



# TOWN OF CARVER

## Office of Planning & Community Development

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### Planning Board Minutes April 28, 2015

Posted in Accordance with the Provisions of M.G.L. Chapter 30A, Section 20B, authorized person Jack Hunter.

The Carver Planning Board met on April 28, 2015 at the Carver Town Hall, Meeting Room # 1, 108 Main Street, Carver, Massachusetts. Mr. Bruce Maki opened the meeting at 7:00pm.

**PRESENT:** Bruce Maki, Vice-Chair; Jim Hoffman, Secretary; Kevin Robinson, Chad Cavicchi, William Sinclair

**ALSO PRESENT:** Jack Hunter, Director of Planning and Community Development; Madeleine Pompei, Administrative Assistant; Shawn Martin, Fuss & O'Neill; John Delli Priscoli; Steve Kotowski, Webby Engineering; members of the public

**REORGANIZATION:** Mr. Maki invited nominations for Chair.

**MOTION:** by Mr. Cavicchi to nominate Mr. Maki as Chair

**SECOND:** by Mr. Sinclair

**APPROVED UNANIMOUSLY**

**MOTION:** by Mr. Cavicchi to nominate Mr. Hoffman as Vice Chair

**SECOND:** by Mr. Sinclair

**APPROVED UNANIMOUSLY**

**MOTION:** by Mr. Cavicchi to nominate Mr. Sinclair as Recording Secretary

**SECOND:** by Mr. Hoffman

**APPROVED UNANIMOUSLY**

### NEW BUSINESS

**A. Receipt of Plans: Minor Modification – Commerce Way Realty Trust I – 6 Commerce Way (#P-568-15-MM): discussion and possible vote (Exhibit 2)**

Mr. Sinclair excused himself from this portion of the meeting because he has done work for the petitioner. Mr. Buz Artiano showed some plans to the Board showing a proposed 40 foot addition to be built in an unpaved area of the parking lot. He explained the business just needed more space. Mr. Maki asked if the addition would have any impact on the septic system. Mr. Artiano told him no. Mr. Robinson asked if this addition would require sprinklers? Mr. Artiano said no, the addition will be under the limit for the requirement. He assured everyone that proper egresses are in place. Mr. Robinson asked if it met all zoning setbacks. Mr. Hunter stated that it did. Mr. Maki asked if there would be any problem with parking. Mr. Hunter replied there would be no issue.

**MOTION:** by Mr. Robinson to accept the Minor Modification to the existing building.

**SECOND:** by Mr. Cavicchi

**APPROVED UNANIMOUSLY**

**B. Sign Permit and Receipt of Plans: GeKo Gas – 118 Main Street (#P-567-15-SP) (Exhibits 3, 4, 5, and 6)**

Mr. Hunter introduced Kostas Geroukos who is the new owner of the gas station at 118 Main Street. Mr. Geroukos stated that when he bought the property, the station was in complete disarray. He is working to make it presentable. Mr. Geroukos owns a station in Middleboro. He has a lot of work planned for the outside of the building including changing the pumps. He will also be doing work on the interior such as painting, cleaning and making sure everything is brought up to code. Mr. Cavicchi asked what the hours are going to be. Mr. Geroukos answered that he will check the zoning for hours but he typically closes the Middleboro station at 9:00pm. Mr. Sinclair asked if there were any plans for a streetscape. Mr. Geroukos stated that there were, he would like people to be impressed by the looks. There will be plantings but nothing firm has been decided in this regard. Mr. Hunter asked Mr. Geroukos to call him 4/29 so they could chat about what might be expected. Mr. Geroukos stated that he expected to have the new islands completed shortly and then the pumps could go in. Mr. Robinson asked if there was a location for the sign. Mr. Hunter replied that it is already up. Mr. Geroukos said that it fits in the existing space; he would like to be able to turn it on. Mr. Hunter explained that a Public Hearing would have to be held before the sign could be turned on. Mr. Geroukos stated that there would be no way for customers to know the business is open and that would be detrimental.

**MOTION:** by Mr. Hoffman to approve the Special Permit request

**SECOND:** by Mr. Robinson

**APPROVED UNANIMOUSLY**

**MOTION:** by Mr. Sinclair to allow a temporary sign at 118 Main Street during the Special Permitting process. The duration is not to exceed 21 days.

**SECOND:** by Mr. Hoffman

**APPROVED UNANIMOUSLY**

**MOTION:** by Mr. Sinclair to hold a Public Hearing May 26, 2015 at 7:15pm

**SECOND:** by Mr. Hoffman

**APPROVED UNANIMOUSLY**

**OLD BUSINESS**

**C. 7:15 Public Hearing – Special Permit – Pine Ridge Road (#P-336-15-SP) Extension of time for completion of remaining 20 units – Discussion and possible vote (Exhibits 7-11)**

Mr. Hoffman read the Public Hearing notice into the record. Mr. Hunter introduced Mr. Delli Priscoli and introduced exhibits. Mr. Delli Priscoli stated the market has recovered but not necessarily in Carver. He would like to extend the dates on his permit. Mr. Hunter stated that the condition in the decision letter (Exhibit 8) stated the units shall be completed prior to 12/31/2016. Mr. Delli Priscoli stated that he needed more time. Mr. Sinclair asked if any builder had been chosen. Mr. Delli Priscoli answered that no one has stepped forward which he believes is pretty telling. He stated Carver is lagging behind other areas. Mr. Robinson asked how many units have been built. Mr. Delli Priscoli stated that 9 have been built and are occupied. He believes without more time on the permits, no one will step forward. Mr. Sinclair stated that the site is pretty well stable. Mr. Robinson asked if the request to extend

was for two years after 2016. Mr. Hunter noted that construction has to start. Two years is state law; if construction is not started this year, the project will have to come before the Board again for a new permit. Mr. Robinson asked Mr. Delli Priscoli felt hopeful construction would begin this year. Mr. Delli Priscoli replied that he is hopeful. The units are expensive to build, they look beautiful. They need to be at a certain price-point to make sense. Patricia Lake of 23 Pine Ridge Way, a member of the Condo Association, stated she and the Board would like to see the permits extended. Mr. Maki stated it might be better to get construction and sales done at once. Mr. Hunter read an email (Exhibit 9) from Joan Delaney, 26 Pine Ridge Way into the record. Mr. Hunter stated that he had returned an email to Ms. Delaney and explained what was being applied for. Mr. Delli Priscoli stated that she (Jane 'Madden') was the first owner. He and the Board have worked closely with her and will continue to do so. Patricia Lake commented that she had tried to explain to Ms. Delaney that her concerns were not a Planning Board issue. Mr. Sinclair stated Mr. Delli Priscoli in partnership with the Condo Association was applying for the extension. Mr. Maki asked for any further comment.

**MOTION:** by Mr. Sinclair to close the Public Hearing

**SECOND:** by Mr. Hoffman

**APPROVED UNANIMOUSLY**

**MOTION:** by Mr. Cavicchi to extend the permit for Pine Ridge Road carrying all conditions outlined in the decision letter dated 10/2/2012 with the only revision being the date change in number 2 on page 3, to December 31, 2018.

**SECOND:** by Mr. Sinclair

**APPROVED UNANIMOUSLY**

Mr. Delli Priscoli thanked the Board and commented that Edaville has seen a big improvement. With the addition of Thomasland, they expect a big increase in visitors. He is hopeful for future upgrades and job growth. Mr. Robinson asked if there would be a 'Welcome Carver' day. Mr. Delli Priscoli said he hoped so, he's always been good to Carver.

**D. 7:30 Public Hearing – Form C Conservation Subdivision – Adriano Cimbron – Linbi's Path (#P-336-15-C) - 0 High Street – Discussion and possible vote (Exhibits 12-17)**

Mr. Maki read the Public Hearing notice (Exhibit 12) into the record. Steve Kotowski of Webby Engineering stated that Mr. Cimbron originally appeared before the Board in December 2014. Since that time perc tests have been done and wetlands have been reviewed by Conservation. The proposal is for five single family market dwellings and one inclusionary dwelling. In the preliminary stage it was realized that the planned road in relation to the abutters would have to change. Revisions were made and the plans were reviewed by Shawn Martin. An open space area was recommended, 30,000 sq. ft. with frontage of 50 ft. Other things have been added to the original plans. The updated plan reduces the right of way to 40 feet from 50. They are proposing a 5 ft. landscape easement. The rain garden will be a bio-retention area. It will be low impact and does not impede anyone's open space. Mr. Martin felt there was a need for additional drainage, they have some ideas. The roadway planned will be crowned, water will travel along the sides and then across a grass strip and into the rain garden. The road will be pitched so all water gets to the basin. There is a safety mechanism; once the water collects to a certain level, a pipe will move the water. Test pits are shown on the plan. Septic has been moved. Mr. Tinkham may be willing to waive setbacks for the wells. The wetlands designated by the Conservation Commission are part of a river system. Most of the wells fall outside the 100 ft. boundary requirement. The only one with the boundary is the inclusionary home. They are hoping for

some consideration. They are also hoping to keep the tree cutting to a minimum. They will be meeting with Conservation on May 6<sup>th</sup>. They have already met with an abutter living at 21 High Street. The preliminary plan did not show that house. There are not many trees in that area and abutter is concerned about screening. They propose a 30 ft. no cut buffer and to fill in with a berm and possibly plant arborvitae. The abutter on the other side of the property is concerned about runoff. They granted Mr. Kotowski permission to survey their property. Due to the grade of the land, the water should be shed towards the new development. There is a 15 ft. no-cut buffer, perc tests were all good. The soil is a bit loamier than expected. They met with the Fire Department regarding the water main and the hydrant at the corner. Plants will be to the Fire Department specifications. They are proposing diversity in tree planting along the road. For the rain basin, usually plant wetland plants but in this case the soil is so sandy that wouldn't be feasible. They hope to apply for a waiver to propose a Cape Cod berm except for the interior of the roadway near the retention pond. This would allow the water to be moved. Mr. Hunter stated that the TRC meeting was held April 22<sup>nd</sup> to vote on building the road and the drainage. He reviewed the memo from the Fire Department (Exhibit 13). The memo from the Board of Health (Exhibit 14) which had questions about the cranberry bog; there are different regulations for septic and well. The Conservation memo (Exhibit 15) states that lots 3, 4, and 5 are under their jurisdiction. Mr. Hunter pointed out number 4 on the memo. The Conservation Commission would like to see plaques on wooden posts along the 65 ft. no disturb buffer. Mr. Hunter then reviewed the Planning Board memo (Exhibit 16) again indicating a concern about runoff. The Board is hoping to avoid a Homeowner's Association. They would like to make homeowners responsible for lighting, possibly hardwiring lights into the homes. The Board would also like to see the building of the inclusionary home put into a sequence. They would prefer that is not the last home built. Mr. Hunter stated that if the Conservation Commission ruled out the 100 ft. setback, the inclusionary home would be out. Shawn Martin went on to review the memo from Fuss & O'Neill (Exhibit 17). He stated that the Board has the authority to grant a waiver on the 100 ft. setback. He noted that the inclusionary home was the only one on the plans without a garage. He felt that some tweaks to the plan were still necessary. Some of the proposed plantings are sensitive during the first 1-2 years and would have to be maintained. Mr. Martin also takes issue with the proposed intersection at High Street. He stated that the sightline still needs work. He has no concerns that runoff will be increased. The meeting was then opened for public comment. Mr. Cliff Stanley, 17 High Street, stated he has had a private backyard for the 15 years he has lived in his home. He wondered if there was a similar cul-de-sac he could visit. He is also worried about the size of the lots; he considers them small and is worried about overcrowding. He is concerned about waivers being granted for septic in regards to their placement near the wells. Mr. Stanley also stated he believes the edge of the road will be on his lot line, he does not wish his property to be imposed on. His final concern is in regards to the speed of traffic. Mr. Hunter stated Mr. Stanley could take a look at The Hummock on Pond St., Godfrey Circle, Capt. Perkins, or Brown Bear Circle in Plymouth all of which are similar developments. Mr. Hunter stated there would be buffer of 25-30 ft. of trees between his property and this subdivision. He also explained the waiver for the wells is not in relation to the septic, it is in relation to the property line. There are no health concerns regarding the waivers. The Conservation Commission would have to approve the 65 ft. as opposed to the 100 ft. Mr. Sinclair asked if there was a maintenance plan for the buffer area. He is also concerned about snow removal and storage. He thought ice might also be an issue. Mr. Sinclair asked about the material being used for the guardrail. Mr. Kotowski stated it would be wood. He also stated that snow removal would be Mr. Cimbron's

responsibility until it is accepted by the Town. Mr. Martin stated that snow should not be dumped in the retention area. Mr. Sinclair asked if the overflow emergency pipe went out to the river. Mr. Kotowski said no, it goes to a low spot in the development. The flow is not continuous and would be used mainly for catastrophic events. Mr. Hunter asked if there was a no-cut zone on lot 6. Mr. Kotowski replied there is, it's 15ft. Mr. Hunter suggested a site visit and a continuance were in order.

**MOTION:** by Mr. Hoffman to conduct a site visit May 4, 2015 at 5:00pm

**SECOND:** by Mr. Robinson

**APPROVED UNANIMOUSLY**

**MOTION:** by Mr. Sinclair to continue the hearing to May 12, 2015 at 7:30pm

**SECOND:** by Mr. Hoffman

**APPROVED UNANIMOUSLY**

#### **E. Planning Board Notes**

Mr. Sinclair stated it was great to be back on the Planning Board and he was honored to be elected. He thanked those who voted for him. He mentioned that the Golf Tournament held for the Kane family was a fabulous event.

#### **F. Planner's Notes**

South Coast Development has an option on the Nocera Property; MassDOT has an issue at the moment. The lot across from More Dogs is under option and an engineer has been hired. The yellow house across from the dance studio is under option. Annual Town Meeting approved the Master Plan. We will go under contract with SRPEDD in July. Mr. Hunter stated he is hoping to have help with the Master Plan. He feels it is important to have a member of the Board involved. This will take a lot of time and work.

#### **G. Approval of Minutes:**

**MOTION:** By Mr. Hoffman to approve the minutes of April 14, 2015 as written

**SECOND:** By Mr. Robinson

**APPROVED: WITH FOUR VOTING YES; ONE ABSTENTION**

#### **H. Correspondence**

None

Mr. Hunter stated there was one last issue to address. The sign approved for Dollar General was approved with five goosenecks. They would now like nine. Mr. Sinclair asked how many lumens that would be. He believes it may be too bright. Mr. Robinson stated nine seemed like too many on a 31ft. sign. Mr. Sinclair stated he was concerned about abutters. He asked Mr. Hunter to have Dollar General send in their new plan with the total number of lumens indicated. They may have to restrict wattage. Mr. Maki stated that the two houses across the street may be a concern. Mr. Hoffman stated that Dollar General was almost doubling the approved lighting.

**MOTION:** by Mr. Sinclair

**SECOND:** by Mr. Hoffman

**APPROVED UNANIMOUSLY**

**The Carver Planning Board meeting was adjourned at 9:12pm on April 28, 2015**

Respectfully submitted,  
Madeleine Pompei

**Table of Documents**

|            |  |
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| Exhibit 1  | Meeting Agenda – April 28, 2015                                |
| Exhibit 2  | Minor Modification plan for Commerce Way Realty Trust          |
| Exhibit 3  | Special Permit Application Kostas Geroukos                     |
| Exhibit 4  | Sign GeKo Gas  |
| Exhibit 5  | Window Sign plan GeKo Gas                                      |
| Exhibit 6  | Lighted sign replica GeKo Gas                                  |
| Exhibit 7  | Public Hearing Notice Pine Ridge Road                          |
| Exhibit 8  | Special Permit Application Post Road Operations LLC            |
| Exhibit 9  | Decision Letter Post Road Operations, October 2, 2012          |
| Exhibit 10 | Email from Joan Delaney to Jack Hunter, April 27, 2015         |
| Exhibit 11 | Declaration of Restrictions Pine Ridge Road                    |
| Exhibit 12 | Public Hearing Notice, 0 High Street (Linbi's Path)            |
| Exhibit 13 | Memo from Carver Fire Department, Linbi's Path, April 14, 2015 |
| Exhibit 14 | Memo from Board of Health, Linbi's Path, April 6, 2015         |
| Exhibit 15 | Memo from Carver Conservation, Linbi's Path, April 16, 2015    |
| Exhibit 16 | Memo from Planning Board, Linbi's Path, April 22, 2015         |
| Exhibit 17 | Memo from Shawn Martin, Fuss & O'Neill, April 16, 2015         |
| Exhibit 18 | Minutes, April 14, 2015  |
| Exhibit 19 | Dollar General updated lighting request                        |