

MINUTES

approved
1/11/21

Zoning Bylaw Study Committee, Monday, December 14, 2020, 5:00pm, Meeting Room #1, Town Hall, 108 Main Street, Carver, MA. The meeting was also held via Zoom. The meeting was also videotaped by Mr. Walsh using Zoom.

Members present: Cornelius Shea (Chair), Bruce Maki (Vice Chair), Jen Bogart, Chuck Meredith, Sarah Hewins, Fran Mello (via Zoom)

Members absent: David Eldredge, Adam Holmes, Adam Clear

Others present: Jim Walsh (Planning Director), Sarah Stearns

The meeting was called to order by Mr. Shea at 5:04pm followed by the Pledge of Allegiance and a roll call attendance.

Review and Discussion on Planning Board Approved Changes to Zoning Bylaws Section 3580 – Large-scale Ground-mounted Solar Photovoltaic Installations

Mr. Walsh explained that bylaws regarding dual-use solar projects passed in 2019 have led to confusion with bylaws for conventional arrays so the proposed changes try to make the requirements for setbacks the same for either type. He also mentioned a prior project in a rear lot that had frontage issues so this would eliminate the need for frontage if the Carver Fire Department says it's okay. This also eliminates any underlying zoning requirements for a solar project so long as it meets the solar bylaw and special permit requirements.

Mrs. Bogart expressed concern with the sentence, "Topographical situations may require flexibility in either setback or screening decisions," in the proposed bylaw, explaining that in her opinion, without specificity anything could be considered a "topographical situation" and that "flexibility" is also left wide open to interpretation. She would like to see that sentence removed or those terms defined to remove any open-ended ambiguity.

Mr. Meredith said he thought the flexibility was to address screening situations where an array might be seen from the upper floors of a house. Ms. Hewins agreed with Mr. Meredith but also asked for "topographical situations" to be defined and for examples. Mr. Walsh described a prior proposed solar project off Snappit Road where an abutter's house was much higher than the proposed array.

Mr. Shea shared a similar view as Mr. Meredith. Mr. Maki said ground mounted arrays don't need as much screening as dual use arrays and that elevation issues are the cause of most issues. Mr. Shea questioned if reduced setbacks and screening protect abutters' rights, property values, etc.

Mrs. Bogart made motion to remove the "topographical situations" sentence from the proposed by-law changes. Ms. Mello seconded. Mr. Maki said sometimes solar companies go to abutters to make agreements on screening and setbacks. Mr. Shea expressed concern with the notion of seemingly paying people off. Ms. Mello said if the sentence proposed for removal is removed,

solar companies could still get flexibility for projects in deals with abutters, and that giving the Planning Board such broad discretion isn't right.

Mr. Walsh described a prior solar project on Rochester Rd. in which the applicant got all abutters to sign agreements to waive the setbacks/screening requirements. Mr. Shea asked that even if all abutters signed an agreement, does the Planning Board need to grant the waiver? Mr. Walsh said no. Mrs. Bogart said in her opinion, the Planning Board always has pressure on it to approve projects and that keeping the sentence being discussed in the bylaw as-is adds to that because of how unspecific it is.

A roll call vote was taken to remove the sentence. Motion approved unanimously. For the next meeting committee members will try to think of wording for a new sentence that gives the Planning Board a guided measure of flexibility in specific situations.

Mr. Maki said the whole bylaw should be looked at from beginning to end. Ms. Mello asked Mr. Walsh for addresses of arrays the committee could see to more fully understand what's at hand. Mr. Walsh and Mr. Maki talked about how many projects have been approved in recent years, but very few of them have actually been built so far and that some applicants have come back to the Planning Board for minor modifications due to the length of time passed since approval. Mr. Shea pointed out that in Part A of the bylaw at hand, setback minimums are defined as 25' but screening had no specified minimum and should be considered as well. Mr. Maki said he has spoken to people who like the way solar arrays look and people who don't.

Approval of Minutes

Mr. Maki made motion to approve the minutes from 11/17/2020. Mrs. Bogart seconded. A roll call vote was taken. Motion approved unanimously.

Next meeting scheduled for 1/11/2021 at 5pm.

Motion to adjourn made by Mr. Maki, seconded by Ms. Hewins. Roll call vote taken and approved unanimously. Meeting adjourned at 6:27pm.

Respectfully submitted by Jennifer Bogart