



## CARVER ZONING BOARD OF APPEALS MINUTES OF July 21, 2016 MEETING Room 1

Present: Stephen G. Gray, Chairman; Sharon Clarke, Vice Chairman; Members Eric Mueller, Steven Maynard, and Jim Nauen. Also present: Alternate Frances Mello.

Attending as well: Marlene McCollem, Town Planner; Judy Barrett, Board Consultant; Marianne MacLeod, Recording Secretary; and numerous members of the public.

Chairman, Mr. Gray, opened the meeting at 7:02 P.M.

The meeting began with the annual reorganization of the Board. Mr. Nauen made a motion to retain Mr. Gray as Chairman, seconded by Ms. Clark. Voted unanimously. Ms. Mello made a motion to retain Sharon Clarke as Vice-Chairman, seconded by , Voted unanimously.

### **Minutes**

June 9, 2016 meeting minutes were reviewed by Board members; motion made to accept the minutes as written and duly seconded. Voted unanimously.

June 23, 2016 meeting minutes were reviewed by Board members; motion made to accept the minutes as written and duly seconded. Voted unanimously. Fran Mello abstained as she was not present at this meeting.

### **Continuation of Public Hearing: Comprehensive permit: Petitioner: Draper Home Improvements, LLC; off Plymouth Street, Carver, MA 02330 (Assessor's Map 18-Lot 8)**

The Petitioner is requesting a comprehensive permit, pursuant to 760 CMR 56.00, in order to develop a 39 lot subdivision on 17.81 acres in a Residential Agricultural District, as shown on Assessor's Map 18, Lot 8.

Mr. Nauen recused himself as he was not present at the initial meeting on this Hearing. Nevertheless, Mr. Gray asked Mr. Nauen if he would like to sit on the Board for this Hearing,

and Mr. Nauen indicated in the negative. Ms. Mello will take his seat as a voting member of the Board for this case.

Mr. Gray reviewed 40B Petitions, and the Massachusetts General Laws with regard to comprehensive permits.

Mr. Gray introduced all the Board members, as well as Marlene McCollem, Town Planner, and Judy Barrett who is a consultant to the Board for this project.

Mr. Gray reminded everyone that, at the previous meeting relative to this project, the developer was asked to provide more detailed plans to the Board. The Board also voted to establish a sub-committee so as to select peer reviewers.

Mr. Gray first asked that the Board consider an extension of the 180 day time line. Mr. Kraus, attorney for the developer, had agreed previously to extend the 180 days beginning tonight, which then goes through the date of January 16, 2017. Ms. Mello made a motion to accept the 180 day extension, beginning today, July 21<sup>st</sup>, duly seconded, and voted unanimously.

Mr. Kraus, on behalf of the developer, also advised the Board that he would be willing to extend this time frame further, depending upon the progress of the Board in reviewing the proposed project.

Mr. Gray inquired of the developer if the more detailed plans requested by the Board were filed on or before June 15, 2016, pursuant to the date agreed upon by all parties at the previous Hearing on this project. Mr. Parker, project representative, said a representative of the developer came to Town Hall on June 15<sup>th</sup>, after 4:00 P.M.; there was no one to accept the plans at that time so they were filed on the morning of June 16<sup>th</sup>. Mr. Gray, with the concurrence of all Board Members, instructed the Town Planner, who accepted the late filed plans, to notify him, as Chair, or if unavailable, Ms. Clarke as Vice Chair, if previously imposed deadlines were not met.

Attorney Glick, representing neighbors in opposition, stated that there was additional information that was supposed to be filed by June 15<sup>th</sup>. Waiver requests were not seen by him until approximately one day ago. He believes there was other information that was supposed to be provided as well.

A site walk was discussed. Mr. Gray suggested that it would be a good idea for the Board to walk the site with Ms. Barrett as soon as possible. The date of August 27<sup>th</sup> @ 9:00 A.M. was agreed upon. Motion was made to approve the site walk, duly seconded, and voted unanimously.

Ms. Clarke gave a report of the subcommittee meeting (attended by her, Mr. Maynard, Ms. Barrett, and Ms. McCollem) regarding the peer reviewer selection for this project. Ms. McCollem also reviewed for the full Board the RFQ and the process involved in hiring a peer reviewer/s. Six firms received a copy of the RFQ. Two submitted proposals: CEI and Beals and Thomas. Ms. Barrett explained the job of a peer reviewer. CEI was chosen for this project by the sub-committee.

A motion was made to accept the subcommittee's recommendation of the firm of CEI as the peer reviewer, at the cost of \$17,000, duly seconded, and voted unanimously.

A motion was made to require the peer reviewer fee of \$17,000 to be paid, in full, by the developer, within 30 days of today, duly seconded, and voted unanimously.

Ms. McCollem asked to set a date for payment of the fee of either August 11, 2016 or August 22, 2016, as she will be on vacation the week of August 15<sup>th</sup>.

A motion was made that the payment be made in full by the developer, on or before August 22, 2016, therefore rescinding the earlier vote, duly seconded and voted unanimously.

Mr. Gray instructed Ms. McCollem to send to the Board a memo documenting what is, in her opinion, information that is still missing from the developer, so that the Board and its peer reviewers will be able to undertake a comprehensive review of this project. Reference was made to Ms. McCollem's previous memo to the Board, said memo dated April 7, 2016, which identified multiple areas where additional information was needed. Ms. McCollem was also asked to review recently submitted requested waivers from the developer. Mr. Gray was of the opinion that the 31 days required for payment of the fee for the peer reviewers would be enough time for the developer to address these outstanding issues. Ms. McCollem was instructed to send a copy of her memo to the attorneys representing both the developer and neighbors in opposition.

Attorney Glick spoke of his concerns regarding certain informational deficiencies in the project proposal of the developer. Mr. Gray requested that he, too, prepare a memo, and forward same to the Board and Attorney Kraus on behalf of the developer.

Mr. Parker then presented the project plans on behalf of the Petitioner. He acknowledged that he was not a professional engineer; rather, he is a land surveyor. He reviewed numerous pages of the plans, utilizing the large TV screen in the room.

A motion was made for the peer reviewers to meet with Ms. Barrett and Ms. McCollem prior to the next Hearing so as to examine the project materials and address any concerns with a memo to be sent to the Board thereafter, duly seconded and voted unanimously.

A motion was made to schedule the next Hearing for this project on the date of Thursday, October 27, 2016, at 7:00 P.M., duly seconded and voted unanimously.

A motion to adjourn was made and duly seconded. Voted unanimously to adjourn at 9:17 P.M.