



**Meeting Minutes for August 2, 2022, at 6:30 PM,**

The proceeding was held in person, in meeting room #4  
This meeting is being videotaped and rebroadcast by Area 58 TV.

Attendees: Sharon Clarke, Chairman; Johanna Leighton, Member; Roger Noblett, Member; Patrick Meagher, Treasurer

Also in attendance:

Absent: Savery Moore, Vice Chairman

Meeting opened by Ms. Clarke at 6:30 PM

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Discussion and possible votes:

**North Carver Project:**

Ms. Clarke - At the last meeting an amendment to the URP was distributed for members to review/comment. It was a little challenging comparing it to the URP binder. I thought it would be best if John Smolak, the attorney, came down to review it. If anyone has time for a day meeting, I will post it as it would be a meeting. Perhaps next Thursday/Friday? Ms. Leighton – I cannot do Thursday. Mr. Noblett – What time? Ms. Clarke – Around 10:00 AM. Perhaps the 12<sup>th</sup> of August? I will reach out to Savery. Mr. Meagher – I can be there. Ms. Clarke – I will reach out to John. I will post the agenda and book a room. Ms. Leighton – Can he send us the exhibits? Ms. Clarke – I asked him and he said that they were all the exhibits in the binder. Ms. Leighton – I will look and let you know. Ms. Clarke – He did say that he could provide them if you felt more comfortable with that. Ms. Leighton – That would be good.

- Eminent Domain – Order of Taking

Ms. Clarke – The Order of Taking was recorded at the Registry of Deeds on July 8. That kicks off a 30-day appeal period. I will try to have Kathleen O'Donnell at our next meeting on August 23, 2022.

**90 Forest Street:**

Ms. Clarke – The Planning Board approved the project in June; I appeared before the ZBA on July 12. The Zoning Board reupped the variance; there is a 20-day appeal period. Once that is done, I will need a check to go down and record it. The closing is set for the end of September. Mr. Bott – I would assume the appeal period is not over yet. Ms. Clark – Yes, depending on when it was filed. Ms. Clarke – I haven't heard from the buyer so I assume everything is going smoothly. Ms. Leighton – I drove by and noticed all the stakes. They were placed right next to our concrete markers. The middle parcel is all marked too. Ms. Clarke – Once sold, we will be able to give an accounting of the money; what needs to go to the Town and our reimbursement, etc.

**Wade Street:**

Ms. Clarke – I had an inquiry from someone, that used to, or may currently, live in the neighborhood, who wanted to know what is happening with Wade Street. There is a parcel of land at the end of the cul-de-sac. It is a 6+acre parcel that was marked unbuildable. It was left by the developer in the 70's; it was taken for taxes and foreclosed on. At the 2009 Annual Town Meeting, it was voted to give to the RDA for disposal for some of the work the RDA does. In 2010, a deed was given by the Town to the RDA with a MOU and recorded at the Registry of Deeds. If you go to the Assessors page for the Wade Street property, you will see it is owned by the RDA. For the past 48-hours or so, Johanna and I spoke for several hours. Johanna has a lot of information on it. I spoke with Elaine Weston who thinks it was turned over to the Town but there is no paper trail. If that is true, when did this Board vote to turn it over? And to which Board? Johanna has reams of information and will detail that for you. Please summarize it and then Mr. Bott has some information. We do have Brian Abatiello here tonight; he was a member of the Board during all of this.

Ms. Leighton – The whole timeline will be displayed with all the documents. I will scan everything and number them accordingly. It started as you said, in 2009. Below is the timeline to Wade Street, as Johanna knows it.

### **Johanna Leightons - Wade Street Timeline**

1. RDA acquired the property from the Select Board with Town Meeting vote Nov 30, 2009.
2. Select Board granted to the RDA by way of Quit Claim deed subject to the terms by way of MOU dated Jan 12, 2010
3. Deed was recorded on Apr 15, 2010
4. Assessors' property record and Map 112 Wade St.

Apr 15, 2010 the RDA was the owner 0 Wade St, 6.320 acres with a value of \$13,800. Record shows North Carver UNBLD/90 NO ADJUST "Recreation Area" for Vaughn Estates

5. RDA began to market the property and Makepeace was the interested party to purchase the property for a sum of \$18,900. RDA & Makepeace signed the P&S, next step went to the Planning Board. During that time the residents of Vaughan Estates (131) began to learn of the potential sale to Makepeace. Much "ToDo" about something made the RDA listen, revoke the P&S and advise the Planning Board of the change in plans.
6. On April 10, 2012, our lawyer Kathleen O'Donnell wrote a letter to Jack Hunter (Town Planner) and the members of the RDA. **Kathleen O'Donnell's letter is attached for reading.** In this letter, she did recommend that the RDA proceed with transferring this property to the Conservation Commission.
7. On October 1, 2012 the RDA took a vote to give back to the town. The preference was for the recreation lot to go to the Conservation Commission as open space to be kept so that all the 131 residents could enjoy use of that property as it was designated on the 1976 subdivision plan.
8. On October 23, 2012 there was a joint SB and RDA meeting. Selectperson Helen Marone made a motion to accept both properties (Oak Drive and Wade Street) from the RDA. Jack Franey, then a member of both the Select Board and RDA made a motion to put Wade St. on the next meeting agenda.
9. On November 13, 2012 that next SB meeting was held and many of the residents came to offer their opinions. All stated to leave alone, let it be what it was designated to be namely "recreation area".
10. During the RDA Nov 12, 2019 meeting, concern was growing as the RDA was learning that the adjacent lot owned by the Boulay's was encroaching the Recreation Area lot on a slow but steady basis by building several stone walls, making a paved entrance onto the property into the direction of their property and electrifying underground from the telephone pole to a building on their property. Ms. Clarke confirmed that this occurred in 2019 and not in 2012. Mr. Abatiello confirmed that as well. A letter was drafted and signed by the Chairman Will Sinclair and requested the Town Planner (Jim Walsh) to send out a "Cease & Desist order" letter to the Boulay's. The letter was sent certified and sent on Nov 26, 2019. Discussion again during the RDA meeting of Dec 10, 2019 only to learn that the letter was never picked up by the Boulay's. **Jim Walsh's certified letter and pictures are attached for reading including the recent taken on July 30, 2022. As an outstanding issue which exist today, one needs to talk about enforcement.**

*Added –*

Ms. Clarke confirmed that the letter was sent by Chairman, Will Sinclair, not Jim Walsh. Mr. Abatiello, 15 Wade Street – Yes, Jim drew up the letter and Will signed it. Ms. Clarke – Ms. Clarke – My goal is to find out who is responsible for this now? When is the last vote? #10, the RDA acts as though they still own the property as they sent the cease and desist, but back in #8 and #9, it talks about the Selectboard voting and accepting the property but there was no deed drawn up. Mr. Abatiello - I brought this up every six months, asking Mike Milanoski about it. For some time, it was in the hands of the Selectmen but then it came back to the RDA so it looks to me like the RDA owns it. Ms. Clarke – I think it’s a technicality. I think right now, we are the owner of record. However, through Johanna’s deep dive, she has the vote of the RDA giving it back, to be used as open space. There was a follow up meeting with the Selectboard, which I am looking for any vote on the matter. We can then have KPLaw do what needs to be done. KPLaw will be used as this expense should be paid by the Town, not the RDA. There are a couple of things that might be in play as well. In 2019, we have the letter from the abutters (Weathervane), looking to buy that parcel. I don’t know if that is still being looked at. Mr. Abatiello – My understanding was that they purchased the bog and 0 Wade street to create something else. Ms. Clarke – That is the TDR which is a whole different discussion. The Wade Street bog was primarily for the access road. They needed a second form of egress. That property has a fire road. Once we produce those votes, we can present them to the Board of Selectmen. Chairman Townsend wasn’t able to find much. We will follow whatever previous Boards said to do. Mr. Noblett – Regarding the gap of minutes between 11/13/2012 and 10/20/2019. We are looking at those minutes that may have specific information relating to this property? Ms. Clarke – Yes. Mr. Noblett – With regard to Weathervane, which property are you referring to? Ms. Leighton showed where on the map it was. Mr. Noblett – If we do own it and we entertain a sale to Weathervane, won’t we still need to get input from those residents? Ms. Clarke – Yes. As far as I am concerned, if we can’t put together the proper paper trail and the official votes/acceptance, with our Attorney’s opinion, we are still the owners and will start entertaining the idea of turning it over to Con Comm with restrictions, we will have a Public Hearing on it, etc. Mr. Noblett – Did I hear correctly that the Con Comm does not want this property? Mr. Abatiello – This property has been volatile for 10 years. It is a stump dump. You are not putting a house or a road there. Core samples prompted the Con Comm to not Mr. Bott – So the 6.3 acres lot is the “stump dump?” Mr. Abatiello – Yes, it is. Mr. Bott – In the subdivision plan, it is a requirement that it be a recreation area. I understand why the Con Comm doesn’t want it. However, someone is encroaching on it and it needs to be addressed. Ms. Clarke – Under tax lien foreclosure would they lose that protection of a recreation area? Ms. Leighton – I don’t think so. Ms. Clarke – On the recorded plan it says, “unbuildable lot due to inadequate frontage.” Ms. Leighton – It’s also recreational. Ms. Clarke – It must be something in the Planning Board. Mr. Abatiello – They need 25’. It would have to have a variance. Mr. Noblett – As a recreation area, no one has questions responsibility of Town to maintain the property? Mr. Abatiello – It’s just been left alone. Ms. Clarke – Tom, what would be the liability on this property? Mr. Bott – Typically, with a piece of public property that allows public property, you can’t sue the Town because you broke your leg on an open space parcel. Regarding what is reported by the Registry of Deeds, on page 18, it shows the whole subdivision and shows area B as a recreational area. The plan itself shows the “unbuildable due to inadequate frontage.”

- 11. On Dec 3, 2019, the RDA learned that SB Bob Belbin’s request to talk about Wade St. came to fruition with action from the SB Chairman Ron Clarke. There was a vote of the members to take action, have the new Wade St. deed created and filed at the registry and have it secured with the town.

Added –

Ms. Clarke – Johanna has documentation, roughly 20 pages. I will review them and send them to Bob Fennessy and Elaine Weston. They will turn everything over to the Select Board. Once that is done, we will have to start watching Select Board agendas. Mr. Bott – The Con Comm can take possession without going to Town Meeting. For the Town to take possession, they have to go Town Meeting. If the Selectmen take possession, it becomes a requirement to go to Town Meeting. Ms. Clarke – They didn’t bring that up during 10 years of minutes; they just said “thanks, we will write up a deed.” Mr. Bott – They can write up a deed but, for the Town to acquire or dispose of a piece of property, it must go to Town Meeting. Ms. Clarke – Town Meeting gave it to us; can’t they just take it back? Mr. Bott – Yes, at the Town Meeting. Ms. Leighton – If you approach Con Comm and they accept it, we don’t have to go to Town Meeting. I am dealing with a similar issue in Wenham Shores. There is something with Article 78. Mr. Bott – I think the first thing you need to do is have the property surveyed. Ms. Clarke – It is very expensive to survey and do boundaries. If the property is owned by the Town, the expense should not be ours. Tonight, is for us to hear Johanna’s research and vet it as best we can, then we will set up a plan at our next meeting.

- 12. Today we are discussing Wade St. again because in 2019, “the rumor mill has it or just hearsay” that Weathervane property owner adjacent to Vaughn Estates wants to buy the “recreation area” 6.320 acres from the town. However, the RDA has now come to know that the SB for all these days and all these times of meeting to discuss has taken “no action”. Technically, the RDA still owns the property and as Kathleen O’Donnell stated in her last line of the letter ....I recommend that the CRA proceed as planned and transfer the lot to the Conservation Commission.

13. As one of the RDA members ....I too make that recommendation but first, the RDA must survey the property with concrete boundaries and replace the benchmark (located on the cul-de-sac circle).
14. As one of the RDA members .... I also recommend the RDA take the action that Kathleen O'Donnell suggested within the letter (last paragraph) ....In my opinion, the CRA has a binding agreement with the Town of Carver to transfer the lot for the consideration of \$19,000. The Town has agreed to accept the lot notwithstanding the fact that the lot is still subject to a potential restriction based on the designation recited on the 1976 subdivision plan

*Added –*

*Mr. Bott – The Building Commissioner cannot take any action until a survey is complete.*

*Motion to authorize the Town Planner to get two estimates for a survey with concrete boundaries and benchmarks to determine possible encroachment: Mr. Noblett  
Second: Mr. Meagher  
Approved: Unanimous (4-0)*

**Topics not reasonably anticipated by the Chairwoman 48 hours in advance of meeting:**

**Meeting Minutes:**

Nothing tonight

**Next Meeting:**

Our next meeting is scheduled for August 23, 2022 at 6:30 PM

**Adjournment:**

*Motion to adjourn at 7:40 PM: Ms. Leighton  
Second: Mr. Meagher  
Approved: Unanimous (4-0)*

Attachments:

Timeline and documents for 0 Wade Street