Master Plan Committee meetings on the 3<sup>rd</sup> Monday of the month with the next meeting on April 25th because of the holiday. He said he wanted all to be involved as they scope out the future of Carver. Mr. Sinclair said for the public and Planning Board, a lot of information is out on the Urban Renewal plan. He feels there's a lot of

mis-information out there and the Redevelopment Authority has the correct information. Mr. Sinclair wanted to encourage the public to attend the April 13, 2016, meeting, noting it is the Redevelopment and not the Planning Board.

B. Minutes - March 22, 2016

Mr. Sinclair had a clarification on the Borrego Discussion/Decision of the March 22, 2016, Minutes. He noted it was regarding the vote by Mr. Sinclair to activate remote participation of Mr. Kevin Robinson. Mr. Sinclair said it was important to have in the Minutes that Mr. Robinson was out of town on a family issue and that was why there was remote participation.

Mr. Sinclair motioned to accept the Minutes, as amended. Mr. Hoffman seconded the motion. It was voted unanimously.

C. Correspondence (if any)

None.

D. Next meeting date: April 26, 2016

Mr. Sinclair made a motion for the next meeting date of April 26, 2016. Mr. Hoffman seconded the motion. The date was approved unanimously.

E. Adjournment

Mr. Sinclair made a motion to adjourn the meeting. Mr. Hoffman seconded the motion. It was voted unanimously to adjourn at 8:12 p.m.

**EXHIBITS**

- A. Agenda
- B. Certificate Re: Perry - 5 Snappit Road, Carver, MA
- C. Certificate Re: Linbi's Path - High Street Conservation Subdivision
- D. Material Re: Tall Pines, Carver, MA
- E. Planning Board Minutes of 3/22/16







# TOWN OF CARVER

## Office of Planning & Community Development

### PUBLIC MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A, SECTION 20B

### PLANNING BOARD MEETING AGENDA

April 12, 2016

7:00 PM

Carver Town Hall Room #4

#### Approval Not Required Plan:

Nicole & Robert Perry—5 Snappit Rd. (Assessors Map 34-5-P1)—to create 2 lots out of 1, subject to a variance dated July 21, 2015.

Filed with the Town Clerk: March 29, 2016

Last Meeting: April 12, 2016

Deadline: April 19, 2016

#### Public Hearing:

Ground Effects Landscaping, Ltd.—Special Permit—68 Main St. (Assessors Map 71-9-3)—to allow a full-service landscape construction and maintenance company in a General Business District. (Zoning Bylaw §§2230, 5300).

Filed with the Town Clerk: March 17, 2016

Last Meeting: June 14, 2016

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#### Site Plan Review:

Jamie Emerson—Tremont St. (Assessors Map 95-3-1)—for the construction of a 7,470 s.f. building and associated site work in a General Business District (Zoning Bylaw §3100).

#### Discussion:

*Review of final plans submitted for Linbia's Path, Definitive Plan Decision dated May 26, 2015*

*Comments to be sent to the ZBA regarding the proposed 40B subdivision off of Plymouth Street*

#### Other Business

- A. Planning Board Member Notes
- B. Minutes—March 22, 2016
- C. Correspondence (if any)
- D. Next meeting date: April 26, 2016
- E. Adjournment





# TOWN OF CARVER PLANNING BOARD

108 Main Street  
Carver, MA 02330

Phone: (508) 866-3450  
Fax: (508) 866-3430  
E-mail: kavitha.kumar@carverma.org

## Form A

(Approval Not Required Under Subdivision Control Law)

Applicant Name Nicole & Robert Perry  
Location 5 Snappit Rd.  
Date Received \_\_\_\_\_  
Date of Action \_\_\_\_\_  
Action Taken \_\_\_\_\_

### Submission Checklist

- ☐ Application Form
- ☐ The Plan - 8 Copies
- ☐ Mylar of Plan
- ☐ Application Fee

(Check # \_\_\_\_\_)

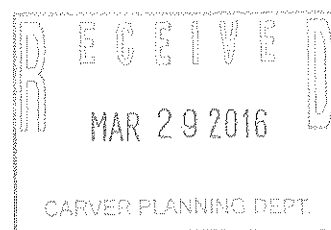
Filing Fee

\$125.00

Per Lot Fee

\$150.00/lot

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





FORM A

APPLICATION FOR ENDORSEMENT OF PLAN  
BELIEVED NOT TO REQUIRE APPROVAL

2/24/16, 20  

To The Planning Board of the Town of Carver

The undersigned wishes to record the accompanying plan and requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required. The undersigned believes that such approval is not required for the following reasons: (Circle as appropriate.)

1. The accompanying plan is not a subdivision because the plan does not show a division of land.
2. The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the Carver zoning by-law under Section 2320 which requires 150 feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
  - a. a public way or way which the Town Clerk certifies is maintained and used as a public way, namely SWAPPIT Rd, or
  - b. a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely \_\_\_\_\_ on \_\_\_\_\_, and subject to following conditions \_\_\_\_\_; or
  - c. a private way in existence on \_\_\_\_\_, the date when the subdivision control law became effective in the town of Carver having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely \_\_\_\_\_.
3. The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/other instrument, namely \_\_\_\_\_ which adds to/takes away from/changes the size and shape of, lots in such a manner so that no lot affected is left without frontage as required by the \_\_\_\_\_ zoning by-law under Section \_\_\_\_\_, which requires \_\_\_\_\_ feet.
4. The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically \_\_\_\_\_ buildings were standing on the plan prior to \_\_\_\_\_ the date when the subdivision control law went into effect in the town of Carver and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law is submitted as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



5. Other reasons or comment: (See M.G.L., Chapter 41, Section 81-L)

See Appeals Board Decision 15-971

The owner's title to the land is derived under deed from Vittorio Artiano,  
dated 12-31-13, and recorded in \_\_\_\_\_,  
Registry of Deeds, Book 43973 Page 142 or Land Court  
Certificate of Title No. \_\_\_\_\_, registered in \_\_\_\_\_ District Book \_\_\_\_\_,  
Page \_\_\_\_\_ and \_\_\_\_\_ Assessors' Book \_\_\_\_\_, Page \_\_\_\_\_.

Received by Town Clerk;

Applicant's signature \_\_\_\_\_

Date: \_\_\_\_\_

Applicant's address \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_

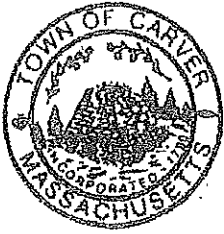
Signature: \_\_\_\_\_

\_\_\_\_\_

Applicant's Phone # \_\_\_\_\_







*Cranberry Land U.S.A*

*Town Clerk*

Lynn A. Doyle

Notary Public

lynn.doyle@carverma.org

108 Main Street

Carver, Massachusetts 02330

Tel: 508-866-3403 • Fax: 508-866-3408

**CERTIFICATE OF TOWN CLERK AS  
TO ZONING BOARD DECISION**

Applicant: Robert and Nicole Perry

Location: 5 Snappit Rd., Carver, MA  
Plymouth County Registry of Deeds, Book ; Page

I, hereby certify that the decision of the Town of Carver Zoning Board of Appeals was filed in the office of the Town Clerk on August 6, 2015.

I further certify that twenty (20) days have elapsed after the decision has been filed in said office and that no appeal has been filed.

Date of Certification: August 26, 2015

Case #: 15-971

Issue Date: August 27, 2015

Lynn A. Doyle  
Town Clerk

cc: Zoning Board of Appeals

LAD/njm







# TOWN OF CARVER

Zoning board of appeals

2015 AUG 6 PM 1 11

108 Main Street  
Carver, MA 02330

Phone: (508) 866-3450  
Fax: (508) 866-3430  
E-mail: [Carver.Planning@carverma.org](mailto:Carver.Planning@carverma.org)

**ROBERT AND NICOLE PERRY**

**CASE #15-971**

**JULY 21, 2015**

A Petition was filed seeking a Special Permit and Variance from Section 2320 of the Carver Zoning Bylaws to subdivide property at 5 Snappit Road, Carver, MA; Map 34 Parcel 5P1. Relief is being requested as to lot size: 49,545 square feet lacking the required 60,000 square feet; and with side setbacks of 21 ft. and 28 feet respectively, lacking the required 30 feet.

## NOTICE

Pursuant to notice duly published in the Carver Reporter and duly posted within the Town Hall, and duly posted on the Town of Carver website and by written notice under M.G.L. Chapter 40A mailed to all parties of interest, a public hearing was held on July 21, 2015. Sitting on the case were Chairman Stephen G. Gray, Vice Chairman Sharon F. Clarke, James Nauen, Steven Maynard and Fran Mello.

## EVIDENCE

The Petitioner, Mr. Robert D. Perry Jr., presented testimony. The Petitioner owns a lot with a single family home and a barn on it. The Petitioner is proposing to subdivide the lot and convert the barn on the "new" lot into a home for his in-laws. He submitted a plan, dated June 3, 2015 prepared by Webby Engineering #W-4967, showing the proposed subdivision of the lot. The driveway and the septic system would be shared by residents of both homes. Utilities would be separate.

Ms. Clarke questioned the Petitioner about the septic plan. The Petitioner stated the system is three years old and in good repair. It will serve five bedrooms; four in the existing home and one in the planned new home. Ms. Clarke asked if the barn met fire codes. The Petitioner stated as far as he knew, it did; the Building Inspector did not indicate any issues. Ms. Clarke asked about the shared driveway. The Petitioner stated he was aware the property line would run approximately down the middle of the driveway.

Ms. Mello asked about a second floor bump-out appearing in the picture of the barn and noted her concern that it could be turned into a bedroom. The Petitioner stated that was where the attic area pull-down was located. He stated he would be restricted by the capacity of the septic system from turning the area into a bedroom. Ms. Mello asked how



electric services would be tied in. The Petitioner stated utilities already exist separately; the barn is currently charged at the commercial rate.

Ms. Clarke asked the Petitioner if he was aware the taxes on the property would increase. The Petitioner replied that he did.

Ms. Mello asked about the well on the property. The Petitioner replied it would be shared and he did not foresee any issues; there is tremendous water pressure.

→ Ms. Clarke stated the Board of Health would have to certify the septic system. She informed the Petitioner a new deed would need to be filed with the Plymouth County Registry of Deeds. This would be very important should the Petitioner decide to sell the property at some point in the future. Ms. Clarke further stated no Building Permit should be issued without a review from the Board of Health.

There were no other people present to speak in favor or against the Petition. A motion was duly made and seconded to close the hearing. The hearing was closed.

### **FINDINGS**

The Board found that the benefits of the proposed use outweigh its detrimental impacts on the Town and the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.

Subject to review by the Board of Health, relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

### **DECISION**

A motion was made, duly seconded, and voted unanimously to approve the request for relief, subject to review by the Board of Health.

A Special Permit was granted under Sections 5330-5336 to subdivide the lot into a conforming lot and a non-conforming lot.

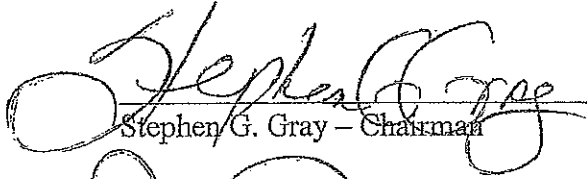
Two variances under Chapter 40A, Section 10, for lot size (10,455 feet) and side yard setbacks (2 feet and 9 feet), were granted from the Carver Zoning Bylaw Section 2320, owing to the shape of the non-conforming lot.


The plan, dated June 3, 2015, prepared by Webby Engineering #W-4967, is hereby incorporated herein and made part of this Decision.

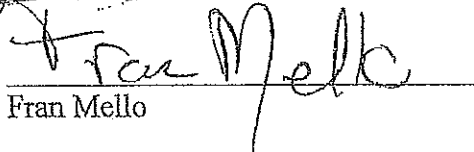
Any person aggrieved by this decision may appeal to a court of competent jurisdiction pursuant to M.G.L. Chapter 40A, Section 17 within twenty days of the date that this Decision is filed in the office of the Town Clerk.

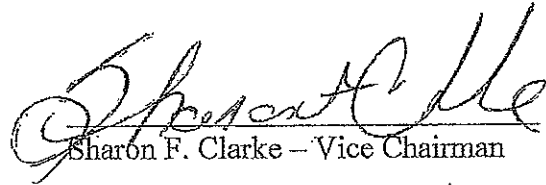


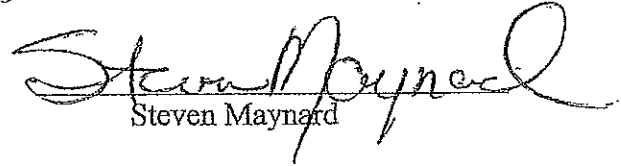
Board of Appeals:

  
Stephen G. Gray - Chairman

  
James Nauen

  
Fran Mello

  
Sharon F. Clarke - Vice Chairman

  
Steven Maynard









## TOWN OF CARVER PLANNING BOARD

108 Main Street  
Carver, MA 02330

Phone: (508) 866-3450  
Fax: (508) 866-3430  
E-mail: [town.planner@carverma.org](mailto:town.planner@carverma.org)

May 26, 2015

Ms. Lynn Doyle, Town Clerk  
Town of Carver  
108 Main St.  
Carver, MA 02330

### **RE: Decision – Linbi's Path Conservation Subdivision – Definitive Subdivision Form C**

Dear Ms. Doyle:

At a duly noticed and posted public meeting held on April 28, 2015 and continued and closed on May 12, 2015 on the application of Adriano Cimbron, for a Definitive Subdivision (Form C) per the Subdivision Rules and Regulations of the Planning Board and Sections 2230 and 3800 of the Zoning Bylaws, for "Linbi's Path" a Conservation Subdivision on land on High Street forming a portion of Map 36, Lot 2A, with members Maki, Hoffman, Cavicchi, Sinclair and Robinson in attendance, the Planning Board voted 5 to 0 to Approve the Definitive Subdivision.

#### **Findings:**

The Planning Board opened the Public Hearing for the Definitive Subdivision on April 28, 2015. The hearing was continued and closed on May 12, 2015. The Definitive Subdivision Plans are entitled "Conservation Subdivision of "Linbi's Path" in Carver Massachusetts, Applicant, Adriano Cimbron, 45 Provincetown View Rd., Plymouth MA 02360. The Plan was prepared by Webby Engineering Associates, Inc. The original plan is dated February 9, 2015; the final revision date of the definitive plans is to be approved by the Planning Board upon endorsement of the Mylar. The Board finds that the plans have been revised to reflect all issues represented by the Carver Planning Board, Town of Carver Departments and Town Engineer.

#### **Conditions:**

The Planning Board voted 5 to 0 to approve the definitive subdivision, subject to the following conditions:

- 1) Prior to the Planning Board's endorsement of the final plans, a true photocopy of the Planning Board's decision as registered at the "Plymouth County Registry of Deeds" shall be submitted to the Carver Planning Department.



- 2) The 3.6 acres of open space shall be conveyed to the Carver Conservation Commission per section 3864 of the Zoning By-laws.
- 3) Prior to the Planning Board's endorsement of final plans, a protective covenant approved to form by the Planning Board shall be executed and recorded at the "Plymouth County Registry of Deeds" and shall be submitted to the Carver Planning Department.
- 4) Prior to the release of any lot by the Planning Board, all easements, deed restrictions and conveyances, as submitted to the Planning Board shall be executed and recorded at the "Plymouth County Registry of Deeds" and shall be submitted to the Carver Planning Department.
- 5) All ways, roads, drainage facilities, water facilities and other utilities within the subdivision, shall remain private and any maintenance thereof, snowplowing, and any other associated costs, shall be the responsibility of the applicant, Adriano Cimbron, or its successor in interest with respect to same, until said time when the Town of Caver has accepted all responsibilities of said roadway and associated easements.
- 6) A copy of any change in ownership of said property and responsibility of said subdivision shall be filed with the Town Clerk within thirty (30) days of recording of said instrument.
- 7) During construction all local, state and federal laws shall be followed.
- 8) There shall be no burying of stumps anywhere on the approved subdivision property.
- 9) No more than three house building permits shall be allowed until a house building permit is issued for the approved "inclusionary unit".
- 10) Prior to endorsement by the Planning Board of the Mylar plans, revised final plans must be approved by the planning Board and Town Engineer.
- 11) Following endorsement of said plan by the Planning Board, the applicant shall supply a duplicate Mylar of the sheets to be recorded, and seven (7) copies of the signed plans.

**Waiver:**

- 1) The Board voted 5 to 0 to allow the House on Lot # 4 to be within 100 feet of the Wetland.

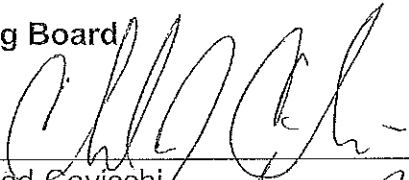


This Decision shall not take effect until a copy of this Decision, certified by the Town Clerk that twenty (20) days have elapsed since the Decision was filed with the Town Clerk without any appeal having been filed there from, or that any such appeal has been finally determined, has been filed at the Plymouth County Registry of Deeds, and a certified copy indicating such Registry recording has been filed with the Carver Planning Board.

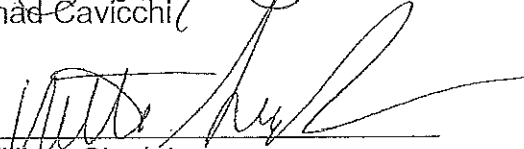
Any person wishing to appeal this Decision of the Carver Planning Board, in accordance with Massachusetts General Laws Chapter 41, Section 81BB, must do so within twenty (20) days of the filing of this Decision with the Town Clerk.

**Carver Planning Board**

  
\_\_\_\_\_  
Bruce Maki, Chair

  
\_\_\_\_\_  
Chad Cavicchi

\_\_\_\_\_  
Jim Hoffman, Vice Chair

  
\_\_\_\_\_  
William Sinclair

\_\_\_\_\_  
Kevin Robinson

5.26.2015  
DATE







**TOWN OF CARVER**  
**Office of Planning & Community Development**

108 Main Street  
Carver, MA 02330

Phone: (508) 866-3450

Fax: (508) 866-3430

E-mail: [marlene.mccollem@carverma.org](mailto:marlene.mccollem@carverma.org)

2015 DEC 23 PM 9 14  
TOWN CLERK  
CARVER MA

December 23, 2015

Ms. Lynn Doyle  
Town Clerk  
108 Main Street  
Carver, MA 02330

Re: Linbi's Path Definitive Plan  
#P-336-15-C  
Off High Street

Dear Lynn:

At its meeting of December 22, 2015, the Planning Board voted unanimously to authorize me to correct an error in their decision of May 12, 2015 regarding the above application. This clarification applies to the Definitive Plan filed with your office on May 26, 2015.

The decision inadvertently neglected to grant a waiver of Section 7.3.5.f of the Subdivision Rules and Regulations. This waiver was intended to be granted, and the road shall be constructed to maintain a 2% centerline grade for the first 40-feet from the intersection with High Street.

Furthermore the road name shall be changed from "Linbi's Path" to "Linbia's Path."

Sincerely,

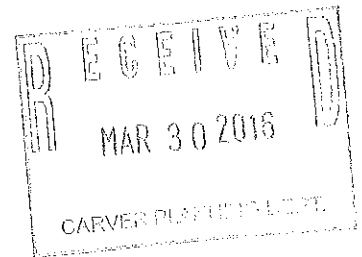
Marlene V. McCollem, AICP  
Director of Planning & Community Development

CC: Applicant





WEBBY ENGINEERING ASSOCIATES, INC.  
180 COUNTY ROAD  
PLYMPTON, MA. 02367  
(781)-585-1164 (p) (781)-585-0450 (f)  
WEBBYENGINEERING@AOL.COM



March 14, 2015

Carver Planning Board  
Town Hall  
Carver, MA. 02330

Revisions to Linbia's Path, Carver

Dear Board Members,

This letter is in response to the April 16, 2015 review by Fuss and O'Neill for Linbia's Path Subdivision to address the revisions requested by Shawn M. Martin P.E.

- 1) The Board seemed satisfied that the inclusionary housing unit did not have a garage.
- 2) The applicant has filed a Notice of Intent with the Carver Con. Com and did receive a variance to construct a dwelling within 65' of a wetlands.
- 3) We increased the width of the easement to 20'. The board seemed satisfied with the location being centered along the lot line.
- 4) We provided a silt fence around the temporary stockpile area with notes for removal of all erosion control devices upon final stabilization.
- 5) We included a note for dust control.
- 6) We provided wattles along cul-de-sac and a detail
- 7) We provided limits of disturbance and duration on the Erosion Control Plan.
- 8) We provided a temporary staging area.
- 9) We provided a detailed description of the soil profile Test Pit D-1 and a copy of the classification for soil permeability within the drainage report.
- 10) We reduced the curb radii at High St. to 30'
- 11) We redesigned the drainage system to include a pair of double catch basins, manhole, and overflow structures.
- 12) We were granted a waiver from the Planning Board on Dec. 23<sup>rd</sup>. 2015 to allow the slope change in grade to be 40' from the intersection. The plans have been revised.
- 13) A waiver was granted by the Planning Board during the initial plan review.
- 14) Robert Tinkham, Health Inspector, has stated he would allow waivers of this regulation since the lots have been reduced in size.
- 15) We have relocated the hydrants 3' from the edge of pavement and added a note on the hydrant detail (sheet #7)
- 16) Sight distances were discussed at the Planning Board hearing and determined to be adequate.
- 17) We have provided detailed grades within the cul-de-sac.



March 30, 2016

- 18) We have met with the fire department and have added the fire protection distribution system as requested on the plans.
- 19) We have added proposed grading around the proposed dwelling on Lot 4.
- 20) We have relocated the prop. Guardrail to the top of the 2' grass slope.
- 21) We have eliminated the 18' wide pavement width and modified our detail.

Landscaping Plans were prepared by Wet Tech Land Designs. Revised plans have been provided addressing your comments.

#### Drainage Design.

- 1) We expanded the watershed area P1A to include the existing and proposed grades.
- 2) We expanded the watershed area P2 northerly as requested.
- 3) We updated the peak flow volume summaries to include additional watershed areas.
- 4) We revised the plans to refer to the drainage basin as a bioretention basin.
- 5) We revised the grass strip to act as a buffer only and not a filter strip.
- 6) We have adjusted the curve numbers appropriately.
- 7) We have adjusted the 2 year rainfall depth to 3.4 inches.
- 8) We have redesigned the drainage system to include catch basins/manholes and forebay treatment areas to be included within the bioretention basin which will provide adequate pretreatment.
- 9) We have adjusted the hydrocad calculations to match the detail.
- 10) We have redesigned the drainage system to include catch basins/manholes and forebay treatment areas to be included within the bioretention basin which will provide adequate pretreatment.
- 11) We have provided a concrete outlet structure.
- 12) We have revised the bioretention basin to comply with the MA Stormwater Handbook.

If you have any questions regarding these issues please do not hesitate to contact our office.

Respectfully,  
Stephen Kotowski  
Webby Engineering Associates

