



approved 8/13/19

Town of Carver, Office of Planning and Community Development

Planning Board Meeting Minutes, July 23, 2019, Carver Town Hall, Meeting Room #11. This meeting was videotaped by cable cast area 58, channel 15.

Attendees: Bruce Maki, Chairman; James Hoffman, Member; Kevin Robinson, Member; James HJen Bogart, Member Kevin Robinson

Also Present: Jim Walsh, Planning Director; Andy Glimes, Fuss and O'Neil

Absent: William Sinclair, Member

Bruce Maki, Chairman, opened the meeting at 7:02 7:00 PM, followed by the pledge of allegiance.

Approval Not Required:

- James Weston – Off Lakeview Street – Receipt of Plans

We typically receive plans tonight and discuss at our next meeting, but exceptions have been made

Stephen Cartwright, RAS Associates –

Mr. Maki – Generally we receive and then approve at the next meeting. Mr. Walsh – The Health Agent and I reviewed the plans and noted that Map 29, Lot # should be referencing Map 8. Mr. Maki – We can't sign a plan that is incorrect. If you could fix that and return to the August 13 meeting. Mr. Cartwright – The correction is for the abutting property and not the actual Locust piece. I was not contacted by the planner. If I was, I would have corrected it. With the case law as clear as it is (21 days under 81L) I am a little at odds that the meetings are scheduled in this manner. For a minor edit as such, the locust itself is correctly identified. Mr. Maki – If you could correct the plan and get it back to the office, the Planner can review and then get the members to come in to sign it. Mr. Cartwright – I could correct the mylar tonight. Mr. Maki – How do you feel about that Jim? Mr. Walsh – I don't have a lot of experience on this. The procedure could be clarified with town counsel. Mr. Cartwright can return with a revised plan and then I can contact the board members to come in. Mr. Maki – You would have to come back with signed copies any way. Mr. Cartwright – I could do all copies right now. This is a minor error. Mr. Maki – Is there a rush on this? Mr. Cartwright – My client is anxious; this property was before the board before. There is a bit of a push; I apologize for the error. Mr. Walsh – In the packet is a copy of the endorsement from 2015. Mr. Maki – can you explain what you are doing?

Mr. Cartwright –

It has insufficient frontage and would be combined with 26B. Access to the parcel is through the existing driveway off of Lakeview so this should not be an issue. It's not a conforming lot and will be combined with lot 26B.

Mr. Maki – I have the old plan and it shows 26D; what you show now is 26K and was once a part of 26-1. Lot 26B is 26B on both plans. 26K has no frontage so it had been combined with 26.1? Now it will be joined with 26B? Mr. Cartwright – yes, as it is shown on the plan. Mr. Maki – 26B didn't used to have frontage? Mr. Cartwright – Yes, but taken care of in 2014. Mr. Cartwright – When the bog is conveyed, they will convey the 26K to James and Thomas Weston, individually and would no longer be a separate lot. They are looking to retain a building that is out there. Mr. Maki – The error? Should read, for abutters, Map 8 in all three instances.

Mr. Maki – I suppose if you can strike it tonight, we could do that. If we sign this tonight, before the mylar goes out; we should verify with legal counsel? Mr. Walsh – The board can approve endorsing subject to counsel approval. I can make arrangements with the board members for signatures. Mr. Hoffman – This will be a condition as part of the vote. Mr. Cartwright – I would be happy to make it a condition and then provide a clean mylar for signature.

Ms. Bogart – Can you clarify the plan? Mr. Maki clarified the correct plan, in the packet, with Ms. Bogart. Ms. Bogart asked for clarification of the rules for frontage with a non conforming lot. Fire Department okay with this? Mr. Maki – This is a Form A so we are looking at property lines and zoning by-Laws. Mr. Hoffman – So 26K will, if approved, be part of 26B? Mr. Cartwright – Yes, that's correct. Mr. Hoffman – 26K is owned by LLC and 26B is owned by the brothers? Mr. Cartwright – Correct.

Motion to approve with a corrected mylar submitted to the Planning Office: Mr. Hoffman

Second: Mr. Robinson

Approved: Unanimous (4-0)

- William Peters – 19 & 21 Fosdick Road– Discussion and possible vote

Walter Hartley, Consultant –

Mr. Peters is the applicant. For a number of years (since the 80's), the property line has been assumed, it isn't correct. There is a gazebo on 19 that belongs to 21, which is resulting in a lot line change. Mr. Walsh – It also appears that they are doing a fence. With 2 non conforming lots, have you gone to Zoning at all on this property? Mr. Hartley – We would have to get denied by you in order to go before zoning. There are lawyers involved; the judge instructed everyone to try to work it out. The lots were 40,000. Mr. Maki – The only change, with concern, is the distance from house to property line? Mr. Walsh – One corner is 44.9 feet. Mr. Maki – I want to make sure that this is allowable. Mr. Hartley – It is RA property. Mr. Robinson – You don't know what that original line was? Mr. Hartley – I am not sure. Mr. Maki reviewed the by-Laws and verified that the setback is 30 feet. Mr. Hoffman – Have we heard from the owners of lot 19? Mr. Hartley – Yes, she signed the application and is in agreement

Motion to approve the ANR, for 19 & 21 Fosdick Road (Map 65-1-11R and 65-1-10R): Mr. Hoffman

Second: Mr. Robinson

Approved: Unanimous (4-0)

Endorsement of Subdivision:

- SLT Construction – Spring Street, Rickett's Pond Business Park

Mr. Walsh – I don't see anyone here tonight. I was under the impression that they were going to have their engineer here. They were supposed to make a correction to the mylar; they were going to supply a signature on sheet #3.

Mr. Maki – We can table it until the next meeting where they are not here. Mr. Walsh – Yes, I was expecting them to bring in a change to the plan set. I will contact them tomorrow.

Minor Modification:

- Borrego Solar – 59 Federal Road – Discussion and Vote –

Mr. Walsh – The applicant had a copy of the conditions that were provided by Mr. Cole. I reviewed them and compared to a previous approval (Wareham Street and Hammond Street). Everything looked pretty consistent. The only change was hours of operation. Start time was listed as 6:00 AM on draft and the previous approval was 7:00 AM; I changed this condition to 7:00 AM as the site is adjacent to a neighborhood. The Board voted and approved at the last meeting; we just needed to review conditions. Mr. Maki read aloud the conditions for this modification.

Mr. Maki – We already approved the plan at our last meeting. Mr. Sinclair can sign this at a later date. Mr. Walsh – the changes were approved with conditions. Ms. Bogart abstained so she will not sign. Will was there so he will sign at a later date.

Motion to approve the revised conditions for the minor modification for Borrego Solar: Mr. Hoffman

Second: Mr. Robinson

Approved – 3-0-1, Ms. Bogart

Public Hearings:

- On the application of NextSun Energy, LLC, requesting a Special Permit and Site Plan Review pursuant to Sections 3100, 3580.60 and 5300 of the Carver Zoning by-Law, located at 0, 340/342 Tremont Street and 65 Wareham Street, Carver, MA (Assessors Map 127, Lots 10, 12, 21) to allow the construction and operation of a dual use, large ground mounted solar photovoltaic installation (LSGMSPI) and appurtenant equipment and interconnection in accordance with the solar by-Law in a Residential / Agricultural and Industrial "A" District.

For the record, Mr. Walsh read the email, from Sarah Stearns, requesting a continuance.

Motion to continue the public hearing for Nextsun Energy, LLC, Tremont Street and Wareham street, to August 13,

2019 at 7:00 PM: Mr. Hoffman

Second: Mr. Robinson

Approved: Unanimous (4-0)

Other Business

Planning Board Member Notes: *Nothing tonight*

Planning Board Meeting, July 23, 2019

- Ms. Bogart –
- Mr. Robinson –
- Mr. Maki –
- Mr. Hoffman –

Planning Director Notes:

- The Board approved an ANR Plan for Jack Williams at the last meeting. We still need to sign the paper copies.
- Regarding 157 North Main Street – they revised the plans based on comments from the last meeting. Mr. Walsh read an Email from Grady LLC., into record. This just came in this afternoon so I haven't looked at them yet. They are requesting a signature. I will take a look at them and talk with the Building Commissioner and the Fire Department. When members come in to sign ANR, I can have them sign this.

Minutes of May 28, 2019, June 11, 2019 and July 9, 2019

Motion to approve the minutes of May 28, 2019, as written: Mr. Hoffman

Second: Ms. Bogart

Approved: 3-0-1, Mr. Robinson

Motion to approve the minutes of June 11, 2019, as written: Mr. Hoffman

Second: Ms. Bogart

Approved: Unanimous (4-0)

Motion to approve the minutes of July 9, 2019, as amended: Mr. Hoffman

Second: Mr. Robinson

Approved: Unanimous (4-0)

Public Hearing (not on the revised agenda)

- On the application of Bayberry Dunes, LLC, requesting a Site Plan Review pursuant to Sections 3100 of the Carver Zoning by-Law, located at North Main Street and Lillian Way in Carver, MA (Assessors Map 49, Lot 62-2) to construct 2 commercial buildings (13,200 sq. ft.). The proposed building use will be wholesale, warehouse and distribution in the General Business District.

Judy Richards, 5 Lillian Way

I am here for the Public Hearing for Bayberry Dunes, LLC. It is not on the agenda? Mr. Walsh – This was on the original agenda but when they requested a continuance, we removed it. We will work on a better procedure for handling this in the future, I apologize for the confusion. Mr. Maki – It has been rescheduled for the August 13, 2019 meeting. I suggest calling the Planning Department on the day of, to verify.

Motion to continue the Public Hearing for Bayberry Dunes, LLC to August 13, 2019 at 7:00: Mr. Hoffman

Second: Ms. Bogart

Approved: Unanimous (4-0)

Next Meeting date:

Our next meeting will be on August 13, 2019 at 7:00 PM

Adjournment:

Motion made to adjourn at 8:21 PM: Mr. Hoffman Sinclair

Second: Mr. Robinson

Approved: Unanimous (4-0)