



approved 10/22/19

Town of Carver, Office of Planning and Community Development

Planning Board Meeting Minutes, October 8, 2019, Carver Town Hall, Meeting Room #1. This meeting was videotaped by cable cast area 58, channel 15.

Attendees: Bruce Maki, Chairman; William Sinclair, Member; Kevin Robinson, Member; Jen Bogart, Member

Also Present: Jim Walsh, Planning Director

Absent: James Hoffman, Member

Bruce Maki, Chairman, opened the meeting at 7:03 PM, followed by the pledge of allegiance.

Public Hearings (continued):

- 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 two commercial buildings (13,200 sq. ft.). The proposed building use will be wholesale, warehouse and distribution in the General Business District.

Mr. Sinclair excused himself as he is an abutter.

Mr. Walsh – We have been working diligently with the applicant. We received some final responses from Andy. There is a letter dated 10/8 from Fuss and O'Neil Andy, outline proposed additional conditions. We have a draft decision to be considered tonight. When the applicant first submitted application, they noted "Warehouse, Wholesale Distribution." It was later clarified that the intended use should be Contractor/Tradesmen. They will still have to go the Building Commission to ensure that each tenant fits that use.

Bob Crowell and Chris Leamy from Duxbury Construction –

Mr. Maki – We did a site walk last week. Mr. Leamy – Everyone has a copy of Mr. Glines latest comments. Mr. Maki – Can we vote with only three members? Mr. Walsh – It is a site plan review so you only need three members with majority voting in favor.

Mr. Leamy – We have had the landscape architect add more vegetation. We also had him update the plant size, increasing the height to 8 feet. When adding slope and retaining wall you will have up to 13 feet of screening. That is the biggest change.

Ms. Bogart – I do not know what some of these look like; do you have images? Mr. Leamy – Not with me tonight. Is there something I can address? This was done by a landscape architect and can follow up as a condition. Mr. Maki – They are labeled, but only once. Ms. Bogart – I understand that, but I don't know what they look like. Mr.

Robinson went into some explanation as to what each plant looks like. Mr. Robinson – Did we have any neighbors that would be concerned? Mr. Maki – No, the glass place in back; commercial across the street and Route 58 in front. Mr. Robinson – Red Maple will be nice; glad they moved it from the swale. The landscape plan, in my opinion looks good. Ms. Bogart – What about the part that is west to the building? Mr. Robinson – What did you see for existing vegetation? Mr. Maki – There is an embankment that will be flattened out as well as the embankment on Main Street. Mr. Robinson – They will have rhododendrons out there that will come in 3 gallon pots - these will continue to grow. Ms. Bogart – So does this soften this project? It abuts a residential neighborhood. Mr. Robinson – Yes, it will look good. Ms. Bogart – So driving by on Main Street? Mr. Robinson – Yes, although a little sparse for a 100'. The two front corners of the entrance look nice. Did they recommend a drip line? With the expense of putting all of this in you want to take care of them; the trees, especially, are expensive. Ms. Bogart - Kevin, can you look at 15? Mr. Robinson – Similar character is okay; it has to be in the same species. Ms. Bogart – I am uncomfortable with approving that, can we strike #15 and continue on? Mr. Robinson – You can ask them to do that which will require them to stick to that but they may have some issue if there are plants unavailable. The way that is written, it allows for less quality. Ms. Bogart – So we can specify "Similar in size and shape?" Mr. Robinson – Yes, it needs to be of the same size/growing capacity. Mr. Crowell – We can do that, it makes sense. Ms. Bogart – If you can tighten that up, I would be comfortable with the new plan. Mr. Maki – I think that it is a pretty detailed landscape plan. It is one of the better ones that I have seen come before this Board. Did you ever get a picture of what the buildings are going to look like? The applicant presented pictures (new buildings on Tremont Street). Mr. Robinson – Restated that these buildings will not be rented out to auto mechanics. No repair stuff. Applicant – It will be trades people, HVAC, Flooring, etc. Ms. Bogart – 10/8/19 Fuss and O'Neil Memo – Condition on landscaping plan? Mr. Robinson – Yes, that was revised on the plans they just handed us. Mr. Leamy – It threatened to disrupt a drainage swale. Mr. Robinson – Fuss and O'Neil noted it and they changed it on their plan. Mr. Leamy – It is shown on the 10/4/19 plan as it was requested earlier. Mr. Maki – Dumpster closed? Mr. Leamy – Yes. Mr. Maki – Lighting Plan? Mr. Leamy – We chose the highest pole available within limits which would be 14 feet. Mr. Maki – Hours? Mr. Leamy – Lit at night. Applicant – Yes at the last meeting someone/abutter asked for lights at night for security reasons. Mr. Robinson – Lighting spillage addressed? Mr. Leamy – Yes. Mr. Maki – Business hours? Applicant – Yes, normal business hours. I would guess 8:00 AM to 6:00 PM.

Mr. Walsh – Waivers requested.

1. Engineers requesting location on individual trees. We are clearing most of the lot and we are doing additional landscaping. Mr. Walsh – Fuss and O'Neil recommended approval. Mr. Leamy – There is one area that is opposite of Lillian Street that will be cleared to safely grade. The owner of the property is okay with the clearing.
2. The 20' access landscaping; it will be modestly landscaped due to site concern.
3. Landscaping is constrained by the buildings (60' at both buildings) due to safety; we have added in other areas.
4. Loading area screening is not possible due to site constraints. These are not traditional loading docks. They would just back in to the ground level overhead door (all loading areas are in between the buildings.)

Mr. Maki – These were all okayed by Fuss and O'Neil? Mr. Walsh – Yes, except the loading area which they wanted to leave up to the Board. I would recommend a waiver. You will only see it when you come into the site. Mr. Maki – Any other questions?

Anyone from the audience?

Mr. Sinclair 5 Lillian Way –

Can you describe the depth and location of swale on Lillian way? Mr. Leamy – Sheet 3 of 5. Mr. Leamy proceeded to describe the area. Mr. Sinclair pointed out an area of concern; an area on Lillian that already floods and ices in the winter. Mr. Crowell detailed the plan which addresses the concern satisfactorily. Mr. Maki – What is the bottom of the swale? Mr. Crowell – 120.5. It goes into the catch basin at 119.77. Mr. Maki – That hill will be knocked down by 5 ½ feet. Mr. Leamy – There is a net zero affect, with the swale. Everything stays on the property. Mr. Maki – It should improve the conditions on the street, or at least not make it any worse. Which way is the driveway from Lillian way sloping? Mr. Leamy – You'll be going up about one foot from Lillian; 1 ½ feet once on site.

No other questions heard.

Motion to close the Public Hearing on Bayberry Dunes, LLC Site Plan Review for Lillian Way: Mr. Robinson

Second: Ms. Bogart

Approved 3-0-1 (Mr. Sinclair)

Mr. Walsh read the conditions to the Board. It was also noted that #15 would be amended. We can vote on this tonight with amendment to add condition to #15 amendment.

Motion to approve Site Plan for Bayberry Dunes, Lillian Way, with Conditions, including amendment for #15: Ms. Bogart

Second: Mr. Robinson

Approved: 3-0-1 (Mr. Sinclair)

Public Hearings:

- On the application of Rebekah Flaherty, requesting a Special Permit pursuant to Sections 2230 of the Carver Zoning by-Law, located at 66 Holmes Street in Carver, MA (Assessor's Map 75, Lot 31-A-R) to operate a Hobby Kennel in a Residential Agricultural District.

Mr. Walsh – The applicant is not here tonight. She is proposing a hobby kennel and dog training facility. Mr. Robinson – Is there anything there now? Mr. Walsh – There is a house with some dogs now. A couple years ago, she tried to get approval for a larger scale operation and was directed to the ZBA. While at the ZBA, they sent her to the Planning Board and asked her to withdraw without prejudice. She is trying to do 6-10 dogs which falls under the "Hobby Kennel" provision. Mr. Robinson – I am having a difficult time making out the graph provided. Mr. Walsh – She is showing a building that I am not sure if it already exists. We can reach out to her and have her come to the next meeting. Mr. Sinclair – Even if she could have some representation. Mr. Walsh – Do we want to set up a site walk? Mr. Maki – She's not here, we would have to talk with her. Mr. Walsh – I will reach

out to her. Our animal control officer is here this evening. Elise Senior – A couple of weeks ago I received a complaint on this applicant. She already has dogs on the property; she wants to breed. She has no license and I would like to be a part of this process as well as any site walk. Mr. Walsh – I will reach out to the applicant and see how to proceed. Mr. Maki – We will have to see what Board members can attend. Mr. Sinclair – We have done this before, on Center Street. It will be essential to have Elise there for this. She can guide the applicant as well. We required vaccinations, license, waste disposal, etc. Ms. Senior – I am recently appointed and have never inspected in Carver. Mr. Sinclair – Auntie Steph's and the Dog Mall were permitted through this Board. Ms. Senior – I will reach out to them. Mr. Sinclair – We are very happy to have you here.

Mr. Maki – Anyone from the audience? None heard.

Mr. Maki – Mr. Walsh will reach out to the applicant and get back to us to schedule a visit, etc.

Motion to continue the Public Hearing to the next meeting on October 22, 2019 at 7:00: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (4-0)

Discussion:

- Lot release for Linbias Path

Maryellen Williams and Karen Cash – We are looking to release one lot. This would allow her to take the money from the sale to complete the rest of the subdivision.

Mr. Maki – How many houses currently? Ms. Williams - Four right now. Mr. Walsh – Have you gotten any information from the neighbors? Ms. Williams – I have not. The current builder on one of the lots has built a nice relationship with them. There was some confusion on the inclusionary lot and not having a permit and the previous owner, who has now passed. I believe that there was a lot number mix up. Mike – builder – We have planted 35 arborvitaes, 3 white pines and an addition 15 arborvitaes by the neighbor's house. There are still four more trees that need to come down. Mr. Maki – How much of the road is done? Mike – Bridgestone Development Builder – drainage and outfall all ripped, sidewalk and road have the binder coat down, power underground is done. Houses are inspected through framing. Driveway is done for affordable house. We are looking to start the next house to get the funds to begin the remaining work that is required – the planting and guardrails for the detentions areas; the street trees and the final asphalt. Some of it can't be completed until the houses are done (final asphalt) but we can complete everything else. The lot that we are looking to be released has been stripped and cleaned. Mr. Sinclair – Do you have a cost \$. Mike – The 2016 #'s are pretty good, which is about \$65K (\$34K is top coat of street and sidewalks.). Mr. Sinclair – We have two lots that we are holding? Mike – Yes. Mr. Sinclair – I was at the site a couple weeks ago; they have done a lot of work. Which one is the affordable? The applicant showed the lot to Mr. Sinclair. Ms. Williams – We are looking to release lot 1. Mr.

Sinclair – We have one lot (the corner lot) that will still be held. Mike provided a list of items that would be covered under the \$65K. Mr. Robinson – You are trying to sell the property and then build? Ms. Williams – Yes, similar to what Mike is building on the other lot. Mr. Sinclair – From the information that we have, the Town still has a lot to hold; a lot is worth about \$160K, I don't have a problem releasing lot 1 for them. This will enable them to keep going. Mike – I have been trying to help Karen as much as possible. I will have all the street trees done, etc. we won't have to wait for the last lot. It's going to help sell the remaining and keep the project going. Mr. Maki – What would the price for the affordable house be? Mike – We can't seem to find that out. We have received some information today, but need to go over it. We are about 8 weeks out from completion. Mr. Robinson – I agree with Will; it would be in everyone's best interest to keep this project going.

Motion to recommend the release of Lot 1 for Linbias Path: Mr. Sinclair

Second: Mr. Robinson

Approved: 3-0-1(Ms. Bogart)

Mr. Walsh – There was confusion on Lot numbers. Mike – We have been instructed to specifically use the addresses going forward. Ms. Williams – I believe they confused lot numbers with house numbers.

Other Business

Planning Board Member Notes:

- Ms. Bogart –
- Mr. Robinson –
- Mr. Maki –
- Mr. Hoffman –
- Mr. Sinclair – URP update – We had a meeting a week or so ago with the owner of a parcel on Montello – We moved forward on a temporary taking for appraisal, etc. The owner was there and will be compensated. The water district has been working with some of the applicants on the Lillian Way parcel. They have great plans in place; the water district will continue to work with them. The existing generator for the NCWD, that is at the site, is way too oversized. We have been working on rectifying this. When Mr. Cole was here he worked on a grant and we have been working with FM Generator. We have contracted with them to purchase a new generator within 4-5 weeks. We will then sell the existing generator and any excess money will go back to the Town. The Commissioners came up with a solution; we used resources to get funding; we will be saving a substantial amount of money on propane. This will all benefit the Town.

Planning Director Notes:

Mr. Walsh - Mr. Williams is here.

Jack Williams, Gilbert Estates, High street – I am here to ask for your signature on the covenant for that subdivision. The vote was taken back when Jack Hunter was involved. The covenant never got signed. That is what I am trying to clean up. Mr. Walsh – I am trying to work on a covenant for him and have it reviewed by legal and have it ready for the next meeting. Mr. Williams – I need a letter as well re: approval. Mr. Walsh – I will have it ready for the next meeting.

We have begun meetings with permit tracking software companies. Fuss and O'Neil wants to present to us, as well as a couple of other companies. Before the end of the year, we will issue an RFP and get it going in the next calendar year.

Minutes of August 27

August 27, 2019

Motion to approve the minutes of August 27, 2019, as amended: Ms. Bogart

Second: Mr. Robinson

Approved: Unanimous 3-0-1 (Mr. Maki)

It was decided to table the minutes of September 24, 2019, to the October 22, 2019 meeting. The agenda called for the 9/10/19 meeting, which was approved at the last meeting.

Next Meeting date:

Our next meeting will be on October 22, 2019 at 7:00 PM

Adjournment:

Motion made to adjourn at 8:53 PM: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (4-0)