



Town of Carver, Office of Planning and Community Development

12/12/17

Planning Board Meeting Minutes, November 14, 2017, Carver Town Hall, Meeting Room #1. This meeting was videotaped for cable cast area 58, channel 15.

Attendees: Bruce Maki, Chairman; William Sinclair; Kevin Robinson; Chad Cavicchi; James Hoffman

Also Present: Jack Hunter, Interim Planning Director; Stephen Cole, Planning Director

Absent:

Bruce Maki, Chairman, opened the meeting at 7:02 PM, followed by the pledge of allegiance.

Mr. Maki – We have both our Interim Planning Director and our new Planning Director here tonight. Welcome to Mr. Stephen Cole!

Public Hearing:

- Lisa Crowley, Fetch & Rest Doggie Daycare, 160 North Main Street (Assessors Map 24-3-1). Request for a Special Permit to allow a commercial kennel in the Highway Commercial District per the Carver Zoning bylaws, Sections 2300 & 5300.

Mr. Hunter – This is a proposal for a commercial kennel due to the number of dogs. It is located at Carver Marketplace. This was submitted to the Board of Health as well as the Animal Control Officer. There is a response from the Board of Health, in your packet. There are also concerns from abutters.

Paul Costello, Attorney - I am here tonight representing the applicant, Lisa Crowley. Lisa is seeking approval for a doggie day care located at the Carver Marketplace. We are located in the Highway Commercial Zone. This special use is approved by the planning board. In section 6 of the bylaws, it defines a kennel as providing boarding and grooming. A natural offset would be providing care for the pets. There will be no grooming or overnight boarding in this facility. Hours would be 7 AM - 6 PM. The clients would drop off in the morning and return to pick them up each evening. She would operate 5 days per week. Some consideration is being given to limited (7 AM – 2 PM) on Saturdays and would depend on the need. No consideration for Sundays. This would be the first of its kind in Carver. There is significant demand for this type of service. The location is in a shopping center. There should be no issue with traffic.

The parking lot is large and the unit that she is looking at is between two vacant units. Bringing new customers into the area would be beneficial to other business in the plaza. Lisa has been caring for pets for 26 years. This is a lifelong dream for her. Mr. Maki – How many dogs/ day? Between 25 and 40 It's over 2800 sq. ft.; rule of thumb is 75 sq. ft. per dog. Dogs would not be outside all at once. We would staff 1 person per 15 dogs. Mr. Maki – People would access you through the front? Ms. Crowley – Yes. They would drop off in the lobby. Mr. Maki – What about noise, barking, etc.? Ms. Crowley – Generally dogs that attend a daycare, are well socialized. You can't control barking 100%; but this is a kennel free environment. Mr. Cavicchi – What about waste? Ms. Crowley – We will enclose an area with stockade fencing with pea stone; the waste will be collected and disposed of and the area will be disinfected. Mr. Cavicchi – What about the fire department? Mr. Hunter – I didn't originally notify them but will provide the proposal to them tomorrow. Ms. Crowley – There should be no disruption for access around the building. Dig Safe will be contacted before the fence goes in. Mr. Hunter – We will follow up with Fire Department. Mr. Robinson – At full potential, you could have 35 cars dropping off at opening time? Ms. Crowley - The drop off window is three hours. There will be stockade fence so that there will be privacy and the dogs won't be able to get out. Mr. Robinson – In regards to removing that waste. Will you have someone picking up the dumpster more frequently? Ms. Crowley – If that is what it takes. Mr. Robinson – Will the dogs all be licensed and with appropriate shots. Ms. Crowley – Yes, there is protocol to make sure they are properly vaccinated, flea and tick, spay or neutered, etc. Mr. Maki – Will you remove the asphalt before placing the gravel? Ms. Crowley – No, just placed over it. Mr. Hoffman – A small retail section? Ms. Crowley - That is something I hope to grow into. Mr. Sinclair – You referred to an enrollment package; can we review that? It would be good to know what your criteria is. Ms. Crowley – It's almost like a survey, but it's information more for me to determine how it's behavior will be with other dogs, as well as liability waivers. Mr. Sinclair – You have many good letters of recommendations. Can you provide a copy of the design of the pen with the berm and maintenance schedule on that? Ms. Crowley – Yes. Mr. Sinclair – Procedures for drop off and pickup? Ms. Crowley – Dog are contained in back. Upon arrival the leashed dog will be taken from the owner and brought out back. At the end of the day, the leashed dog will be brought out front by a worker and returned to the owner. Mr. Sinclair – I recommend the Board of Selectmen send a letter to the Dog officer regarding the lack of response to our request. Mr. Hunter – We tried to reach out to the Animal Control Officer. Did Lisa? Ms. Crowley – I did. She responded asking to review the property. I repeatedly tried calling to reach only a full mailbox and did not get a return call. Mr. Hunter – In the past, they were very involved with the process; I am a little concerned as to why this has changed. In your packet you have a letter from the Board of Health; they are fine with the proposal as long as there is no grooming. If that were to happen, they should come before the board again. I am concerned that you will need a constant turnover on waste. We had issue or concerns for fencing and dogs burrowing. This may not be as much of an issue as is not a grassy area. Mr. Maki – What do you do with liquid waste? Ms. Crowley – The peas stone will absorb most of it, but surface is disinfected. Mr. Maki – Do you change the stone? Ms. Crowley – Probably, when necessary. Mr. Maki – Will there be an outside cover? Ms. Crowley – Yes an "easy up" to provide shelter. Mr. Sinclair – Can you provide us with the information on the disinfectant? Ms. Crowley – Yes.

Mr. Maki – Any questions from the public?

Rob Kirkland – 20 Montello Rd., Plympton – My major concern is with the noise from the dogs. I maintain a property similar to this in Kingston and the dogs are loud. Behind the plaza there is always stuff going on – forklifts, etc., this will cause the dogs to bark. At 5:00 AM, the Dollar Store is getting deliveries, I can hear that with all my windows shut. Mr. Maki – Don't we have limited hours of delivery? At the Marketplace? Attorney – We won't be having all the dogs out at once, there will be no weekends. I went out and observed #10 Montello Road (unable to attend tonight's meeting). Attorney presented photos of 10 Montello road. Mr. Maki – We may need to schedule a site visit. Attorney – I was down there with specific concerns. The distance between 20 Montello and this site is 200 – 300 yards. If the members of the board will review the site, then I won't take up any more of your time on that issue.

Kristen Kirkland – 20 Montello Rd. Plympton – If the pen is out back of Unit G, how is the dollar store going to get deliveries? Mr. Maki – We can look at that when we do a site visit. Ms. Kirkland – We do have well water in that area in Plympton. The dumpsters are emptied at 4:00 AM and it wakes us up. The noise magnifies all the way to our house. The hours are kind of vague; this needs to be more clear. If she needs to extend her hours she should need to revisit this board. What are we going to do to make sure these rules are adhered to? What are the repercussions? Mr. Maki – If they don't follow the rules, you need to submit a complaint. The board could act. Mr. Maki – We will hear concerns tonight; do a site visit; then schedule another hearing. Attorney – Hours M-F 7 AM-6 PM; with some consideration to limited hours on Saturdays. We would be willing to condition any kind of Saturday hours to coming back before the board.

Richard Jackson - 4 Heathers Path – I am physically closest to the shopping center. I agree, the noise is amplified back there. It can get very loud.

Bob Belbin - 26 Gate Street, Carver - Regarding the fence – the good side has to be outside – Health records must be kept track of. I have two dogs and only let out one at a time. It gets too loud. I am concerned about the drainage of this with asphalt, pea stone and then AstroTurf. There needs to be some type of drainage. We are on well water around here. Mr. Maki – The Board of Health okayed this but we will take another look at it. The hours – I'd rather let them extend hours with 30-day notice rather than more fees and coming before the board.

Christine Joy - Plympton – I would like you to consider eliminating the outside pen. The dogs could be trained for indoor use.

Mr. Maki - Seeing no audience members with comments or questions, let's schedule a site visit.

Steve Cohan – Heathers Path – I've lived here for 20 years. There are a lot of people that walk their dog down Montello which will cause even more barking. The whole back of the property is all asphalt which I have a concern over drainage. Where is all the urine going to go? I have two dogs myself; we trained our dogs to go in an area that we have crushed stones. There is a lot of waste with just two dogs. I don't imagine a landlord would want waste inside the building. If it's going to run off anywhere, it's going right into our neighborhood. I also disagree, Montello Street to the back of the building is less than 300 sq. ft.

Mr. Hunter – We will need:
Enrollment package

More defined pen plan

Maintenance plan

Hours

Does your landlord know your plan for waste?

The Board should consider revisiting at a 6-month window to see how things are working out

When is everyone available for a site visit?

Mr. Sinclair – Tuesday is my only good day, 3:30PM

Mr. Robinson - I am unavailable at that time

Mr. Cavicchi – I can do 3:30

Mr. Maki – I can take Mr. Robinson at a separate time

Mr. Maki – I can make 3:30 PM

Applicant, Ms. Crowley – I will be there

Mr. Hoffman – I can be there

Mr. Maki – Can you mark out where the pen will be? Ms. Crowley – It's already marked.

Motion to do a site inspection on Tuesday, November 21, 2017 at 3:30 PM: Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous (5-0)

Motion to continue Special Permit to 7:00 PM on December 12, 2017: Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous (5-0)

Approval Not Required Plan:

- Clark Griffith, Trust – South Main Street & Indian Street. Discussion and possible vote.

Mr. Hunter – This is actually the towns application. Mr. Griffith would like to donate some land to the Conservation Commission. Brian Grady, GAF Engineering – Mr. Griffith has been divesting himself of some of his properties. This new plan, before you tonight, is a stand alone piece. This plans defines the lot to be donated and defines those taken out and conveyed by deed. The donated land is 8.7 acres in total. Mr. Hunter - The Conservation Commission wants it and they would like this to be endorsed tonight so they can proceed with closing. This is just cleaning it up.

Motion to endorse the Form A for Mr. Griffiths gift: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (5-0)

Mr. Cavicchi stepped out

Receipt of Plans:

- DHP Realty Trust – Patriots Pines Subdivision (0 South Meadow Road)

Mr. Hunter – This is a definitive subdivision – because of timing I am asking to schedule the public hearing for 11/28 at 7:00 PM.

Motion to schedule a public hearing on 11/28 at 7:00 PM: Mr. Sinclair

Second: Mr. Hoffman

Approved: Passed, (4-0-1)

Informal Address, Sarah Stearns -

Sarah, Patriots Pines Subdivision - As you know we have filed the definitive plan. With our timing coming into the wintery weather, we thought we would informally request that at the 11/28 hearing, assuming that the Board would want to do a site visit; would the board consider a special meeting on 12/5, if needed.

Also, would the board consider an informal site visit prior to 11/28 or 12/5 whatever could be scheduled.

Mr. Sinclair – If you are thinking of an informal site visit, what dates would you propose? Sarah – I am flexible; the road way is accessible. Mr. Sinclair – Mr. Hunter and Mr. Cole – If we were to do an informal site visit and I wanted to see drainage, easement, would it be pertinent to ask that now? Mr. Hunter – Yes, you can ask. They have done a very good job with the planning on this. You could have a site visit before the 28th and then vote on the 5th. Typically, we vote to have a posted site visit. If you can decide whether to have a special meeting and the answer is yes, you could probable do a site visit in between. I would hope that by November 28th, any town issues will be addressed. Mr. Maki – Are we willing to come back on December 5?

Mr. Sinclair – Yes

Mr. Hoffman – No I am not available

Mr. Robinson – Yes

Mr. Sinclair – We have a sitting member that is a direct abutter and a member that is away on business. I think we can use remote participation. Under certain circumstances we can enact this. Mr. Hunter – You can enact it as you already have a quorum. Mr. Hoffman can be accessible.

11/28 – Scheduled hearing with remote participation for Mr. Hoffman; then schedule site visit

12/5 – Special meeting with remote participation for Mr. Hoffman

Mr. Serkey - On behalf of Makepeace, thank you for scheduling a Special Meeting. This will help us with our deadlines.

Motion to schedule special meeting for 12/5 at 7:00 PM: Mr. Sinclair

Second: Mr. Hoffman

Approved: Passed (4-0-1)

- Edaville Land Holdings – Pine Street

Mr. Hunter – they are paving the parking lot and doing drainage. I recommend public hearing on 12/12 at 7:15

Motion to schedule public hearing for Edaville Land Holdings on 12/12/17 at 7:15 PM: Mr. Sinclair

Second: Mr. Hoffman

Approved: (4-0-1) Passed

- Jamie Emerson, 57 Wenham Road –

The Board reviewed the plans and it will be considered for endorsement at the next meeting.

Mr. Cavicchi returned

Appointment:

- Christy Gibbs Kendrick – Possible re-zone Tremont Street:

Christy – Zoning of Tremont Street (last house in Carver); Mr. Kendrick – This property used to be zoned Commercial. Currently, on the website, this is listed as Residential/Agricultural, not Commercial. We would like to have it zoned Commercial. Mr. Maki – Why did it change? Christy – We have no idea; we were never notified. Mr. Maki – I spoke to Mr. Hunter on this. Mr. Hunter – I think that Christy and her husband have proven that it should be and was business zoned. If they wanted to change just their

property it would be spot zoning. I suggested that they reach out to Berry Guys. If they were agreeable, they would have a swath of Commercial land. The Town Administrator loves the idea and encourages the support of an article on this. Mr. Maki – How does this affect the other properties? Mr. Hunter – The value is based on the use not zoning. Mr. Kendrick – Gary has no interest and does not wish to change his current use; but has no opposition to it. Mr. Hunter – If the Planning Board does not support a zoning article than you need 10 owners to partition. I strongly urge you to work with the Berry Guys – this would legitimize their business so they wouldn't have any issues. Mr. Maki – This would be a benefit to the town. Mr. Hunter – I suggest that Kendrick and Mr. Cole meet to discuss a meeting with the Berry Guys. At the 11/28 meeting you can discuss if the Planning Board wants to sponsor the article. I would not encourage the Board to rezone a property when the owner does not want to. As long as they have two properties, there would be no spot zoning. Mr. Sinclair – If Berry Guys changed what does that do? Mr. Hunter - They would no longer be an agricultural exemption. Mr. Sinclair – As far as defining the zone, that would be done here? Mr. Hunter – The owners would come up with a proposal. I would advise you to act quickly; have a plan back to board by the 28th.

- Peter Allegrini – Possible zoning signage

Mr. Allegrini is not present

Other Business:

A. Planning Board Member Notes:

Mr. Maki – I am very happy to see Stephen with us tonight. Thank you Jack for taking over and filling in. Jack will help out if needed.

Mr. Sinclair – Thank you Jack for all of your help; you have been a great asset to this town. Welcome Stephen. Carver is a great place. Mr. Hoffman – Welcome Stephen and Thanks for your help Jack.

B. Planning Director Notes:

- a. McCarthy Towing – 80 North Main Street – Mr. Hunter – You gave them some steps to take. There are some abuses there and he has expressed a willingness to correct these issues.
- b. Solar By-Law – Mr. Hunter – The Town Administrator is looking for information on setbacks of 200' – he would like to present an article to give the Board discretion on this. I believe he is thinking that when an application comes before you that you have the ability to waive setbacks if it meets certain criteria, without going to ZBA first. December 5 is the deadline and would like a determination on whether to pursue by then. I suggest that where you are open to this, perhaps Stephen can meet with Michael and bring it back to the Board on 11/28 meeting. The Board is in agreement.
- c. Inclusionary Housing by-law – Mr. Hunter – 15% of any multi family or subdivision has to be affordable. The last project – Patriot – had some concerns over the language. Their attorney brought up some discrepancies. The Town Administrator would like to know if you want to work on

cleaning it up. Stephen may need to look at this. I have looked at it and I do agree there are some redundancies.

C. Minutes – October 10, 2017

Motion to approve the minutes of October 10, 2017, as submitted: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (3-0-2)

Discussion:

Mr. Sinclair – Could we request all these document be sent to us prior to the meeting so we can review them?

Mr. Cole will discuss with Jill.

D. Next Meeting date: The next meeting has been scheduled for Tuesday, November 28, 2017, at 7:00 PM.

E. Adjournment:

Motion made to adjourn at 8:58PM: Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous (5-0)