



Approved 11/26/19

Town of Carver, Office of Planning and Community Development

Planning Board Meeting Minutes, October 22, 2019, Carver Town Hall, Meeting Room #11

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

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

Absent: James Hoffman, Member

Bruce Maki, Chairman, opened the meeting at 7:03 7:00 PM, followed by the pledge of allegiance.

Candidates for Alternate Planning Board position

Mrs. Ellen Sordillo – I have lived in Carver for 43 years. I have raised my children here. I am also on the Recreation Board. I was in charge of public relations for the Kiwanis. I previously worked as a dental assistant but am retired now. I have found my voice and as a resident of this Town, I feel it is my obligation to give back to our community.

Mrs. Kelly DiCarli – I am a carver resident and interested in being an alternate. I would like to participate in more of the Town process. I currently work fulltime, but would look forward to doing this as well. I have also done meeting minutes for several Boards in Town. Mr. Walsh – Kelly is currently the Recording Secretary for the ZBA.

Mr. Maki – Any questions from any of the Board Members? Mr. Sinclair – I just want to thank you for coming forward and volunteering. I appreciate you throwing your hat in the ring.

Mr. Walsh – We need to schedule a joint meeting with the BOS to vote on this. The next meeting is November 5th. Our next meeting was scheduled for November 12 but will only have 2 board members available. If we do our meeting on the 5th, we can do a joint meeting at 6:30 with the BOS and then continue our meeting downstairs after swearing in.

*Motion to have the next Planning Board Meeting jointly with the Select Board, on November 5, 2019 at 6:30 PM,
continuing on to our regular meeting after the joint meeting: Mr. Sinclair*

Second: Mr. Robinson

Approved: Unanimous (4-0)

Presentation:

- Complete Streets, SRPEDD - Consideration and possible vote-

Jackie Jones and Sara Brown – SRPEDD

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We are the regional planning agency. Carver is eligible for funding if you are in compliance with compact cabinet. If you sign onto the Complete Streets program and follow the steps you are eligible for funding. It considers trucks, busses and anyone else that uses the road. The funding can cover sidewalks, crosswalks, bike lanes, etc. The portal is where you would go for communication, Jim and John Woods have access. You are currently registered.

Tier 1 – If interested – Attend a training and discuss policy which is why I am here tonight.

Tier 2 – Priority plan with funding from the state. SRPEDD can help with this process. We can come out and measure, etc. We can then apply for construction funding (up to \$400K per year).

You all have a copy of the policy – It is broken into 4 components.

Vision – 1

Core commitment –

Who are the users/modes?

Project and Phases.

Exceptions

Best practice

Network

Jurisdiction

Implementation

The next step would be to get approval from this Board.

Mr. Maki – What are the negatives? This doesn't cost the Town or taxpayers? Ms. Jones – No, its overall goal is to make the roads safer.

Mr. Sinclair – I wish we were on tape. The Town of Carver just redid its Masterplan. There was a lot of discussion regarding bike paths. This follows everything we discussed in the Masterplan. I think it is a fabulous idea. Ms.

Bogart – I echo Will; I want to be on this sub committee; this is a continuation of what I was doing. Ms. Jones –

There is a section in the plan that outlines who would be on it. Mr. Maki – Who would be trained? Mr. Walsh –

John Woods went to a training. Do you offer any other training? Ms. Jones – There are other trainings available.

Mr. Sinclair – Jen did a great job when this was addressed in the Masterplan. When and if this happens, I would like to have Jen as our representative for this. Mr. Maki – Carver is developing and all these roads have to be

updated. I would love to see more sidewalks all over town. Mr. Walsh – In Dennis we have that; you can use it

for walking, running, biking, etc. We need some safe walking/running/cyclists space and this gives you funding for

it. Ms. Bogart – The plan is already there; we were originally dissolved from lack of funding. Mr. Sinclair – Next

Step? Mr. Walsh – The Planning Board considers and then it moves to the Select Board for adopting.

Motion to recommend adopting this program for this community: Mr. Sinclair

Second: Ms. Bogart

Approved: Unanimous (4-0)

- Gilbert Estates, Jack Williams – Covenant – Discussion and possible vote –

Mr. Walsh - You each have a packet relating to the covenant. Mr. Williams had an approved subdivision plan with special permit in 4/2017. In July he had his special permit extended. I put together a certification that makes reference to the permit from 4/2017 which will go the Registry of Deeds, to allow Mr. Williams to proceed. There was no covenant with it so I have prepared that. They were both reviewed by legal counsel and have been approved.

Motion to approved the Certification of Approval and the Covenant for Gilbert Estates dated 10/22/19: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (4-0)

Attorney Serkey is in the audience and is a notary public. He will notarize the signatures obtained for this discussion.

Petition of Rescission of Approval of Sub-division –

Rescission of sub-division plan by AD Makepeace (Golden Ponds)

Mr. Serkey – It is a pleasure to be back this evening. What I have before you are two administrative matters. In 2002, the Board signed a freeze plan – There has been no development on the property for the 17 years since, including the street depicted. It was simply used to protect the land from zoning changes. Now there is a solar plan; in order to proceed with that we need to rescind those original plans, which will erase the lines and cul-de-sac. Assent is required if lien holder is active; you have that assent. This is being done at the lessee's request who has no issue with it.

Mr. Walsh – I met with Bob Francis and Kevin Forgue – This meets all the requirements.

Motion to rescind the freeze plan for Golden Pond: Mr. Sinclair

Second: Mr. Robinson

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

ANR –

59 Federal Road (Map 131), AD Makepeace – Discussion and possible endorsement

This final map is showing the lines/cul-de-sac removed, with a new line created.

Mr. Sinclair – You are looking to cut lot 1 from the parcel? Mr. Serkey – That's correct. Mr. Sinclair – Why is the heart shape cut like that? Mr. Serkey – It is a function of the layout of the solar panels.

Motion to approve the ANR for Lot 1, 59 Federal Road, Carver: Mr. Sinclair

Second: Mr. Robinson

Ms. Bogart – Is this one of the projects recently approved? Mr. Serkey – Yes, it is on the west side of Federal Road. Ms. Bogart – From this year or is it from last year? Mr. Serkey – I believe it is the one that is already being cleared. Mr. Walsh – This is Borrego – This is the one we were adjusting the conditions with Mr. Farkus. Mr. Maki – I believe this one was done prior to Jen being on the board.

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

Public Hearings (continued):

- 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. Maki – Some of us met with Rebekah this week. She is here to go over what we talked about. Ms. Flaherty – I have been working with an experienced trainer for quite a while. I am looking to breed my 7 Retrievers and train them for veteran service dogs; I would not be breeding them all at once. Mr. Maki – You have a house and a barn on the property. You are renovating the barn? Ms. Flaherty – Yes heat/cooled kennel that will keep the dogs safe at all time. The property is also fenced but will be updated. Mr. Sinclair – I am sorry I couldn't make the site visit. We have had similar situations come before us in the past and we have a lot of information to give you. It can be overwhelming but we are here to help. Our Animal Control Officer will be a great asset for you. We will be looking for your business plan, vaccination records, licensing, log records, fencing type, how run off will be controlled, hours of operation, etc. These are all things that we need to see before the permit would be approved. We can help you get there. Ms. Bogart – Thank you for your time at the site visit. You answered all of my questions. Mr. Robinson – The fact that you will be able to work with the Animal Control Officer and be able to answer all of the questions Will mentioned, is great. Mr. Sinclair – You want to make sure that you have some type of signage? Ms. Flaherty- Veterans will be chosen; it won't be a public type of business. Mr. Maki – We have the Animal Control Officer with us tonight and we have a list of questions. I think we can give you this list, have you fill them out and then schedule a time with Jim and Elise to go over the details. Once all of this information is ready, then we can look at it again at the Planning Board level. Mr. Walsh – Thank you to Elise for coming out tonight and for all of your help.

Motion to continue the Public Hearing for 66 Holmes Street, Carver, to December 10, 2019 at 7:00 PM: Mr. Sinclair

Second: Ms. Bogart

Approved: Unanimous (4-0)

- 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, OR, 60 Rochester Road, Carver, MA (Assessors Map 92, Lots 14, 15, 16, 17, 20, 22) 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 District.

Motion to continue the Public Hearing for NextSun Energy, LLC to November 5, 2019: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (4-0)

- On the application of Borrego Solar Systems, Inc., requesting a Special Permit and Site Plan Review pursuant to sections 3100, 3580 and 5300 of the Carver Zoning by-Law, located at 19C Ward Street (Assessors Map 120, Lot 6 and 6-1) in Carver, MA, to allow the construction of a 2.5 MW(DC) ground mounted solar and energy storage facility in accordance with the by-law in a Residential/Agricultural District.

Motion to move the Public Hearing for Borrego Solar Systems, Inc. for 19C Ward Street, to November 5, 2019 at 7:00 PM:

Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (4-0)

- On the application of Clean Energy Co., Joe Shanahan, requesting a Special Permit and Site Plan Review pursuant to Sections 2230, 3100, 3580 and 5300 of the Carver Zoning by-Law, located at 0 Snapit Road (Assessors Map 34, Lot 2 and 5 and Map 33, Lot 9-C) in Carver, MA to allow the construction of a 2.0 MW dual use, large-scale ground mounted solar photovoltaic project proposed to be constructed and operated on and in conjunction with the existing active cranberry bogs in a Residential/Agricultural District.

Motion to move the Public Hearing for Clean Energy Co, to November 5, 2019 at 7:00 PM: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (4-0)

Discussion:

- The Yellow Brick Road – Inquiry into the Town accepting as a public road.

Sandi Telless – 25 Years ago, I built my house, creating a 1 lot subdivision. I am now asking for the road to be Town owned. We deserve the same rights as any other subdivision. Mr. Maki – This is actually a driveway? Ms. Telless – It's a road, I met every requirement asked of me at the time. Mr. Walsh – We don't have complete plans in our Town records. I looked them over with Kevin Forgue and he noted there may have been a lot of waivers. John Woods measured the width of the pavement; it is currently 12 feet and the right of way on the plan was 30 feet. I am not able to find the conditions. Mr. Sinclair – Was it filed with the Registry of Deeds? Ms. Telless – Yes. I spent a lot of money adding drainage, etc. to make it a road. Jennifer Lane did the same thing and they are now a Town road. Mr. Sinclair – Was the road built according to this plan? Ms. Telless – Yes. Mr. Sinclair – Is the right of way clean or overgrown? Ms. Telless – It's clean. When I went to the Town Hall, no one knew what to do. Ms. Telless has a signed plan. Ms. Bogart – Why now? Ms. Telless – My street sign got stolen and I went to Town Hall to get a new one, I was told no, it's not a town owned road. There was also some confusion over its

listing. It's listed in the Assessors book as "The Yellow Brick Road". Ms. Bogart – How many homes are on Jennifer Lane? Ms. Telless – There are two homes with the same amount of property as mine. Bates Pond and Crystal Lake were all private originally. Mr. Sinclair – There are still two lots there? Ms. Telless – Yes. Mr. Maki – Generally, when a road is accepted, an as built is done to make sure it is built according to the plan. Mr. Sinclair – Do you have that certification? When you built the roadway, an engineered certification should have been done. Mr. Maki – You need an as built plan; what you have in front of you is a design plan. This approval happens after the subdivision is built. Ms. Telless – I paid the town engineer a fee to come out and inspect drainage, etc. Mr. Walsh – We couldn't find anything like that in our records. Mr. Robinson – Is the as built registered? Mr. Maki – There may not have been an as built done. Mr. Sinclair – According to her signed plan, it is a two lot subdivision. She doesn't have anything to tell me it was done correctly by those standards. We would need to know that this roadway was designed and built according that plan. You will need to hire someone to present that at the town meeting. If you have that documentation, we can possibly recommend it for town meeting. John Woods would still need to approve it. Ms. Bogart – What about the fire department? Mr. Sinclair – As long as it was designed and built according to that plan, it meets the requirements. Section 7.3 in town by-Law talks about street acceptance. Mr. Robinson – Is it possible that all of this was required due to having a second lot? Ms. Telless – No the other lot is my parents house. Mr. Robinson – So why did they want it to be a subdivision? Mr. Maki – She needed frontage. The last step is to go to an engineer and have them build an as built plan. The Town won't accept a road that wasn't built to specification. Ms. Telless – When they looked at Crystal Lake, did they have to do that? Mr. Robinson – Is it fair to say that this is a hardship due to lack of frontage? Mr. Maki – In order for that lot to be created, there was frontage needed, so a road was created to gain frontage to that lot. Because of that you need an as built plan. I don't think it's a big deal; you will need to hire an engineer to do it, though. Ms. Telless – So Crystal Lake has no drainage, etc. Mr. Maki – It would've depended on what was approved by the Planning Board. Every scenario is different. Ms. Telless – I don't understand why I have to jump through hoops. Mr. Sinclair – We don't know that Crystal Lake and Bates Pond didn't have to do this as well. Mr. Robinson – Can you check with Jennifer Lane? Mr. Maki – I can only guide you on what is in front of us tonight. I don't know any of the background of any of the others you mentioned. We have to go through a process. The plan you have is your most important paper. Ms. Telless – So I need an engineer to get an as built. Mr. Maki – What do you think Jim? Yes. She needs an as built. Mr. Sinclair – Yes, get an engineer to do an as built and then we should have the town engineer certify that before going to town meeting.

Other Business

Planning Board Member Notes:

- Ms. Bogart –
- Mr. Robinson –
- Mr. Maki – Hopefully we will come up with an alternate member soon. If anyone has any time that they will need off, try to give as much notice as possible to staff.
- Mr. Hoffman –

- Mr. Sinclair – During the hearings on the Lillian Way and Forest Street project – I would like to commend you Kevin. Your expertise was outstanding. I have heard from the public on this as well. You were able to help a project come to fruition with your knowledge.

Planning Director Notes:

Mr. Walsh -

We are working on a permitting tracking system. We have had one company come in for a presentation and I am looking for a couple of more. We would then do an RFP to invite bids. Hopefully we can implement in early 2020.

We are also working on improving code enforcement. We need a central area to track violations.

Minutes of September 24, 2019 and October 8, 2019

September 24, 2019

Motion to approve the minutes of September 24, 2019, as written: Mr. Sinclair

Second: Ms. Bogart

Approved: Unanimous (4-0)

October 8, 2019

It was noted that on Pages 3/4, Animal Control Officer Elise Senior's last name was misspelled.

Motion to approve the minutes of October 8, 2019, as amended: Ms. Bogart

Second: Mr. Sinclair

Approved: Unanimous (4-0)

Next Meeting date:

Our next meeting will be on November 5, 2019 at 6:30 PM (Joint with BOS with regular meeting thereafter)

Upcoming Meeting Dates:

Scheduled

Approved

November 12 & 26 - November 5 & November 26

Motion to cancel the scheduled November 12, 2019 Planning Board Meeting due to lack of quorum: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (4-0)

Motion to schedule a Planning Board meeting for November 5 at 7:00: Mr. Sinclair

Second: Mr. Robinson

Unanimous (4-0)

Planning Board Meeting, October 22, 2019

December 10 & 24 – Keep December 10

Motion to cancel December 24 Planning Board Meeting as Town Hall is closed: Mr. Robinson

Second: Mr. Sinclair

Approved: Unanimous (4-0)

January 14 & 28

Adjournment:

Motion made to adjourn at 8:56 PM: Mr. Sinclair Sinclair

Second: Ms. Bogart

Approved: Unanimous (4-0)