



approved 4/14/20

Town of Carver, Office of Planning and Community Development

Planning Board Meeting Minutes, February 25, 2020, Carver Town Hall, Meeting Room #2. This meeting was videotaped a by Cable Cast Area 58. 1

Attendees: Bruce Maki, Chairman; William Sinclair, Member; James HJen Bogart, Member; James Hoffman, Member
Kevin Robinson, Member Kevin Robinson

Also Present: Jim Walsh, Planning Director; Andy Glimes, Fuss and O'Neil

Absent:

Bruce Maki, Chairman, opened the meeting at 7:00 7:00 PM

ANR:

Silva Street (Map 67, Lot 6A and 4F) – Wayne Vaughn & Linda Stas – Discussion and possible vote

Don Bracken – I do have an updated plan. The only change from the plan is the easement from Eversource and tying property lines to it. The purpose is to combine a buildable lot (4-F); a separate parcel (6A) originally conveyed to property on Silva Street. We are looking to reincorporate it into 4-F. Mr. Sinclair – 7:03 - Mr. Maki – There is no house on 6-A? Mr. Bracken – There is a dwelling on that parcel. Mr. Bracken presented the original ANR plan. The plan from 2003 created the back lot and Parcel A was created at that time but never conveyed. The plan was presented to the Board. Mr. Hoffman – The same person owns both? Mr. Bracken – Yes. Mr. Maki – Mr. Walsh have you review the plan? Mr. Walsh – Yes it has been reviewed. Mr. Maki – I have no issue. Anyone else? Nothing heard.

*Motion to approve the Form A for Wayne Vaughn and Linda Stas, Map 67, Parcel A and 4F, as amended and presented tonight: Mr. Sinclair
Second: Mr. Robinson
Approved: Unanimous (5-0)*

Informal Discussion:

- Stephen Kotowski – Linbia's Path

Mr. Kotowski – The property has been being developed for a couple of years. We have a foundation on Lot 2 with an emergency drain. Applicant still has to convey. We figured a new plan would be the easiest way to handle this. Release last lot, I could do all work prior to May, I would then finish road. Mr. Sinclair – What is the value of lot? Mr. Kotowski – \$130K. Mr. Sinclair – How much is the cost to complete the work? Mr. Kotowski – \$40K. Mr. Maki – We have to hold something in assurity. Mr. Sinclair – The value of the lot is \$130K. We could take a bond that would cover that and then some (125% of value). Mr. Kotowski – If we don't start soon, it won't be finished until December.

Mr. Sinclair – 125% / Estimate. Fuss and O'Neil to review the cost of completion plus 125%.

Mr. Walsh – Estimates to Fuss and O'Neil for review. Mr. Maki – I am fine with that. Mr. Sinclair – I have no issue. Mr. Kotowski – The affordable unit is almost finished

- Jack Williams – Gilbert Estates

Mr. Williams – I have the paving, drainage and water in. I would like some lots released. Mr. Maki – Mr. Walsh, have you had a chance to review? Mr. Walsh – No, I have not. Mr. Maki – \$106,500 left of work to be completed. Mr. Williams – Yes, but I did not include a guardrail so add a couple thousand. Mr. Sinclair – How many total lots? Mr. Williams – There are 10 lots; I would like 8. The Town could hold Lot 7 and Lot 8. Mr. Sinclair – Dry hydrant and infrastructure done? Mr. Williams – Yes, just need the final topcoat and loam. Mr. Sinclair – We will still have \$300K + to hold. Mr. Maki – Should we have someone go take a look? Mr. Walsh – We can have someone from Fuss & O'Neil take a look. Mr. Williams – The DPW has been down several times. Mr. Maki – We can release all but lots 7 & 8 once Fuss & O'Neil takes a look.

Motion to release lots 1-6, 9 & 10 on Gilbert Estates, withholding lots 7 & 8, upon approval from Fuss and

O'Neil: Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous (5-0)

Presentation:

- Weathervane at Patriot Pines – Transfer of Development Rights Proposal

Ms. Stearns – We just presented to the Select Board. This is an informal discussion. Lori Tripp, Planner and Jim Bristol, owner, Taylor, and Bill from SRPEDD. We are in the very early stages. There are 5 affordable units in the project. Phase 1 is under construction. The transfer would allow us to make a better development by transferring the affordable units to another project. Sarah presented a video to the members. Mr. Bristol gave some background to him and his other projects. This is a family business. We develop these weathervane communities. Single family detached condos for 55+. Most recently we did one in Weymouth. Our goal is always to increase the value of our abutter's properties. Mr. Tripp – We pulled

right from your masterplan; we are looking at your vision for your community. We are not proposing to go outside the footprint of original proposal. We did add open space (bog). Ms. Stearns – We are looking to make this more fitting to the Weathervane communities. Ms. Bogart – So the bog will no longer be harvested? Ms. Stearns – Correct, it will go back to its natural state and recharge the aquifer. We are looking at multifamily uses, with increased density. The Silva Street project would increase the affordable housing units and would help you meet your goal very quickly. We are proposing to bring the water line from Green Street down to Silva Street which would add fire hydrants, etc. and allow us to reach the density, meet your housing/masterplan goals. We are looking to do a lot of public outreach. Ms. Stearns – We would like to get the public involved and have those conversations to see what people think about it. This would incorporate more affordable housing. We are planning something for March/April.

Mr. Sinclair – I love the concept. I am not sure about getting the water all that way. I would suggest that you meet with the Water District. Mr. Tripp, I have already spoken with Mr. Woollum. There is a significant cost which is why we want to make sure that everything is transparent and that we get feedback from the community. Mr. Sinclair – The more community outreach you do, the better. Mr. Walsh – SRPEDD announced a grant round. Carver was awarded \$7,500 that could help. Ms. Bogart – How many units are you planning? Mr. Tripp – It's a lot of calculations. With the transfer of developments it may be around 100-120 units. Ms. Stearns – The site is 10 acres. Ms. Stearns – The water line opens a lot up on that stretch of road.

Public Hearings (continued):

- On the application of RBPB, LLC of Kingston, requesting a Site Plan Review, pursuant to Sections 2230 and 3100 of the Carver Zoning by-Law, for property located off Spring Street, on Assessors Map 32 – Lots 5-E, 6-A, 6-BN, 6-CN and 6-DN, in Carver Ma. Applicant proposes the construction of an approximate 7,400 sq. ft. commercial building with associated parking area and utilities in the SSID.

Brad McKenzie, McKenzie Engineering Group and Peter Opachinski, applicant – This was spun off from the Rickets Pond application. This is almost 3 acres and the building meet all setback requirements. Access will be from Spring Street. The existing basin will be able to retain all, including 100-year storm. A plan for treatment of storm water. The building is for Craftsmen/Tradesmen with 5 units proposed at this time. Loading dock needs will depend on tenant(s). Common septic in the front; no sprinklers needed as it is under 7500 sq. ft. We did file with Conservation Commission. That hearing is next Wednesday evening.

Mr. Maki – Have our engineers reviewed this? Mr. Walsh – We had a tech review about a week ago. DPW, Building Comm and Health Dept were there. Health department requested the septic be moved an additional 50 feet. We have comments from the Fire Department; with no major concerns. Mr. Maki – Any questions from the members? I have gone to the site and checked the neighboring properties; I also spoke with Jim over the last week. It would be nice if we could have some building elevations. I had a call from one of the neighbors with concern over what the buildings would look like. It would be nice if it could look

nice for the neighbors. Mr. Opachinski – Similar to Commerce Way with a little nicer on the front. Mr. Maki – Section 3200 references landscaping requirements. We will do a site walk in the near future; could we have the parking area and building staked out? I see trees along the road; could you place screening / trees on the right? The pavement goes right to the edge of the street. Mr. Opachinski – At the technical review last week, we discussed this. Mr. McKenzie reviewed the plan with the Board. Mr. Opachinski – There is plenty of buffer there. Mr. Maki – We will take a look when we do a site visit. Mr. Opachinski – We plan on dressing it up; we have no problem having trees. Mr. Maki – Anyone else? Mr. Sinclair – Where is the dumpster location? Snow removal; where will it go? Landscaping will be key. Can you bring a design copy of the proposed building, color scheme, etc.? I looked through the plan set; is there a lighting plan? Mr. MacKenzie – They are all wall packs. Mr. Maki – You should think about dressing up the entrance. Mr. Sinclair – Signage? Marquis? Free standing? Location, site lines will need to be looked at. Mr. Hoffman – The only lighting is on the building? Mr. MacKenzie – Correct. Mr. Maki – Will they be on at night? Mr. Mackenzie – They will be for security so they could be. Mr. Opachinski – There is a special bulb you can use to cast the light down instead of out. Mr. Maki – Any questions from the audience?

Dorothy Pollitt, 158 High St –

I am the abutter to this project. I appreciate the buffer zone. That proposed building – could it be pushed back so we can have the frontage landscaped and then allow for a different access? There is going to be an issue on that corner. If it was set back with landscaping and the entrance was on the industrial park new road, it would alleviate some of that. Mr. MacKenzie – The building could only go back as far as the Conservation Commission would allow, which is what you have here.

Ms. Rooney, 160 High Street – What if there was only one main entrance for both? Mr. Mackenzie – the Spring Street access is the only proposal at this time. Ms. Pollitt – Safety should come first. Mr. MacKenzie – Timing has a lot to do with it. Mr. Maki – When we go for the site visit can you have everything staked, including the entrance? Ms. Rooney – Will there be a traffic study? Mr. Maki – These types of buildings are generally pretty quiet. They come in the morning to get there day's work and then come back in the evening. Mr. Opachinski – We have a permitted gravel operation there with 50 loads a day, without an issue. Once that is done and we develop the land, you will have far less vehicle trips on a daily basis. Mr. Maki – When we do our site visit, we will take a look at the entrance, Fuss and O'Neil will also look at it. The landscaping and the building appearance are very important. Once Fuss and O'Neil looks at it, you will provide us with your landscaping plans.

Site visit is scheduled for Thursday, March 5, 2020 at 12:00 Noon, Meet at the office trailer on Road A.

Motion to continue the public hearing for RBPB, LLC of Kingston to March 10, 2020 at 7:00 PM: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (5-0)

- On the application of Clean Energy Co., Joe Shanahan, requesting a Special Permit and Site Plan Review pursuant to Sections 2230, 3100, 3580 and 5300 of the Carver Zoning by-Law, located at 0 Snapit Road (Assessors Map 34, Lot 2 and 5 and Map 33, Lot 9-C) in Carver, MA to allow the construction of a 2.0 MW dual use, large-scale ground mounted solar photovoltaic project proposed to be constructed and operated on and in conjunction with the existing active cranberry bogs in a Residential/Agricultural District.

Rich Tapazinski filling in for Joe Shanahan- I am just here to update you.

- Setbacks – Since the last meeting, it has been reviewed. This represents the 200' setback. We removed panels from the southern portion of the project. We fit them into the center of the project. We will be seeking permission from Conservation Commission to run panels there.
- Screening – At the site walk, there were concerns. Perry and Ryan properties. We have looked at screening possibilities. A proposed plan was presented to the Board. Mr. Maki – How high is the proposed vegetation? Mr. Tapazinski – Some would be about 23' high; the Ryan property would not need them as tall, it's all a calculation. A landscape designer will work on that.

Mr. Maki – As soon as all the plans come to fruition, we can meet the Perry's to make sure they are okay.

Mr. Sinclair – You mentioned the Conservation Commission? Are you on their agenda yet? Mr. Tapazinski - Not yet. Mr. Sinclair – I am going to suggest that you withdraw without prejudice. This Board will be changing. My last meeting will be March 24, 2020. You will have to resubmit anyway. You will most likely not be ready by then where you are not yet on the calendar for the Conservation Commission. Mr. Maki – We won't know who will be on this Board until after elections in April. Mr. Tapazinski – We will discuss that internally and decide what to do.

Mr. Maki – Audience? None heard

Motion to continue the Public Hearing for Clean Energy Co, to March 10, 2020 at 7:00 PM: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (5-0)

- On the application of Borrego Solar Systems, Inc., requesting a Special Permit and Site Plan Review pursuant to Sections 3100, 3580 and 5300 of the Carver Zoning by-Law, located at 19C Ward Street (Assessors Map 120, Lot 6 and 6-1), in Carver, MA, to allow the construction of a 2.5 MW (DC) ground mounted solar and energy storage facility in accordance with the by-Law in a Residential/Agricultural District.

Zach Farkus and Dean Smith – We have been working with the 3 direct abutters and have come to screening terms. Jim has the affidavits. Peer review comments have all been addressed. Mr. Maki – Has this project changed? Mr. Farkus – We are now at a 50' setback. The footprint has gotten a little bit smaller. Mr. Maki – On the Conservation Commission, you mentioned fencing? Mr. Farkus – Yes, two direct abutters with a solid cedar fence and some planting clusters to help break up the fence. Mr. Maki – How tall is the fence? Mr. Smith – We have a 7' fence proposed. Mr. Lawson has a direct view and Mr. Farkus is working with them directly. Mr. Farkus – We will bring in a landscape architect to assure that we pick the right plantings. Mr. Cobb is building in the area and we are working closely with him as well. Ms. Bogart – What is proposed for the homes in the neighborhood with a view? Mr. Smith – It's the same screening all along that area. There will be no visibility to the residents. Mr. Smith showed the Board exactly where the solid fence will run. Mr. Maki – On the new field, it's a ground mounted? Mr. Smith – That is correct; it will be lower. Mr. Maki – This will be an improvement. Mr. Robinson – There are no trees that are within range to fall and take down the fence? Mr. Smith – No there isn't. Ms. Bogart – So you are still keeping it open to the abutters? Mr. Farkus – Yes, we will continue to discuss with them and what they actually want. Ms. Bogart – I would like to see something definite as it will also impact Canterbury residents. Mr. Smith – The intent is to block all visual. Ms. Bogart – Would the final decision come before the board? Or the department? Mr. Maki – It could come before us. We have to make the neighbors happy. We can word it so that it covers anyone that could be affected. You can come back and tell us what the screening is going to be before a Certificate of Occupancy is issued. No additional questions from the board.

Audience? None heard.

Motion to close the public hearing for 19C Ward Street, Phase 2: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (5-0)

Conditions (amended tonight):

1. Prior to the issuance of a Building Permit:
 - a. A true copy of the recorded decision, as registered at the Plymouth County Registry of Deeds shall be submitted to the Planning and Permitting Department.
 - b. The Applicant shall provide the Planning and Permitting Department with documentation of Eversource's approval to install and maintain the interconnection within the existing utility easement, as well as any new easements required to access proposed utility poles.
 - c. The Applicant shall provide documentation to the Town of Eversource's approval of utility easements to install and maintain the interconnection.
 - d. The developer shall submit and maintain a ground fuels manicuring and maintenance schedule to the Planning and Permitting Department and the Carver Fire Department. Manicuring of ground fuels should occur twice per year, at a minimum, during the "growing" season.

- e. Developer shall submit an Emergency Response Plan to the Carver Fire Department and Planning and Permitting Department.
 - f. Any outstanding balance of the Review and Inspections Deposit Account shall be paid prior to the issuance of a Building Permit.
 - g. The Applicant shall submit to the Permitting Department product information for all the major components including make and model of PV panels, transformer, inverter, mounting system, chemicals for cleaning, and maintenance equipment, be provided as part of the building permit submission.
 - h. The Applicant shall submit the name, address and contact information for the system installer as part of the building permit submission.
 - i. Landscape design and fence maintenance plan to be approved by the Planning Board prior to issuance of building permit.
2. Prior to the issuance of an Electrical Permit:
 - a. The Applicant shall provide the Board with a decommissioning bond in the amount of \$89,875 (salvage values not included) to be maintained through the life of the project.
 - b. The applicant shall ensure compliance with National Electric Code requirements on access, fencing and security. A statement of compliance shall be submitted to the Building Commissioner and Planning Director by the electrical inspector.
 - c. Final electrical line diagrams stamped by a licensed professional engineer shall be submitted to the Town with the Building permit submission.
 3. The project must be constructed as approved in the Site Plan. Any other revisions will require approval from the Board as a Modification of this decision.
 4. The Applicant shall conform to the recommendations of the Carver Fire Department found in the comment letter dated September 20, 2019. The Carver Fire Department must approve in writing any modifications to its recommendations.
 - a. In accordance with the CFD access standards, all access roads shall be at least twelve (12) feet wide and cleared of obstructions by two (2) feet on both sides, be constructed of an all-weather surface and be maintained for unimpeded travel of emergency vehicles. In addition, sixteen (16) feet of vertical clearance is required for large emergency vehicle access.
 - b. The Applicant shall work with Carver Fire regarding the location of gates and arrangements for lock boxes.
 - c. The Applicant shall install signage consistent with requirements for Photovoltaic Arrays and submit a detailed sign package as part of the building permit application.
 5. The Applicant shall adhere to the Conservation Commission Order of Conditions (MassDEP File # 126-589) and Special Ongoing Conditions dated January 27, 2020.
The Conservation Commission shall approve any modifications to the Order of Conditions and Special Ongoing Conditions.
 6. Clearing limits shall be marked in the field prior to clearing, and the Planning Board notified to allow them the opportunity to verify clearing extents prior to beginning clearing activities.

7. The Applicant shall provide a final Construction Stormwater Pollution Prevention Plan, and Erosion and Sediment Control Plan to the Planning and Permitting Department prior to commencement of construction.
8. Dust control is required during construction and the roadway apron is to be kept swept and clear of any dust, dirt or debris.
9. Construction equipment and trucks shall not idle or operate on site prior to 7:00am. Best efforts should be made to limit construction noise on Saturdays and Sundays.
10. Prior to the issuance of a Certificate of Occupancy and Use:
 - a. The Applicant shall provide training to the fire department for mitigating emergencies on site.
 - b. The Applicant shall provide a landscape maintenance agreement (between the solar company and direct abutters) to the Planning and Permitting Department.
 - c. The Applicant shall obtain a written acceptance of the final condition of access roads from the Carver Fire Department.
 - d. As-built plans shall be submitted to the Town's Engineer and Permitting Department in both electronic and hard copy form prior to the final inspection.
 - e. In accordance with Section 3180 (Compliance) of the Zoning By-Laws, the Town's Engineer shall inspect the project to ensure that it has been completed in compliance with the approved Site Plan and its conditions.
11. The Applicant shall provide the Carver Planning Department with an annual report certifying compliance with the Operation and Maintenance Plan and providing annual generation of the facility in accordance with Section 3580.43. Operation and Maintenance Plan shall include a schedule for maintenance and inspection activities.
12. The Applicant shall provide the Planning and Permitting Department and Carver Fire Department with updated contact information should there be a change in ownership and/or management of the solar photovoltaic system within 30 days of any change.
13. The Applicant will work with the direct abutters to finalize the landscaping and screening plan for the project and submit to the Planning Director for approval prior to the issuance of the Certificate of Compliance (COC) by the Electrical Inspector.
14. Applicant shall address any damage to fencing, screening or arrays, within 30 days.

Any appeal of this decision shall be filed pursuant to MGL Ch. 40A, Section 117, and shall be filed within 20 days of the filing of this decision with the Town Clerk.

Motion to approve the application for 19C Ward Street, with these conditions that were modified tonight:

Mr. Sinclair

Second: Mr. Hoffman

Approved: 4-1 (Ms. Bogart)

Other Business

Planning Board Member Notes:

Planning Board Meeting, February 25, 2020

- Ms. Bogart – The Harassment Policy – Are we protected from it as we are public officials. Mr. Maki – This is only for a board member committing any of these offenses. Mr. Hoffman - You can't stop the general public from gossiping about you. Mr. Walsh – You can reach out to Elaine Weston with your specific questions. Mr. Hoffman – If an employee of the Town harasses you, you can file a complaint.
- Mr. Maki – Kelly DiCarli has stepped down; We appreciate her time and service. Will is retiring and Jen is running for Select Board and now an alternate vacancy. There is still time to pull papers. Mr. Hoffman – What about the other applicant for alternate? Ms. Bogart – I don't think there is anything wrong with reaching out to Ellen.
- Mr. Robinson -
- Mr. Sinclair -
- Ms. DiCarli –
- Mr. Hoffman – 5/16/2020 – Kane Strong Golf Outing – We are looking for donations. You can reach out to me for sponsoring a hole.

Planning Director Notes:

Mr. Walsh – Already mentioned the grant \$7500. SRPEDD is a great organization.

Minutes of February 11, 2020

Discussion –

Motion to approve the minutes of February 11, 2020, as written: Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous (5-0)

Next Meeting date:

Our next meetings will be on March 3 and March 4, 2020 at 6:00 PM. These meetings are for Zoning by-Law Amendments only. If we do not finish on 3/4/2020, we will meet at 6:00 on 3/10/2020, prior to the regularly scheduled meeting. Our next regular scheduled meeting will be on 3/10/2020 at 7:00 PM

Adjournment:

Motion made to adjourn at 9:45 PM: Mr. SinclairSinclair

Second: Mr. Robinson

Approved: Unanimous (5-0)