



**Meeting Minutes for March 29, 2022, at 6:00 PM,**

The proceeding was held in person, in meeting room #1

This meeting is being videotaped and rebroadcast by Area 58 TV.

Attendees: Sharon Clarke, Chairman; Savery Moore, Vice Chairman; Johanna Leighton, Member; Paul Kostas, Member; Patrick Meagher, Treasurer

Also in attendance: Paul Kelly; Mr. Bott, Interim Town Planner; Stephen Cole, Director PREDF; Chief Weston; Chief Duphily; Chief Ryan; Director Walsh; Kevin Tracey, Chairman of the NCWD

Absent:

Meeting opened by Ms. Clarke at 6:05 PM

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**North Carver Project - Discussion and possible vote(s)**

Ms. Clarke – The Fire and Safety Chiefs have presented the CBA to the Select Board over the last week. I did ask them to come and give you all a brief overview tonight.

**Review and presentation of the Community Benefits Agreement**

- Fire Chief Weston – The SB unanimously approved this agreement. As public safety chiefs we feel that this agreement puts our public safety in the best spot possible in planning for a development by Hillwood in the Green Business Park. I would like to publicly thank the RDA in supporting us throughout this project. It's been a long year of unknowns. We agreed right from the beginning to work

together and be transparent. To this point it has paid off very well. We have a long way to go. This agreement doesn't cover everything; there are a lot of unknowns, even more so, if Hillwood does not develop the project.

- Police Chief Duphily - I echo Chief Weston. We have made reasonable requests to Hillwood that they have met. I think we owe Chief Weston a round of applause. He spearheaded this and was responsible for moving it forward. I feel very confident in the agreement. We as public Safety agencies be able to deal with impacts that may come from this project.
- EMS Chief Ryan – Thank you for helping us with this project. This will allow us to continue to provide excellent public service that we do within each of our departments. Chief Weston led us in this and made sure we were included in this and made sure that we could handle any issues that may come up. The unknown is our only concern right now.

Chief Weston – I think that what we developed, as a group, is unprecedented. There is not always a good relationship between a Town and a developer. Hillwood was very good to work with and working with us on this agreement. They should be credited with that. We developed an open dialogue with them and once our concerns were clear, I feel they worked with us to the best of their ability. They should be commended for that.

Ms. Clarke – We started this a year ago; we didn't know much back then. As I watch all of the Chiefs work through this, I was amazed at how you focused on what you needed for this project, while remembering that you needed to keep the rest of the Town safe and covered at the same time. You thought of things that I never would have thought of. It was an eye-opening process to watch public safety go through these steps. Finding out what you needed to know and crafting what was best for the Town, with Hillwood.

Mr. Moore – I didn't have many dealings with the Chiefs. Just watching you all go through your process was eye opening. Carver is very lucky to have the people that we have running our emergency services. Thank you for your diligence, every step of the way.

Ms. Leighton – I worked on the financial part of it to begin with and found them to be amenable. I want to thank my committee here; we are a great team. Unfortunately, we will be losing Mr. Kostas. Someone else will fill the seat and hopefully they will be just as compatible.

Mr. Meagher – Over the years, I have worked with all of the Chiefs. You stepped it up a notch dealing with us and with Hillwood. You can see that this is a multi-billion-dollar corporation and they are dealing with our small Town of Carver. We went down the right path and we thank you for that. We are very fortunate to have you.

Ms. Clarke – The Community Benefits Agreement will be discussed, in detail, at tomorrow's Public Hearing, as well as at the Town Meeting.

#### **Discussion of presentation for Public Hearing – March 30, 2022 –**

Ms. Clarke -

Tomorrow night, at 7PM, we will be holding the Public Hearing for the Zoning Amendments that are critical to the development of the Green Business Park. These are statutory and need to be held whenever there is a zoning change. They allow people to come in with questions and to express their concerns. We will do it in conjunction with the Planning Board. The RDA will be presenting it. Stephen Cole, Director of the Plymouth Regional Economic Development Foundation, has been our consultant and has been helping us through the process. Stephen will walk us through what he has prepared.

Stephen Cole, Director PREDF –

Tonight, will be a truncated presentation as we are all familiar with the articles. Tomorrow will be much more detailed. Ms. Clarke – We actually went through each article and endorsed them last week. Mr. Cole gave an overview of his presentation, including visual overview of the project. Many questions are already answered on the website. Mr. Kelley – Over 1200 visits to the site already.

Mr. Moore – Over 600 individuals. People are spending an average of seven minutes on the site. Mr. Cole – I have information available for anyone looking for supplemental information with regards to finance. Mr. Moore – We can have it available for those who want it. It is information that may be asked about.

Mr. Cole – I am a Certified Assessing Officer but am not this Towns assessor. This project doesn't exist as a comp. Mr. Moore and I studied the Amazon Fulfillment Center in Fall River. That project is 1.3 million sq. ft. 60% is in Fall River and 40% is in Freetown. Freetown ceded the permitting process to Fall River as a matter of redundancy and expediency. The total tax obligation to both Towns is \$657K. The Carver facility is 500K sq. ft. bigger. Mr. Moore and I did sq. ft. value of the facility in Amazon and then calculated what the 500K would be based on that rate. When you look at Plymouth County, Carver Tax rate is very urban. Developers do consider this when deciding where to go. Independent of that, Carver is the place that they want to be. Gross value is \$26.4 Mill or \$20.35 / sq. ft. This equates to about \$930K in annual taxes or \$9.3 million in 10 years. These numbers do not include Personal Property Tax, Excise Tax, Ancillary jobs/economic impact, etc.

Ms. Leighton – With CPC money, we are at 3%, can you tell me what that would mean for that with this project? Mr. Cole – I can't tell you that; I don't have enough information on that.

Ms. Clarke – The owner of this property is ready to sell it; he's going to do something with it. This gives us some control over what goes there. Mr. Cole – No one else in the Region can compete with Carver right now. Mr. Moore – This is the same as what we will be doing at Town Meeting? Mr. Cole – Yes. Ms. Leighton – Does the moderator limit your time? Mr. Moore – I am speaking with him on Thursday at 6PM. Mr. Cole – I have copies of tonight's slides available if anyone wants a set.

## **Other Topics –**

### **Water District –**

Ms. Clarke – Last night, at the NCWD meeting, they did sign an MOU. Kevin Tracey, Chair of the NCWD, is here tonight if he would like to speak briefly on that.

Mr. Tracey – The District has always had a wish list; number 1 on that list is an elevated storage/standpipe. Hillwood has agreed to construct an elevated standpipe. The district can impose a privilege fee for any new user with GPD requirement. In this case they require 40,000 gallons per day. The fee would run about \$49.25 per gallon or about \$1.9 million of potential assessment. If the district had to procure/build a standpipe on our own it would run about \$2.5 Million. Hillwood could probably do it for a little less. We reached an agreement for in kind services. Should the permitting not happen, the standpipe doesn't go in. There is a lot of financial benefit to the District if this were to happen. Ms. Clarke – Is the standpipe in conjunction with what the Chief needs for fire suppression? Mr. Tracey – Yes, the Chief wants it, Hillwood wants it. It benefits everyone. We will finally have full fire suppression for the hydrants on the street. We needed the elevated storage of 125K gallons of water. Ms. Leighton – You could utilize that in other areas? Shaws? Mr. Tracey - It would be available for fire suppression for everywhere within the district. All the way up Plymouth Street, Lakenham, etc. The pressure would be better. Ms. Leighton – You could add on to it and have more pressure? Mr. Tracey – Yes. Ms. Leighton – Does Middleboro want our water? Mr. Tracey – No, Middleboro recently went through the New Source Approval which is a permit from the DEP to increase their permit. They are pretty much all set with their water requirement. Ms. Leighton – Originally, the Business District was serviced by Middleboro, is that now serviced by NCWD? Mr. Tracey – Yes, we have all the way to the Middleboro line. Ms. Clarke – Something else that comes up is, does Carver have enough water for the Town plus adding on this development? Mr. Tracey – The permit that the NCWD has now is for 100K GPD, we currently sell around 30K per day. We have a full 70K, per day, available. We can manage this development and future developments. One of the things on the list for NCWD has been New Source Approval.

If this development happens, revenue generated by this development will go toward some of the wish list items that the District has had. We don't want to need the subsidy from the Town; we would like to make that stop. With New Source Approval, establishing more wells and increase our permit, we could sell more water. The District currently has about \$6.5 Mill in debt service that we will pay on for the next 29-30 years or so. Revenue that comes in from this development can be put away to pay for future debt service. We need to do upgrades to the treatment plant, which is now 10 years old. The membranes that we use to filter the water have a typical 10-year life span. Our water operator is awesome at keeping them clean but at some point, in time we will have to replace them. The last estimate was roughly \$40K. There are some big-ticket items that we would like to do, that would be helped by revenue generated from this development, should it happen.

Ms. Clarke – One of our zoning proposals concerns the water tower. It would allow an increase in height for the standpipe. Mr. Tracey – The average height of a standpipe is 165'. There are two critical components. It needs to be able to communicate with the treatment plant, which generally means line of site. That shouldn't be an issue as they are not too far apart. The other is providing necessary gravitational pressure to the highest point within the District, which is likely the Lakenham Drive area. We also need to think about future growth. The height of the standpipe needs to be vetted by engineers. Mr. Moore – Hillwood will build the tower and turn ownership of the tower to the Town? Mr. Tracey – Yes, it will become the property of the NCWD. Mr. Moore – At one point, I heard that, of the 125K gallons, there will be a cutoff point should there be an emergency after which they won't take water from that tower anymore and will take it from other sources. This will guarantee that residents and business will still maintain their water, is that correct? Mr. Tracey – A fire should not disrupt service to residential / business properties. I will leave that to Chief Weston. He is the professional when it comes to public safety. He is the guy that I would trust to tell me what that number is. Mr. Kostas – It sounds like the standpipe is a tradeoff. Is this an either / or? Mr. Tracey – The privilege fee is written in the District Rules and Regulations. In this case, it is basically an even trade. It is better for us.

Ms. Clarke – I want to thank you and the NCWD Commission for everything you have done with Hillwood and all of your meetings with their staff and their engineers. There

were lots of hours that were put into this. You have figured so many things out that we didn't imagine a year ago. Mr. Tracey – If the water district didn't exist, Hillwood would not be here today.

Ms. Leighton – How many acres is the Cole property? Mr. Tracey – About 281 acres. It is divided into two parcels; one is the Conservation side and one is the public water side. The district only controls about ½ - 1 acre. Ms. Leighton – Do the solar panels you can see on Route 44 control the plant? Mr. Tracey – Yes, that is where the treatment plant gets its electricity.

### **Mr. Bott – Article Amendments**

Mr. Bott distributed a copy of potential changes to the Board.

Mr. Bott – I have been working with Town Counsel on the Zoning Articles for Town Meeting. When we initially advertised the draft articles, those became the articles of record. The only place to change them is at the Public Hearing. You can also do it at Town Meeting, but that is not recommended. With the original articles, we forwarded them to Town Counsel and they sent back a couple of comments. What you have tonight is where the language is proposed to change from what was initially advertised.

- Article 10 - In our Zoning by-Law, the “penthouse” is more like a mechanical room. The proposal is to change it to “machine rooms” in the by-Law.
  - Mr. Moore – The penthouse exists in the current zoning by-law? Mr. Bott – Correct. Mr. Moore – At the 40' height? Mr. Bott – That is the footnote for #11. Mr. Moore – Is the footnote for the Green Business Park only or Town wide? Mr. Bott – It is Town wide. Mr. Moore - By eliminating this, it eliminates it Town wide? I think machine room and roof top mechanicals are the same thing. Mr. Bott – “however” machine rooms and roof top mechanicals, solar will be included in determining overall height. Mr. Bott – By acclimation of the Board, I would say that is where we are going? Ms. Clarke – Yes. Ms. Leighton – Is penthouse still in? Mr. Bott - Penthouse will be eliminated as it is confusing.

- Overall height of the building in section 10 – Counsel questioned a conflict in what would be included in the height. We discussed adding “however” to roof top mechanicals and solar will be included in determining the height of the building.
  - Mr. Moore – I would say that a machine room and a rooftop mechanical would be the same thing. Hillwood has made it clear that they would expect nothing to be above the 65’. That includes any machine room or roof top mechanical, they are seeing those things as being identical. There is no exception other than maybe an antenna that would need to be in communication with Police or Fire. All along, they have said that anything that needs to go on the roof would be below the 65’ in height. Changing this may be even more confusion.
- I added footnote #12 into the chart as it was previously left off. Previous language was – “Municipal facilities may be increased as 40’ in height provided it meets all public safety standards.” The zoning that was proposed to be amended has not changed, “except that the water tower owned by the NCWD shall be considered a municipal facility and shall not be subject to height limitations within the Green Business Park, provided it meets all safety standards”. We earlier discussed language for 175’. We don’t want it open ended. Mr. Moore – The ownership of the water tower will not be transferred over to the NCWD until its complete, will that be an issue. Mr. Bott – I will ask counsel.
- Footnote #11 - We had language for a non-residential use that was taken out and shouldn’t have been. We will add back in “for a non-residential use”
- Counsel also asked about rezoning, map 20, lot 14 from HWC to GBP. Sometimes people look at rezoning one piece of property as spot zoning, but this is not that. This rezoning is contiguous with the initial Industrial Park. If identified as a policy of the Town, is exactly not spot zoning. I reviewed the Masterplan and pulled out parts, Local Land Use goal and the Economic Development goal. Ms. Leighton – This was an oversight with a



prior Town Planner. Ms. Clarke – The developer only recently purchased that lot.

- Article 19, Sign by-Law –

- Subsection 3570 – Right now, you would apply for a special permit with the Planning Board when wanting a bigger or brighter sign. Signs typically go to the Building Commissioner and really don't belong with the Planning Board. The Building Commissioner will be issuing sign permits. However, with signs bigger and brighter he had it stricken from the by-Laws. I inquired if he was considering another permitting authority? He indicated that he was striking it entirely. If someone wants a sign larger than that, there permit will be denied and they will have to go to the ZBA to ask for a variance. There are a couple of options; the Planning Board could remain as the special permit granting authority for a sign larger than "X". or it could go to the ZBA. He did discuss this with the Planning Board. We are discussing this on the first night so we can discuss any questions that come up on the second night. Hillwood has asked about this particular section. Ms. Clarke – I have been on the Zoning Board for 30 years. For a long time, we did the signage. We haven't had a sign application in a long time. Maybe 15 – 18 years ago, the Planning Board and Zoning Board divided those types of permits. The Planning Board took the commercial permits. They felt it was part of their Site Plan Review. Mr. Bott – The by-Law does not include residential zoning district.

Mr. Bott – We will be reviewing these changes tomorrow night. I will make sure that Stephen has a copy of the slides. Ms. Leighton – With the signs, all of these would be special permit. It is my understanding that within the special permit, these various departments would have been discussed. Would the Building Commissioner be part of that discussion? Mr. Bott – When you come in for a special permit it is typically accompanied by a Site Plan Review. On a site plan review it will indicate where the sign is but does not include the sign permit approval. Issuing a sign permit will go to the Building Commissioner. Ms. Clarke – If the sign does not conform, will it go to the ZBA or the Planning Board? Mr. Bott – It will go to the Zoning Board of Appeals.

- Informational Summaries – Mr. Bott - Hillwood had suggested some changes. I don't know if you have any changes but if so, we need to get it to Elaine so she can change incorporate them into the warrant. Mr. Moore – Hillwood shortened/made it more user friendly. Mr. Bott – So they are fine with you? Mr. Moore / Ms. Clarke – Yes.

#### **Update on Public Outreach by the RDA –**

Ms. Clarke – We have done a few more things since last week. Savery and I went to the COA today, at lunchtime. There were a handful of people who were interested and asked questions. One person was, unfortunately, not a resident of Carver. Mr. Moore – Someone at my table was not a resident of Carver either. Ms. Clarke – In order to go to/vote at Town Meeting, you must be a registered voter in the Town of Carver. I believe the deadline to register has expired. Mr. Moore – Yesterday, Marc Pacheco from Consensus met and went to the Elementary School. There was a staff meeting. At the end of the meeting, the Superintendent referenced it and referred staff to us for questions. We had about 10 teachers stay behind and ask good questions. They, for the most part, were encouraged by what they saw. Mark and I are doing the same thing next Monday at the MHS. That will be a little more of a presentation as we will be at the beginning of their meeting instead of the end of their meeting. They are trying to work something out with the PTO, but their next meeting isn't scheduled until next May. They are discussing an informal coffee at Dunkin Donuts but nothing is definite. Ms. Clarke – Have they discussed a mailing to the PTO parents? Mr. Moore – There is a mailing that will be sent out on behalf of the RDA. This will be sent to “consistent” Town Meeting attendees.

Mr. Moore – I am speaking with the moderator on Thursday to make sure that we can get Stephen up to do the short presentation. I will ask him but Elaine may have control of this, after checking in, you can pick up a copy of the warrant and other handouts. We are going to see if we can include a copy of this letter being sent to “Consistent” Town Meeting attendees. Ms. Clarke – Do you want me to check with Elaine? Mr. Moore – Yes. Ms. Leighton – What handout tomorrow night? Mr. Cole – The presentation materials but it will also be presented on the screen.

Ms. Clarke – Is everyone planning on coming tomorrow night? All affirmative. Ms. Leighton – Will someone be there to direct people? Mr. Moore – It might be a good idea to have a sign.

**Minutes, March 8, 2022 – Tabled until the next meeting.**

**Next Meeting:**

The next meeting will be held on April 5, 2022 at 6:00 PM

**Adjournment:**

*Motion to adjourn at 7:22 PM: Mr. Meagher*

*Second: Mr. Moore*

*Approved: Unanimous (5-0)*