



Town of Carver, Office of Planning and Community Development

Planning Board **Public Hearing** Meeting, for proposed Zoning Amendments, Minutes, March 4, 2020, Carver Town Hall, Meeting Room #4.

Attendees: Bruce Maki, Chairman; Jen Bogart, Member; William Sinclair, Member; Kevin Robinson, Member

Also Present: James Walsh, Planning Director

Absent: James Hoffman, Member

Bruce Maki, Chairman, opened the meeting at 6:03 PM

The Carver Planning Board hereby gives notice of a Public Hearing on March 3, 2020 at 6:00 P.M. at the Carver Town Hall, 108 Main Street, Carver MA 02330, relative to the following proposed zoning amendments to appear before Annual Town Meeting on April 14, 2020.

Mr. Walsh – We did receive comments from Select Board Member Bob Belbin; they are at the top of the packet. Mr. Walsh reviewed what was in everyone's packet.

Zoning Amendment 1: - Recommended for Town Meeting on 3/3/2020

To amend Section 3730 of the Carver Zoning By-Law:

To make changes requested by the National Flood Insurance Program State Coordinator to the Flood Insurance Rate Map (FIRM) map panel numbers and effective date of FIRM map changes; change the effective date of the Flood Insurance Study; and entirely delete sub section 3732; or take any action relative thereto.

For discussion, see minutes from 3/3/2020

Zoning Amendment 2:

To amend Section 2270 of the Carver Zoning By-Law:

By inserting the following language into – Sub Section 2272. Procedure: “if there are not any Transfer of Development Rights (TDR) credits or certificates available to a developer at the time a project is being proposed to the Planning Board, then the Planning Board may consider alternate measures to TDR credits such as, acquisition

Planning Board Public Hearing Meeting, for proposed Zoning Amendments, March 4, 2020

or donation of open space conservation easements, etc., of equivalent value to the TDR credits as determined by a third-party consultant with expertise in such property valuations; or take any action relative thereto.

For previous discussion see minutes of 3/3/2020

Continued discussion, 3/4/2020:

Mr. Walsh – I talked with K&P and came up with new language-

*"If there are no Transfer of Development Rights (TDR) credits or certificates available to a developer at the time a projects are being proposed then the Planning Board may consider, at its sole discretion, alternate measures that will further the purpose and intent of Section 2700. **The Applicant must provide to the Board a valuation report that includes the value of the TDR, along with the value of the proposed alternate measure. The Planning Board may, at the Applicants expense, request additional valuation information. The Planning Board must determine that the value of the alternate is at least 100% of the TDR value.**"*

The Board is happy with the change.

Motion to recommend Article 2 to the Town Meeting: Mr. Robinson

Second: Mr. Sinclair

Approved: Unanimous (4-0)

Zoning Amendment 3:

To amend Section 2260 of the Carver Zoning By-Law:

By deleting the Section entirely and replacing with a new Section 2260 Accessor Dwelling Unit (ADU) to include definitions of Accessory Dwelling Unit and Dwelling Unit; to allow an ADU as an accessory use to a single- family dwelling in zoning districts where single-family housing is allowed; limit the number to one ADU per single-family lot; limit the size of an ADU to 800 square feet and a maximum of two bedrooms; or take any action relative thereto.

For previous discussion see minutes of 3/3/020

Continued discussion, 3/4/2020:

Mr. Maki – I don't think we are at a place where we can change this. I think we should remove it from the warrant. This still needs a lot of work. Mr. Sinclair – You should put a subcommittee together for next year. It was noted that Mr. Belbin had some comments / suggestions on this article. Those comments/suggestions are detailed on the minutes of 3/3/2020.

Motion to remove Article 3 from the warrant: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (4-0)

Zoning Amendment 4 – Recommended for Town Meeting on 3/3/2020

To amend Section 5000.2 of the Carver Zoning By-Law:

By striking out Non-Medical Marijuana Overlay District/Cultivation and Processing (NMOD/CP) and replace with Non-Medical Marijuana Overlay District/North Carver (NMOD/NC; by striking out Non-Medical Marijuana Overlay District/Retail (NMOD/R) and replace with Non-Medical Marijuana Overlay District/South Carver (NMOD/SC; and make said changes throughout Section 5000 of the By-Law; and allow cultivation/processing and retail use in both the NMOD/NC and NMOD/SC overlay districts; or take any action relative thereto.

Zoning Amendment 5 – Not recommended for Town Meeting on 3/3/2020

To amend Section 5000.5, Subsection 2 of the Carver Zoning By-Law:

In accordance with updated state regulations by adding to the end of the sentence "... a pre-existing public or private school providing education in Kindergarten or of any of grades 1 through 12."; and striking out Subsection 2 (a), 2 (b), and 2 (c); or take any action relative thereto.

For previous discussion see minutes of 3/3/2020

Update - 3/4/2020

Motion to reconsider Article 5 : Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (4-0)

Discussion:

Mr. Maki – We might want to just remove this article from the warrant? Mr. Sinclair – I agree; there is no reason to bring it to the Town Meeting. I believe that this Town has met the letter of the law to have a designated areas of opportunity.

Motion to withdraw Article 5 from the warrant: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (4-0)

Zoning Amendment 6

To amend Section 3580 of the Carver Zoning By-Law:

To make the reduced setback requirements for Conventional Large-Scale Ground Mounted Solar Photovoltaic Installations (LSGMSPI) consistent with the reduced set back requirements for Dual Use Large Scale Ground Mounted Solar Photovoltaic Installations (LSGMPI) and make any other changes necessary to clarify the reduced setback requirements for both types of installations; or take any action relative thereto.

For previous discussion see the minutes of 3/3/2020

Article 6, Continued discussion, 3/4/2020:

Mr. Walsh – Under the current bylaw there were changes made last year to both, but Dual Use has a different set of setbacks. This caused some confusion. Going forward it would help to be consistent. Mr. Maki – Is this going to reduce the setback requirements? Mr. Walsh – Conventional was set at 50'; this will allow for 25' which is consistent with Dual Use. Dual-Use allowed for request of 25' setback; you can't do that for Conventional. There is a table in your packet with all of the setbacks listed. Mr. Walsh reviewed the setbacks with the Board Members.

Footnote 3 on the Table of Dimensional Requirements

"The Planning Board may allow setbacks of a minimum of 12.5 feet if arrays are abutting a bog or other agricultural use as defined in General Laws Chapter 128, Section 1A, provided that standard setbacks and/or screening requirements are waived in writing by any direct abutters in a Residential/Agricultural zoning district. Direct abutters who do not wish to grant a setback waiver will retain the 200-foot setback along their abutting boundary. An affidavit signed by all owners of record of any direct abutters within a RA zoning district must be on file with the Planning Board and referenced in the Special Permit Decision."

Ms. Bogart – Why does "screening" need to be involved in footnotes 2 & 3? Mr. Maki – If we just add #2 – *The Planning Board may reduce setbacks or screening, that would fix it.*

3580.25 Dimension and Density Requirements

(A) – replace language with footnote #2 from table.

(B) (b) remove and/or screening

Footnote 3 on table – remove and/or screening

Ms. Bogart – There is a conflict on screening -

Screening – “Upper levels of existing structures at the time of construction, within 3 years of the start of construction.”

Or

“Greater of the abutting street grade or yard grade”

Ms. Bogart is in favor of “Upper Level”. Mr. Sinclair – It would not be viable.

Mr. Walsh - We can remove **“including upper levels of existing structures at the time of construction”**

Ms. Bogart proposes the following language:

50% in list districts or 100% in RA zoning district. ... Mr. Walsh has the language for the meeting.

Motion to recommend Article 6 to Town Meeting with the updated language: Mr. Sinclair

Second: Mr. Robinson

Approved: 3-1, Ms. Bogart

Zoning Amendment 7

To amend Section 3580 of the Carver Zoning By-Law:

By removing the Frontage requirement for conventional Large scale ground mounted solar photovoltaic installations (LSGMSPi) and Dual Use Large Scale Ground Mounted Solar Photovoltaic Installations (LSGMPI) so long as access to the site meets the requirements of the Carver Fire Department and the Applicant owns the access or if using an easement or right of way owned by another party, then the Applicant shall provide a written agreement providing access to the solar project for the life of the project.

Motion to continue discussion for Article 7 to the next meeting: Mr. Sinclair

Second: Mr. Robinson

Continued discussion, 3/4/2020:

The frontage footnote on Table of Dimensional Requirements (#1) – Mr. Sinclair – This would have helped with the Ward Street project.

Footnote #1 on Table of Dimensional Requirements

“Frontage as defined by the Zoning By-Law is not required so long as the site is accessible as per the Carver Fire Department standards. If using an easement or right away owned by another party, the Applicant must provide a written agreement showing that there is access to the solar project for the life of the project.”

Mr. Robinson – If the property that provides access is sold to another party, what happens? Mr. Sinclair – The easement applies to the life expectancy of the project. Mr. Robinson – Did counsel back that up? Mr. Walsh – The easement would be required to be recorded and would be conditioned.

Motion to recommend Article 7 to Town Meeting: Mr. Sinclair

Second: Mr. Robinson

Discussion:

Ms. Bogart – I am comfortable with this but what about all landlocked parcels. This may appear as though certain properties are treated differently. Mr. Maki – When building a home; a buildable lot has to have acceptable frontage according to the Zoning bylaw. This is for agricultural use.

Approved: 3-1, Ms. Bogart

Zoning Amendment 8

To amend Section 3580 of the Carver Zoning By-Law:

By eliminating the requirement that a Conventional Large Scale Ground-Mounted Solar Photovoltaic Installations (LSGMSPI) and Dual Use Large Scale Ground Mounted Solar Photovoltaic Installations (LSGMPI) and shall follow

the dimensional requirements established in “3580.25.1.1 Table of Dimensional Requirements for Large Scale Ground Mounted Solar Photovoltaic Installations both Conventional and Dual Use; or take any action relative thereto.”

Continued discussion, 3/4/2020:

Mr. Walsh – This just refers back to the Dimensional Requirements Table and relying on it.

Motion to recommend article 8 to Town Meeting: Mr. Sinclair

Second: Mr. Robinson

Approved: 3-1, Ms. Bogart

Zoning Amendment 9, Article recommended for Town Meeting on 3/3/2020

To amend Section 3500 of the Carver Zoning By-Law:

Signs to review and make any changes deemed necessary; or take any action relative thereto.

Motion to close the Public Hearing: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (4-0)

Adjournment:

Motion to adjourn at 7:25 PM : Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (4-0)

Carver Planning Board Proposed Zoning Amendment Public Hearings

~~*Tuesday, March 3, 2020 at 6:00 PM*~~

~~*Wednesday, March 4, 2020 at 6:00 PM*~~

Tuesday, March 10, 2020 at 6:00 PM – NOT NEEDED

Wednesday, March 11, 2020 at 6:00 PM – NOT NEEDED

Attachments: Mr. Belbin's comments

Mr. Moore's comments on Solar bylaw changes