



appealed 1/11/21

Town of Carver Zoning By-Law Study Committee (Est. 10/2020)

Zoning By-Law Review Committee, October 27, 2020, Carver Town Hall, Meeting Room #4. This meeting was videotaped for cable cast area 58, channel 15.

Attendees: Cornelius Shea, Chair; Bruce Maki Vice Chair; Jen Bogart; Sarah Hewins; David Eldridge; Fran Melo; Chuck Meredith; Adam Clear; Adam Holmes

Also Present: James Walsh, Planning Director; Loring Tripp; Bill Napolitano, SRPEDD; Helen Zincavage, SRPEDD

Absent:

Mr. Shea opened the meeting at 5:33 PM

Mr. Walsh provided introductions for Mr. Tripp, Mr. Napolitano and Ms. Zincavage.

Discussion on potential changes to Transfer of Development Rights (TDR) By-Law:

Overview of TDR Principles -

Mr. Walsh – Bill, myself and Helen had a conference call last week. We are here to continue that conversation and have discussion on receiving area and factors that should be included, with this group tonight. We can then put something together to bring back to our next meeting. Going back to the presentation where we had the TDR presentation. You set up a system where you try to preserve land in town rather than seeing it developed. We would transfer those units (based on a calculation to another area in town (receiving area). Currently the discussion is using the area in route 58 coming up to route 44 to receive that development. Ms. Zincavage – I would add the benefits, you are sending development away from an area you want to preserve but you are sending it toward an area that can accommodate and benefit from it. I would suggest a little incentive as it is a difficult process. Mr. Walsh – In your packets, there is a copy of the by-Law for reference. The first thing is the TDR Overlay Map, which we don't have. 2722 talks about developing TDR The property owner has to submit a preliminary plan to the Planning Board. Section 5 of subdivision R&R explains the process of what the developer needs to provide the PB. There are a number of requirements in the preliminary plan that need to be provided on the plans itself. Zoning district and boundaries, location of major features (flood zone, waterways, etc.), When someone is laying out their lots, they have to comply with the underlying zoning requirements. In Carver, most of the land, outside of town, is A Zone property which require 60K sq. ft lot size and 150' of frontage. Ms. Hewins – You also have to show the 200 foot in wetland boundaries. Mr. Walsh – One of the other requirements is that in order to build on these lots, 70% of minimum lot size has to be dry land or at least 42K sq ft of a 60K sq. ft. lot. Mr. Walsh listed other

categories/considerations. Mr. Walsh – You only get credit for the lots that are created that are not wetland lots (70% requirement). Ms. Melo – Does a developer have to go into a sending area and say, “this is what I could build here”, etc.? Mr. Walsh – That’s what they are required to do. There has to be a sending area plan. The base units are 1.5 units. Ms. Melo – We have an outline of significance here; what about public drinking water? Will the receiving areas go on Town water supply so as not to affect all of the wells around them? Mr. Walsh – That would be a discussion on the sending area side. “How do we support a denser area? “Do we have public water access?” We need to make sure that it can be supplied. Ms. Melo – If we set up a by-law, it requires permitting. Maybe we didn’t make all the necessary considerations. We have stumbled before (in 1998). We don’t want to get to dense; this allows for a dense population. We don’t want to stumble on this. Mr. Walsh – The Town has a Master Plan. The area we are looking at may require its own mini Master Plan. Ms. Hewins – What happens when we get town water and you put the water down route 58? Now you don’t need the separation of private water. I am not sure that we are prepared to have that. I don’t know how to solve that problem. Mr. Walsh – Some communities have a traditional neighborhood development bylaws. The development is more compact, with less roads. Makepeace in South Carver was looking at one time putting in major developments but that would have stretched out resources. What the Town Master Plan is calling for is more compact. More infrastructure consideration, bike lanes, sidewalks, etc. Those roads that do go in, we want to make sure we aren’t spreading them out all over the place. Ms. Hewins – I was on the Master Plan committee but that doesn’t really address the private water situation. Mr. Walsh – That would be something that would need further discussion. Mr. Shea – What is the availability of water? Ms. Hewins – There are three wells but I do not know their capabilities. Mr. Eldridge – Isn’t there a plan of development near Cranberry Village? Mr. Walsh – Not that I am aware of. There are some solar projects going right now. Mr. Eldridge – What about all of that land down there. Ms. Bogart – There are separate solar projects in that area. Mr. Eldridge – How many housing projects are going right now? Mr. Walsh – There is nothing down that way right now. Mr. Eldridge – South Meadow? Mr. Walsh – There are 54 units there. Mr. Eldridge – North Carver? Mr. Walsh – Nothing new but something was reactivated with Gilbert Estates off High Street. Mr. Eldridge – What about the large commercial area in North Carver? This will affect the sending / receiving districts and this project will impact the size of our community. What about the Village district by the Marcus Atwood house? The other side of the pond has already been subdivided. When we designed all of this, what is the maximum build out capacity in each area? Mr. Walsh – That is what the Town has already worked on. Mr. Eldridge – Once the threat from the developer happens for a 40B, and the town reaches the 10% (60 units, 6 would be affordable). I would like to see the areas that are being described as a receiving area. My main concern is seeing where the areas are. Mr. Walsh – That is all something to be worked on. Mr. Eldridge – Why are the areas so small? If the buildout isn’t going to work in an area due to size, maybe it would benefit to spread it out a little.

Mr. Napolitano – You can talk about types of housing, efficiency, etc. Your by-laws have to include a purpose, a means, and a reasonableness. You have systems in place to do that. You will probably need to develop your public education tools that you are talking about so you can see it visually. There are things that you have wanted to preserve for a long time. It’s best to plan with the town and with the people. You are the experts. Your TDR by-law needs some tweaking. What can we do to preserve our community character? What

do we like about Carver? How do we meet the needs; population will grow. How do you want to grow? Where do you want to grow? What type of growth makes sense for Carver? We can help with educational tools; we can compare maps, etc. Solar fields are good for clean energy but over the last 5 years, 25% of the open space has been lost to the commonwealth of Massachusetts due to clear cutting for on solar fields. The TDR by-law has been tweaked numerous times but you forgot about the map to go along with it. You have a by-law right now without a reference map. It makes it very hard for the developer.

Ms. Hewins – re: visuals, Jim sent us a map in our packets from the last meeting – displayed by Ms. Hewins – *Town of Carver Community properties areas, 2017* (Part of the Master Plan). The priority development areas area indicated in purple, but in the *Open Space for Recreation Plan* that same area is a preservation area (in green) which is a combination of confluence of Indian Brook and Crane Brook. The Fire Department has the only map in Carver that is marked correctly. Ms. Hewins will send it out to the Committee Members, for review.

Mr. Napolitano – 2010-2015 compared to most recent 2017 clearly shows community priorities have changed. You may want some flexibility with that to better assess how you want to use properties. Mr. Eldridge – Some of the by-law is making it friendly for friendly development. You can't count on every unit that goes in; that an acre of land is going to be preserved. I don't know if it's truly going to happen that way. We have a lot of land by route 44 all the way over to Spring Street. Mr. Tripp – Re: lack of water systems, you should put into the by-law that the developer is responsible for providing that infrastructure, without investment from the community. You have water capacity but not the pressure. This should not be an additional burden on the Town. Ms. Hewins – I couldn't agree more. If the developer doesn't pay for that, we are going to see betterments and we would need to know way in advance. I am not in favor of betterments.

Mr. Shea – Is there still plans to run the NCWD down to Silva Street? Mr. Tripp – After reviewing, we have abandoned that and scaled the project back. Mr. Shea – We would like to get off of the 40B list and see more 55 and older housing and more mixed use development. Maybe increasing our village sizes is possible. Mr. Eldridge – A sending district loses the right to build. How long is the affordability restriction? I am looking at this Carver Housing Report and it is showing 40 units coming off in a couple of years as the restriction is expiring. Solar on upland remains buildable when the panels are removed. Ms. Hewins – When you approve an affordable unit, they need restriction. Mr. Shea – I believe it is 20 years, early on. Mr. Walsh – You have to follow the guidelines. We will have to learn more about that. Ms. Hewins – I believe they should be in perpetuity. Mr. Eldridge – Route 44 area is where we need to go. Ms. Melo – We should also look at South Carver as we are close to Route 495. Ms. Hewins – We can't look at the Village District without a copy of the Village district with underlying map and lot numbers. Could you send us that? I believe you already sent the current zoning map.

Mr. Tripp – In the future you could require as a part of the special permit process to stop the future conversion to developable land if they are going to be to clear cutting forest to put it in, they have to participate in the TDR project and sell a portion of development rights in the future. These are conditions you can add on. Mr. Eldridge – I believe that the state just put regulations in for clear cutting for solar.

Proposed topics for future meetings:

Section 2700 - Transfer of Development Rights, Determination of Receiving Area Criteria

Section 2270 – Accessory Dwelling Units over commercial –

Section 5000 – Non-medical Marijuana Overlay District –

Section 3580 – Large Scale Ground Mounted Solar Photovoltaic Installations –

Section 3500 – Signs –

Section 3700 – Flood Plain District –

Village District by-Laws (Village and Village Business) Land Use Strategy 3-1-2 –

9.6 General by-Laws – Stormwater Management and Land Disturbance by-Law –

Minutes, 10/6/2020

Not reviewed tonight

Motion to approve the minutes of 10/6/2020, as written:

Second:

Approved:

Next Meeting Dates –

1st and 4th Tuesday, scheduled as follows -

- 11/17/2020 (Election day is November 3)
- 11/24/2020
- 12/1/2020
- 12/22/2020
- 1/5/2021
- 1/26/2021

Motion to continue our discussion for the Zoning by-law Review, at the next meeting: Ms. Melo

Second: Ms. Hewins

Approved: Unanimous

Adjourned at 6:42 PM