



# TOWN OF CARVER

## Office of Planning & Community Development

108 Main Street  
Carver, MA 020

Phone: (508) 866-3450  
Fax: (508) 866-3430  
E-mail: [jack.hunter@carverma.org](mailto:jack.hunter@carverma.org)

### Planning Board Minutes April 16, 2013

The Carver Planning Board met on April 16, 2013, at the Carver Town Hall, Meeting Room # 1, 108 Main Street, Carver, and was opened at 7:00 pm.

#### PRESENT:

Bruce Maki – Chairman  
Rosemarie Hanlon – Vice Chairman  
Chad Cavicchi – Secretary  
Kevin Robinson – Member  
William Sinclair – Member

#### ALSO PRESENT:

Jack Hunter – Director of Planning and Community Development

#### OLD BUSINESS:

- A. 7:15pm Public Hearing – South Coast Development – 303 Tremont Street – Special Permit/Site Plan Review: Gas Station/Drive-through Restaurant – (#13-SP/SPR-401)**  
Mr. Maki opened the public hearing for South Coast Development, LLC, requesting Site Plan Approval and a Special Permit for 303 Tremont Street, at 7:15pm. Mr. William Madden of G.A.F. Engineering, Inc. presented an overview of the current site and the plans for the change of use from a motor vehicle service station into a fuel dispensing, convenience store with a drive-through.

Mr. Hunter commented that the plan is a significant upgrade to the site, but that there is a lot happening on a small site. A sign package has been prepared but is being withheld at the current time. The plan has had a technical review, but is waiting to go before the Conservation Committee. Technical review comments and questions raised were as follows (full reviews are included as exhibits):

Board of Health – The septic system and well have been approved. The Board would like the Town Engineer to review all drainage to ensure it is in line with regulations and to ensure that food service is prohibited until there is a public water supply.

Fire Department – A representative of the Fire Department will need to witness the removal of the current underground tank. There is only 20' on the site behind the proposed building to accommodate the proposed future drive-through lane and an emergency vehicle lane. Twelve feet is required for the emergency vehicle lane and for public safety 12' is needed for the drive-through lane. Mr. Madden will present the request for an additional 4' from the Conservation Committee.

Conservation Committee – The applicant filed a Notice of Intent with the Commission, which was to be heard on April 3, 2013, but was postponed until April 17, 2013.

Planning – The two main concerns are whether there is a sight distance issue for the entrances and what is the status of the drive-through if no public water supply.

Fuss & O’Neill – Mr. Derek Hugg attended, representing Mr. Shawn Martin. Based on a quick look at the sight, Mr. Hugg stated that site distance is not an issue for the entrances, but that perhaps the two eastern most entrances should be merged.

Discussion: Ms. Hanlon asked if the lighting would need to go to the Zoning Board of Appeals. Mr. Hunter replied that the detail is not in the plans, but it would only need to come before the Planning Board. Mr. Sinclair expressed concern about keeping the diesel fuel service traffic flowing smoothly, as it is an essential element of community business. He was concerned that there would not be enough room for the larger rigs to maneuver easily with the flow of cars in the drive-through lane and the proposed location of the new fuel pumps. Mr. Hugg echoed this concern, that if in the future, if the drive-through lane is open, there needs to be room for a morning coffee back-up of eight cars. Mr. Sinclair also expressed concern about the snow storage and the proximity to the wetlands. Mr. Madden stated that there is 5000 square feet that could be opened up for space at the approval of the Conservation Committee. Mr. Maki suggested that a site visit would answer concerns about the traffic flow.

Opened to the Public: Mr. Anthony Marando of 181 Main Street asked from where the water would be coming and what would be sold in the convenience store. He owns and operates a sub shop down the street and is concerned that a Subway will go in the store. Mr. Madden answered that the water for the initial proposal would come from the well currently on the site. Mr. Mickey Higgins, owner of South Coast Development, answered Mr. Marando’s question about what would be sold, saying that all the typical items found in a convenience store will be sold, and that Mr. Marando could visit one of his other stores to see for himself.

Mr. Michael Wainio of 181 Main Street asked if the Town is planning to put in a public water supply to the site. Mr. Hunter replied that the town has been working to bring public water to South Carver, but there is as yet no time frame. The Business Development Committee has been working on this for twelve years.

**MOTION:** by Mr. Sinclair to schedule a site visit for Monday, April 22, 2013, at 5:00pm.

**SECOND:** by Ms. Hanlon

**UNANIMOUSLY VOTED**

**MOTION:** by Mr. Sinclair to continue the public hearing to May 7, 2013, at 7:45pm.

**SECOND:** by Ms. Hanlon

**UNANIMOUSLY VOTED**

**B. 7:30pm Public Hearing – Norfolk Power Equipment – 45-47 North Main Street – Special Permit/Site Plan Review: retail/outdoor display – (#13-SP/SPR-400)**

Mr. Maki opened the public hearing for Norfolk Power Equipment, requesting Site Plan Approval and a Special Permit for 45-47 North Main Street, at 8:10pm. Mr. Gregory Morse and Mr. Jeff Hassett of Morse Engineering presented an overview of the proposal for construction of a building for retail sales and service of power equipment and of the site plan.

Mr. Hunter stated that this is a good use for the site. The plan has had a technical review (full reviews are included as exhibits), but is waiting to go before the Conservation Commission (hearing on 4/17/13). Some of the concerns raised at the technical review included: The EPA will need to do a water test of the well due to the proximity to the landfill. The fire suppression system must meet the requirements for the size of the building. Mr. Morse worked with the Fire Department to relocate the cistern to provide water for the sprinkler system. A sight distance easement is needed with the abutting property at 49-51 North Main Street, owned by Brian Kelleher. If the landscaping is not maintained, vehicular site lines may be impaired.

Board Comments: Mr. Sinclair, on behalf of Mr. Fernandez, an abutter, inquired about the noise level outside of the building. Mr. Morse replied that all business noise would be inside the building. Mr. Sinclair stated that the easement with Mr. Kelleher must be in place, and asked for a color rendering of the front of the building. Ms. Hanlon inquired about the spillage of light, and Mr. Morse replied that the light spill will stop just off the paved area. Mr. Cavicchi inquired about fuel storage and asked that fuel spill documentation be provided to the board.

**MOTION:** by Mr. Sinclair to schedule a site visit for Monday, April 22, 2013, at 5:30pm.

**SECOND:** by Ms. Hanlon

**UNANIMOUSLY VOTED**

**MOTION:** by Mr. Sinclair to continue the public hearing to May 7, 2013, at 8:00pm.

**SECOND:** by Ms. Hanlon

**UNANIMOUSLY VOTED**

#### **OTHER BUSINESS:**

##### **C. Possible Zoning Moratorium on Medical Marijuana Centers**

Mr. Hunter presented that it was discussed at a SRPEDD meeting how many towns are preparing for the State's approval of the use and distribution of medical marijuana, in accordance with the Department of Public Health's rules and regulations. Mr. Maki and the Police Chief have requested that Town Meeting place a temporary moratorium on medical marijuana treatment centers for one year, so that regulations and processes can be established. Once these have been set, they can be reviewed by the Town attorney to ensure proper compliance with the State's law.

Public hearings have been set for May 7, 2013, at 7:15pm and 7:30pm, to comment on proposed changes to the Carver Zoning Bylaws.

Mr. Sinclair proposed that a sub-committee be established to start the process necessary for creating the medical marijuana treatment centers regulations, to include the Police Chief and representatives from the Board of Health, Selectmen, Planning Board, and the Agricultural Commission. Mr. Hunter will prepare a list of possible members for the sub-committee and present it at the next Planning Board meeting.

##### **D. Planning Board Notes**

Mr. Maki enquired as to when the Carver LHP cable TV show that discusses foreclosures is aired.

##### **E. Planners Notes**

SRPEDD re-printed the zoning map so that it is easier to read. The flood plain and village areas are blown up and shown as insets.

Mr. Sinclair asked about the process for Spring Street. Carver BDC is soliciting information as to traffic analysis, the impact on property values, run-off, and if there is a market. SRPEDD was asked for a traffic analysis.

**F. Approval of Minutes: April 2, 2013**

**MOTION:** by Mr. Sinclair to approve minutes of April 2, 2013 as written.

**SECOND:** by Mr. Cavicchi

**UNANIMOUSLY VOTED**

**G. Correspondence-**

None to report.

Mr. Sinclair proposed that Mr. Hunter should draft a letter stating that the Planning Board endorses the proposal of Semantics Consulting Inc. to donate two LED flat screens and two projectors to the Town, for the Planning Board to sign and send to the Selectmen.

**MOTION:** by Mr. Sinclair for Mr. Hunter to prepare the above letter

**SECOND:** by Ms. Hanlon

**UNANIMOUSLY VOTED**

**H. Adjournment**

**MOTION:** by Mr. Sinclair to adjourn

**SECOND:** by Ms. Hanlon

**UNANIMOUSLY VOTED**

The Carver Planning Board meeting was adjourned at 8:39pm on April 16, 2013.

Table of Documents

Exhibit 1	Meeting agenda April 16, 2013
Exhibit 2-A	Public Hearing Notice – South Coast Development, 303 Tremont Street
2-B	Board of Health Site Plan Review
2-C	Fire Department Site Plan Review
2-D	Carver Conservation Committee Site Plan Review
2-E	Office of Planning & Community Development Site Plan Review
2-F	Fuss & O’Neill Site Plan Review
Exhibit 3-A	Public Hearing Notice – Norfolk Power Equipment, 45-47 North Main Street
3-B	Board of Health Site Plan Review
3-C	Fire Department Site Plan Review
3-D	Carver Conservation Committee Site Plan Review
3-E	Office of Planning & Community Development Site Plan Review
3-F	Fuss & O’Neill Site Plan Review
3-G	Morse Engineering, Response to Technical Review comments
3-H	Grant of Easement
3-I	Construction Sketches
Exhibit 4	Medical Marijuana Moratorium – Warrant Article Bylaw
Exhibit 5	Town of Carver Zoning Map
Exhibit 6	Planning Board Minutes April 2, 2013