

APPROVED JUNE 28, 2016

PLANNING BOARD MEETING AGENDA

June 14, 2016

7:00 PM

Carver Town Hall Room #1

Present: Chad Cavicchi, Kevin Robinson, Bruce Maki, Chairman, Jim Hoffman, William Sinclair as well as Marlene MacCollem and Marianne MacLeod, Recording Secretary.

Chairman Maki called the meeting to order at 7:02 pm.

Public Hearing:

Carver Elementary School Building Committee—Site Plan Review—85 Main St. (Assessors Map 64-10)—for the construction of a new 112,350 sq. ft. elementary school with associated utilities, parking, athletic fields, and site improvements in the General Business District. (Zoning Bylaw §3100).

Filed with the Town Clerk: April 26, 2016

Last Meeting: June 14, 2016

Deadline: June 24, 2016

Matt LaRue and Chad Crittenden presented to the Board. They have a revised packet and drawings which they gave to Ms. McCollem. Ms. McCollem gave the Board an update. There was an internal staff review meeting on the plan. The Fire Department was able to explain what they were looking for i.e., hydrant locations, and the engineers were able to go into a little more depth regarding storm water management. Plans have been revised to meet some of the items from last Hearing, including the fence along the Chance Court property; it is now a continuance fence, 430 linear feet, 6 feet high, wooden fence. It does not go all the way back to the property corner, because there will be a Fire Department connection near the pond, through the Chance Court property; so that will not be impacted by the wood fence and the plans do show a break in the chain link fence to facilitate that access. Three of the four hydrants around the building were relocated, inside the site driveway and that will allow those to, hopefully never, be used; but they will be allowing the use of hoses without them going over the driveway. There will be changes to the Fire Department connections on the building, based on some internal plumbing and that will be located on a final set of plans with input from the fire chief. The location for the connection for Vaughn's Pond will also be on the final set of drawings with the chief's input. The storm water plan is in development. The project has to be put out to bid and move into construction mode in order to finalize details. Some minor revisions to the storm water management system have been included based on Shawn Martin's email. This could be a condition of the Board's approval. Information is in the Board members' packet. There is also a copy of the response from HMFH Architects about the entire list of issues. Ms. McCollem also has a set of the revised drawings and has checked all of the things. The curb cut is part of the curbing project, with the curb being on the sidewalk. Chairman Maki asked if anyone on the Board had questions. He then asked for public comments. No one stepped up. Mr. Sinclair asked about the storm water management, item #1 from Fuss and O'Neil, he would like clarification. This was sent on June 7th, Fuss & O'Neil replied on June 10th and Ms. McCollem shared the response. Mr. Sinclair made a motion to close the Public Hearing, second by Mr. Hoffman, and passed unanimously 5-0-0.

Mr. Maki read a motion drafted by Ms. McCollem: Please see attached.

Mr. Sinclair made a motion to approve the draft conditions for the Carver Elementary School Project as stated previously, second by Mr. Cavicchi, passed unanimously 5-0-0.

Borrego Solar Systems, Inc.—Special Permit—19C Ward St. (Assessors Map 120-6-0-R)—to allow a ground mounted solar power generating facility of approx. 2.77 MW in a residential/Agricultural District. (Zoning Bylaw §§3100, 3580, 5300).

Filed with the Town Clerk: May 2, 2016

Last Meeting: August 30, 2016

Deadline: September 12, 2016

Mr. Maki read the Public Hearing notice. Attorney Serkey was present as well as Dean Smith. Attorney Serkey reviewed where they are at as of this point. They are here for the special permit for a solar field as well as site plan approval. Simultaneously, they are seeking a variance from the Carver Zoning Board of Appeals because of a side yard setback deficiency. They appeared before the Zoning Board of Appeals on June 9th. They had a site walk last Saturday, June 11th and they are scheduled to go back before them on June 23rd.

Mr. Smith from Borego Solar spoke next. He reviewed the project using drawings he presented. He described the access ways. There are two lots will which will be combined, contingent upon local approvals. The existing parcel is 29 acres; the west part of the plan. The solar site takes up 10.6 acres. The existing site is an inactive cranberry bog, created in an upland area. He stated they also went before the Carver Conservation Commission on June 1st and they voted to approve the project. The site will be surrounded by a chain link fence 6' in height with 1' of barbed wire. It will be locked at all times. It is on a pile-supported rack system with very little earth disturbance. They will be constructing a bit of an access road; most of the access way, approximately one half mile is already in place. He then shared the site plan with the Board, showing the solar area and surrounding areas. There will be a single equipment pad area. There is only a single lighting fixture on site, on a 9' pole, and will be motion activated. There is not much occasion for anyone to be there after dark. There is a small amount of noise generated by the equipment area. The nearest residential property to the West is one of the lots along Canterbury Way, about 660 feet to that area. To the east it is 1400 feet to the nearest residence lot. They are also requesting some relief from the setbacks. The bylaw requires a 200' set back. They are requesting relief to a 130' setback. The only neighbors to the West are bogs. Two to three times a year the grass will be mowed. It is remotely monitored so there is little need to access the site. Mr. Smith asked for any questions from the Board. Mr. Maki asked what the property was used for before. Mr. Smith explained that they were cranberry bogs. The area being developed is actually three inactive cranberry bogs. Mr. Maki asked if any Board members had questions. Mr. Sinclair asked for clarification of access around the array. Mr. Smith explained there will not be access around the array. There will be additional turnarounds along the access way and there are four opportunities for this. Mr. Robinson asked where the Chief's notes on this are. Mr. Sinclair stated they were handed out at the last Hearing. Ms. McCollem said it was with the May 19th packet. Mr. Sinclair asked: If there is a worker out there working, is he in the northwest furthest location? Mr. Smith said it would be the

southwest. Mr. Sinclair asked how the emergency responders would get to that location. The road is drivable. He asked what the width is. Mr. Smith said it varies. There will be physical dimensions on the site plan but it is generally 15'. It depends on the topography. Mr. Sinclair said his concern is for the safety of the workers and if they need medical treatment, the Board has always required access for emergency vehicles to get there. Mr. Smith said he will research this further. Mr. Maki said the Fire Chief tentatively looked at this. Mr. Robinson said he feels this sounds more like a question. He read the Chief's notes. Ms. McCollem explained that Mr. Cavicchi and Mr. Robinson are eligible to vote as there was no testimony at the last Hearing. She has made a note to go over this with the chief. He is referring to the half mile easement at Ward Street. Mr. Sinclair's question is a separate question and Ms. McCollem will ask the Chief to provide clarification on that. As for the question in #1 of the Chief's notes, there are four existing areas along the roadway network that would allow for turning, so she would ask Mr. Smith to identify that on the plan so she can show them to the Chief so he can determine if they are sufficient. Mr. Robinson asked Mr. Sinclair for clarification of concern – is it just during construction? Mr. Sinclair responded it is also for future maintenance required as well as during construction. Mr. Smith explained there are other existing access ways around the bogs as well. He will take it under advisement. Mr. Hoffman asked how far away from the airport is this project? Mr. Smith said between one and one and one-half miles. He addressed a comment about glare. They can do a formal glare report. He did some preliminary glare analysis and there is a short period in the very early morning where there is some temporary glare – between 7:00 and 8:00 a.m. He doesn't feel this is an active period at the airport. He can provide a glare report. He said the glare would be consistent with glare off adjacent ponds. Mr. Sinclair stated it should be done and submitted to the Board. He also asked if Mr. Smith has spoken with the airport. He has not, but he would be glad to do that. It is a better use of the property than what is there now. Attorney Serkey mentioned that the bylaw requires a 200' setback to the side line for the obvious purpose of protecting abutters for otherwise having to view the projects from their homes. In this case, on the other side there is a substantial parcel of cranberry bog. Once you get to the west side of the bog there is a substantial tree line. Attorney Serkey stated the Carver Zoning Board of Appeals has to grant the variance for the change in the setback, which has not been done yet. Mr. Sinclair asked for a maintenance plan for the road. Mr. Smith did provide a standard roadway plan; however, much of the roadway isn't on their property. He will review the plans to make sure there is road maintenance included. He also asked if life expectancy is 25 years. Mr. Smith explained it is in the 20-year range. Decommissioning estimate was 20 years. He also asked if there is a maintenance plan for the vegetation control upon the site. Mr. Smith said he will review it and explained the disturbed areas will be re-planted. They will use slow growing and low growing plants and maintenance is only 2-3 times a year. Mr. Sinclair asked who would be doing the maintenance. Mr. Smith could not answer that at this time. He also mentioned that there should be a local point of contact. Mr. Smith explained there is signage at the entrance with emergency contact information. Mr. Sinclair asked that the information be submitted to the Planning Board. Mr. Maki asked for a decommissioning plan and cost. Ms. McCollem said yes, it was provided. The estimate is \$86,430 and the bylaw allows between 75-120% of that, which is the range between \$64,822 to \$108,037. That is provided as part of the record. Mr. Hoffman asked if the variance is not granted, how that affects the array. Mr. Smith said it would be about a 10% loss of the total system. If this were to be denied, they would take a hard look at the project to see if it would still be a feasible project. Mr. Robinson asked if that is 2.77 MW with the variance. Mr. Smith

said yes. It would go down to 2.4 or 2.5 MW with loss of 10%. Mr. Smith also explained this would be a community solar project and 2.77 MW is the maximum cap for this type of project. Tax incentive benefits have been substantially reduced and this would affect the project. Mr. Sinclair asked if there is an end user. Mr. Smith said it is NRG and they are in the final stages of negotiation. Mr. Smith summarized some community benefits. He explained that there are two other projects recently completed in Carver; in both cases there was a pilot agreement with the town created. The amounts agreed to be paid were just over \$16,250 a MW DC. Multiply that by 2.5 and that would be the yearly tax payment to the town. This would not be much of a demand on the town resources. The community solar project is made available to the customers as well. There is a waiting list as of right now. This is a 10-15% discount for the users. There are about 500 residential users who could apply for the energy generated by this project. The town will also get a rollback tax when the property is removed from Chapter 61 and the town will have a right of first refusal.

Mr. Maki asked for any further questions from the Board. He said he would like to see the roadway, as addressed by the fire department on the plan, as well as the roadway going around the array. He would like to have the Fire Chief take a look at the plan as well before they approve anything. He would like to continue this Hearing to the next meeting, June 28th. Mr. Smith shared there are time frames to make sure the incentives are reserved. They were hoping to get approvals in June. Ms. McCollem shared they will need all Board members present, except Mr. Cavicchi who will not be there. Mr. Maki asked if the Board wanted to do a site walk. Mr. Sinclair said no he doesn't feel it is necessary. Mr. Hoffman said no. Mr. Robinson said no. Mr. Cavicchi also said no.

Mr. Smith also mentioned the Zoning Board of Appeals did ask them to analyze in more detail exactly what the reduction in the system size was and what the impact would be. He can also submit that to the Planning Board as well.

Mr. Sinclair made a motion to continue the Hearing to June 28th, second by Mr. Hoffman and passed unanimously 5-0-0.

A.D. Makepeace Co.—Special Permit & Modification of Definitive Plan Approval—to allow a ground mounted solar power generating facility of approx. 8.4 MW in a Residential/Agricultural District. ((Zoning Bylaw §§3100, 3580, 5300 and Subdivision Rules & Regulations for Roadway Construction Standards).

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Mr. Maki read the public hearing notice.

Attorney Serkey and Sarah Stearns from Beals and Thomas were present for this project. They need site plan approval as well as a special permit from the Board. They will need a variance of

side yard setback requirements. Makepeace is their own abutter. This is a ground mounted solar facility. This is approximately 8.4 total MW, proposed on a 49.5 acre parcel. The existing area is approximately 530 acres. This is a remote area off Federal Road and it is a bit north of the Federal Road Solar facility that was done a few years back. Each section of the array is located, by regulation, on its own parcel. They will be discussing this with the Zoning Board of Appeals as well. This is a wooded site. The closest residence is approximately 1200 feet from the closest point of the array. Full storm water management plan has been submitted. They have received a few comments from Ms. McCollem's review that they are prepared to address if that is the pleasure of the Board. They also received a letter from the Carver Fire Department. Due to the previous project they were able to provide requirements proactively for this project. A full operation and maintenance plan has been included. Access was permitted as a subdivision in the early 2000's, primarily to free zoning. Mr. Serkey explained they need to site each field on its own lot and the need to avoid wetlands, a stay within the 200' set back requirement; they have tried to cluster the fields for efficiency purposes. They will be seeking a modification of the subdivision plans to accommodate the project. Mr. Maki asked Ms. McCollem to share her comments. There is a copy of her memo in the packet. She explained certain physical roadway construction concerns are in place and if that project went forward they would follow this plan. However, it may not make sense for this with a proposed use of a solar array. The Subdivision Waiver Request is something new for the Board. The Board would be waiving the subdivision control plan to the scheme showed for this project, provided it is acceptable. The permits are being combined. The hearing process is combined. The decision can be combined. The waiver is separate. The Zoning Board of Appeals is separate and that can be part of the conditions put forth by the Board. The interconnect agreement is not finalized. Liability insurance would be required. A decommission bond can also be required. She explained that the Board can let them pass this point and require the applicant to provide the volume of cut that is going to be exported, just to make sure that any magnitude of cut that's being removed from the property is appropriately permitted through the Earth Removal Committee if necessary.

Ms. Stearns explained that as part of the storm water analysis there was a formal cut and fill evaluation. The topography on this site is a bit extreme. There is quite a bit of movement. They will submit an exhibit which shows where material will be cut down and areas filled in. _____ cubic yards will be removed from the site. The material will be used on another project, in the Town of Carver. They will submit the plan for the Board's review. Mr. Maki asked if the Fire Department has reviewed it. Yes, they did receive a memo from the Deputy Chief. It included just a few minor comments, i.e., locks and gates. Mr. Maki asked if there was going to be a fence surrounding the array. Yes, the array will be about 35 acres and fence will cover 49.5 acres.

Mr. Sinclair asked if they would need an earth removal permit. Ms. McCollem said she would confirm whether or not this is necessary. Mr. Sinclair asked if they had an end user for the project. Ms. Stearns did not have an answer for that. Mr. Robinson asked cutting, stripping and making all the changes for another solar array – is it really necessary? He may not be really comfortable with that much property being changed. 49 acres will be changed for the project, 35 for the array.

Mr. Maki asked for audience participation. Bruce Skinner, 28 Deer Hill Lane stepped forward. He asked if the closest abutters would be Deer Hill Lane. Ms. Stearns showed where Deer Hill Lane and Pine tree Village were on the plan. This project is closer to Pine tree Village. He also asked if there were _____ studies? Ms. Stearns replied that yes, they went through the Conservation Commission. All wetlands have been approved by the Commission. She explained they kept all work outside of wetland areas. Mr. Skinner asked about lighting. Will the project have security lighting? Ms. Stearns said they tend to put emergency lighting only at the access gate and that there is no other reason to light anything else. Maintenance will be done during the day. She will follow up with this to be sure.

Mr. Maki asked for any other audience participation? None.

Mr. Maki suggested continuing to the next meeting, June 28th. Mr. Sinclair made a motion to continue the Hearing to the June 28th meeting, second by Mr. Cavicchi, and passed unanimously 5-0-0.

Mr. Sinclair asked for a motion to take the discussion out of order for Rules and Regulations to discuss Pine Ridge at Sampson's Pond residence, second by Mr. Hoffman and passed unanimously 5-0-0.

Review the Planning Board's Rules, Regulations and Fees, with particular attention to procedures for hiring consultants using Ch. 44, Sec. 53 G funds.

Mr. Maki read the Public Hearing notice. Ms. McCollem explained the 53 G funds a different set of rules that were voted in 2011. Those Rules and Regulations don't match and they were never filed with the Town Clerk and never put in the procedures book and are not in effect. The subdivision rules and regulations only apply to definitive plans. She needs the Board to pick one scheme and not have a different process in place for zoning and subdivision. She is going to recommend they use the subdivision rules and regulations and adopt them for zoning filings as well. They are more complete, and also more clear on what is expected and they also require the Board, rather than the Planning Director, to make the call on what level of project needs to be reviewed by peer consultants. She asked the Board to look at Section 4-3, which she read. She explained this does two things – the board doesn't decide what gets reviewed; it just happens. Secondary, there is no budget created. There is a deposit made. This provides better protection for the Board and the applicant in both of those cases. This would happen when an application is submitted and she would have to do advertising and notice any way, which creates a long lead time in the beginning. While the project is being advertised, it can be placed on the Board's agenda, to decide if this is a project that needs peer review; is it re-use of an existing site with no changes, the Board gives her a green light of which projects need peer review and she sends the project out to get the estimate and the Board and applicant knows what the scope is. The estimate is sent back and that is deposited before any review happens and before the public hearing is open. She feels it should be the Board's decision whether or not you feel peer review is necessary. She would recommend 1) start actually applying these and 2) also use for zoning cases, site plans and special permits. It will not add any time to the process. It can be on an agenda while the advertising is in process. Mr. Maki asked who comes up with the estimate of

cost? Ms. McCollem explained that it would be the review firm. Mr. Maki asked how is that handled when unforeseen things happen. Ms. McCollem said both sides are agreeing to this budget so if something really goes off the rails, you would go back to the engineering firm and say what additional funds do you need to complete this review. This is a standard way of doing it. Having an open meter is not the way most towns work. Mr. Maki feels this is a good way to go.

Mr. Maki asked for public comments? None.

Mr. Sinclair made a motion to close the Public Hearing, second by Mr. Hoffman, passed unanimously 5-0-0.

This needs to be incorporated into site plan review and special permit procedures.

Mr. Sinclair made the motion to approve and to incorporate this into site plan review and special permit procedures, second by Mr. Hoffman, passed unanimously 5-0-0.

Discussion:

Pine Ridge—Sampson's Pond Residences—Report from Planning Director regarding compliance with the conditions of the Special Permit dated May 5, 2015.

Ms. McCollem reviewed this project. Condition #4 references a plan set last revised in October 2008 and it's pretty clear that that plan set is not on file in the town hall, it is not part of F&O's file and it has not been provided by the applicant. The last dated plan set that people have, including files in town hall, F&O and the applicant are dated January 31, 2008. The Board needs to discuss how that impacts the special permit. The permit says the project is to be constructed to a plan dated October 2008, which cannot be found. The plan set that is found is January 2008. Ms. McCollem explained the Board needs to be willing to substitute the January 31st plan set as the plans. There has not been an inspection because they plans are not available. Only the Board can substitute the January set as the approval; she can arrange to do the inspection based on those plans. She would request the Board be provided with all the as-builts the applicant has pertaining to the site. She would also recommend, if the Board substitutes a date in the revision, she would recommend the date be placed on record at the registry of deeds to notify any future person who might be looking, so it is very clear, a special permit with the October 2008 date is on record so if this is going to change, it is important to notify anyone doing title search to see the change. Step one is to discuss and decide how you want to deal with the date in condition #4. If you want to substitute the January plans, let her know and she will go from there for inspection, to make sure things on the ground match the plans and get the proper record with the Registry. Mr. Maki feels there is no October 2008 plan but there is a January 2008 plan. He feels they should use that.

Mr. Serkey has no problem with Ms. McCollem's report. He suggests a copy of the January 31, 2008 plans be recorded at the Registry of Deeds with an affidavit he would sign, if the Board agrees to go with the January 2008 plans. Mr. Arthur Borden explained the as-built drawings as marked. Once they find the water lines they will be added and Ms. McCollem will receive a

copy. Mr. Maki asked if it will also have topography? Yes. Mr. Hoffman asked Ms. McCollem from January through October, in your research, did you see any notes from meetings for changes? She said no, she could find nothing that happened in the nine months. Shawn Martin did send his dead files and they conducted no reviews after the January 2008 plans. The trail is dead on public records. Mr. Borden did consult with the original engineer and he assured them the January 2008 plans are the last ones he prepared. He added there were many site meetings during the nine month time period.

Mr. Sinclair said he remembers exactly what Mr. Borden said. They had concerns of the status of the project with nothing happening. He remembers going to the site numerous times. He came in about a week ago, reviewed the plans and spoke with Ms. McCollem.

Mr. Maki asked for audience participation. Kim _____ from Pineridge stepped up. One of their concerns was compliance with the plan and clarification of the existing special permit from 2015; in particular relating to phasing in buildings sequentially one after the other and they are looking for interpretation because the buildings were supposed to be completed before the next phase concrete could be poured. Mr. Robinson remembers a number of conditions. Ms. McCollem gave some background information. The Board had two letters from counsel on this project, essentially saying where things stand. The logic in town Counsel's letter is the same as today. The special permit is valid; it is on record and is in force and effect. The building commissioner is the zoning enforcement officer under the zoning by law. The Board writes the conditions, vote on them; the permit was not appealed and was recorded. When that happens, the permit is not open to the Board any longer. The conditions have to be enforced by the building commissioner. All 32 conditions are enforced by the building commissioner. It is his call how he enforces the phasing conditions or other conditions. They cannot do anything without the Board telling them what happened there. The rest are fulfilling the domain of the building commissioner. He will or will not issue his permit as he sees fit. There is an appeal process for a building permit or the non-issue of a building permit. That runs through the Zoning Board of Appeals. If he issues a permit that someone feels is issued in error, they appeal that decision. Likewise if he refuses to issue a permit his refusal is also appealed through the Zoning Board of Appeals. The building commissioner has to take what is given to him and interpret it to the best of his abilities. If someone is not happy, they need to appeal it.

Ms. McCollem explained the Board will need to take a vote to change condition #4, which she read, October 16, 2008 to January 31, 2008. If the Board sees fit, they will then be the plans that will be used to ensure compliance. The applicant will file those plans on record and cross-reference to the special permit. Mr. Maki asked if the plans for January 31, 2008 are available for review. They will be at the Registry of Deeds shortly. This is a permit that the Planning Board issued and extended and referenced a plan set that doesn't exist. The building inspector is stuck – how do we make sure we can go out and check they are being complied with. They are here in town hall; the Board is clarifying for the building commissioner what he is using to verify the conditions. The plans are only for review. They cannot be changed, outside of a public hearing process.

Mr. Sinclair would like to make a motion to have the January 31, 2008 plan and strike the October 2008, off the #4 condition. The applicant will file that with the Registry of Deeds, and

also provide that filing to the Board, also a copy of the legal affidavit to the Board so that way it is clear and it is part of the record; second by Mr. Hoffman, passed unanimously 5-0-0.

He asked Mr. Borden to provide as-builts as soon as possible.

Mr. Sinclair also made a motion that the required as-built plans be provided to the Board for a proper inspection; second by Mr. Robinson, voted and passed unanimously 5-0-0.

Other Business

A. Planning Board Member Notes – None.

B. Minutes –May 24, 2016 Mr. Sinclair made a motion to approve, with change of Kevin Robinson's absence noted, second and voted unanimously 5-0-0.

C. Correspondence (if any) – Mr. Dean Smith from Borego Solar, was present regarding the zero solar circle project, there is a companion project adjacent to the site, in Plympton. They were permitted along the same timeline. The plans for Carver showed an access way and utility easement. NRG is looking at this project. One question that came up is that they asked them to come to the planning board for clarification. There is an electrical circuit that crosses into Plympton. He asked for clarification that the utilities in one project and used for the other project as well is okay. They will have to construct overhead facilities for the utility as well as an electrical trench to carry the service down the access way to the other project. NRG is asking for confirmation that the Board's approval for the Zero Solar Circle Project which shows the facilities in a slightly different location, due to realignment of the access location, the use within that access and utility easement is permissible by the Board so they don't have to come back for any kind of action and can apply for local permits for the actual construction. There were two sets of electrical service lines, which didn't follow the access way, it was actually shown through the solar way and across the access area. All facilities were shown on the local building permit approval.

Mr. Sinclair will abstain from this because he performed the final inspection of the property.

Ms. McCollem explained the plans show the entire infrastructure and they are requesting the Board to reinforce that the Board doesn't necessarily care if the infrastructure that you've approved is feeding the power from one array or both arrays.

Mr. Smith is happy to provide the approved plans for the Plympton project. They are looking for something in writing.

Ms. McCollem said she can review the Plympton plan and permit and the Board can authorize her that if she sees no conflicts, she can send a letter that it is fine the electrical service in Carver serves Plympton.

Mr. Cavicchi made a motion to allow Ms. McCollem to speak on behalf of the Board and review the Plympton plan and permit and authorize that it is fine the electrical service in Carver serves Plympton.

Mr. Sinclair reminded everyone the next Master Plan meeting is Monday at 7:00 pm and invites everyone to come to the meeting.

D. Next meeting date: June 28, 2016

E. Adjournment

Motion by Mr. Sinclair to adjourn at 9:26 p.m.; second by Mr. Hoffman voted unanimously 5-0-0.

Respectfully submitted,

Marianne MacLeod
Recording Secretary



TOWN OF CARVER

Office of Planning & Community Development

PUBLIC MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF M.G.L. CHAPTER 30A, SECTION 20B

PLANNING BOARD MEETING AGENDA

June 14, 2016

7:00 PM

Carver Town Hall Room #1

Public Hearing:

Carver Elementary School Building Committee—Site Plan Review—85 Main St. (Assessors Map 64-10)—for the construction of a new 112,350 sq. ft. elementary school with associated utilities, parking, athletic fields, and site improvements in the General Business District. (Zoning Bylaw §3100).

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A.D. Makepeace Co.—Special Permit & Modification of Definitive Plan Approval—to allow a ground mounted solar power generating facility of approx. 8.4 mW in a Residential/Agricultural District. ((Zoning Bylaw §§3100, 3580, 5300 and Subdivision Rules & Regulations for Roadway Construction Standards).

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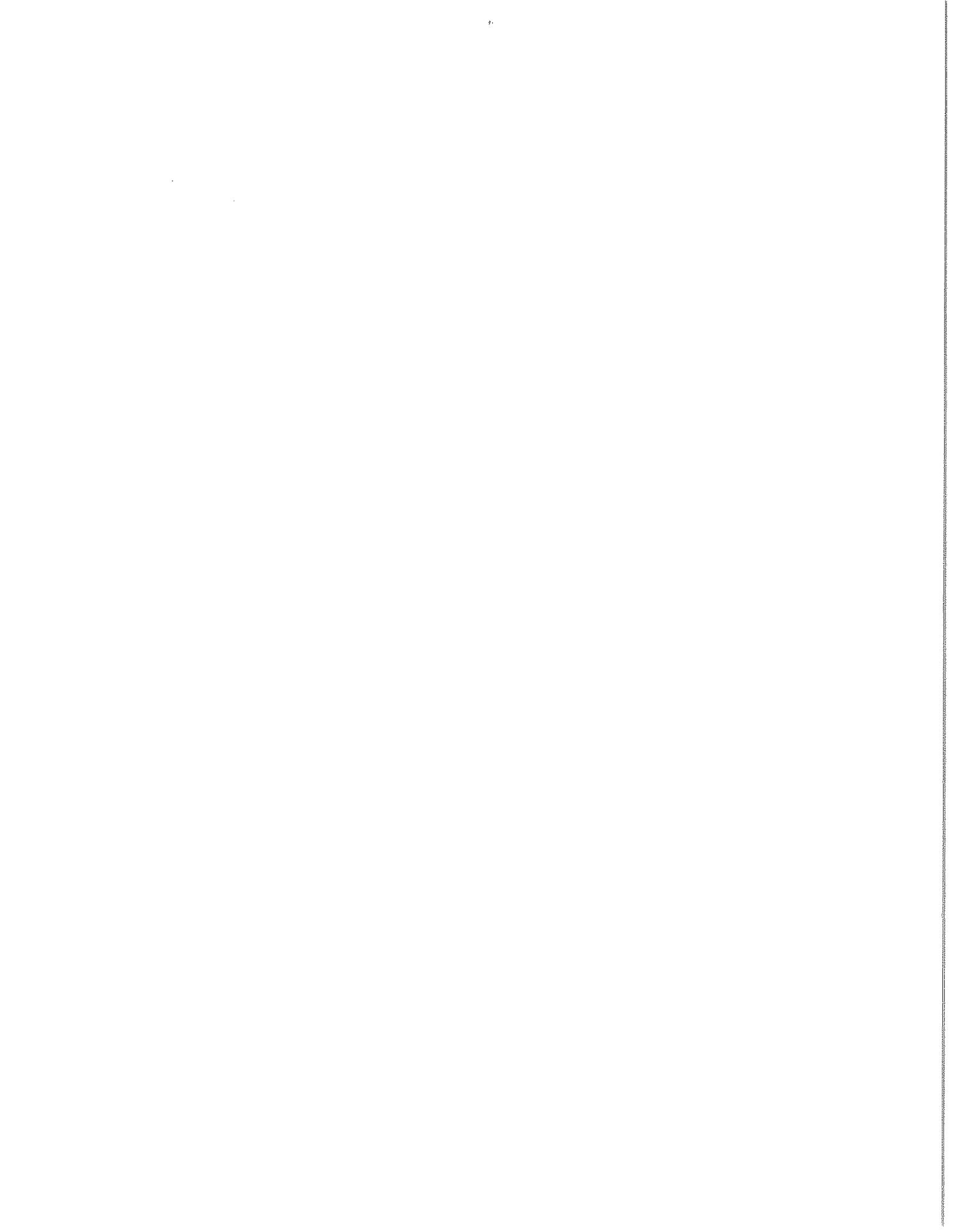
Review the Planning Board's Rules, Regulations and Fees, with particular attention to procedures for hiring consultants using Ch. 44, Sec. 53 G funds.

Discussion:

Pine Ridge—Sampson's Pond Residences—Report from Planning Director regarding compliance with the conditions of the Special Permit dated May 5, 2015.

Other Business

- A. Planning Board Member Notes
- B. Minutes—May 24, 2016
- C. Correspondence (if any)
- D. Next meeting date: June 28, 2016
- E. Adjournment





TOWN OF CARVER

Permitting Departments

DRAFT

**RE: Applicant—Carver Elementary School Building Committee
Site Plan Review—Elementary School
108 Main Street (Map 64-10)**

MOTION:

That the Planning Board vote to approve the Site Plan Review application of the Carver Elementary School Building Committee for a 112,350 square foot Pre-Kindergarten through 5th Grade school with the associated parking, paving, drainage and landscaping at 108 Main Street, as shown on the plan entitled: *"Carver Elementary School, Site Plan Review,"* (18 sheets) prepared by HMFH Architects, dated March 21, 2016, last revised June 8, 2016, scale 1"=40,' or as noted, with the following findings and conditions:

Findings:

The Planning Board finds that the property is zoned General Business and this use is allowed as of right, per Section 2230 of the Carver Zoning Bylaw. Furthermore, signs for Municipal Facilities are exempt from Planning Board review, per Section 3539 (a).

The Board finds that the proposal meets all of the dimensional requirements of the Zoning Bylaw, including: minimum lot area, frontage, and width; front, rear and side yard setbacks; building height; and lot coverage by buildings. The proposed design also meets the performance standards found in Section 3200 General Landscaping Requirements, and Section 3300 Town Wide Parking and Loading Requirements. The lighting plan shown on Sheet LC 1.0 conforms to Section 3347 of the Carver Zoning Bylaw.

Per the Carver Fire Department's memo of May 20, 2016, a fire detection/notification system shall be installed, along with a Fire Suppression System (sprinklers). Additionally, the Board shall require the plans to be revised to relocate the Fire Department building connections as well as the connection to Vaughn Pond proposed across the Chance Court property, per condition #2 below.

The Conservation Commission has independently reviewed the proposal and issued a decision on May 11, 2016.

The applicant must obtain well and sewage disposal permits from the Carver Board of Health adequate for the proposed occupancy of the property.

Per the June 10, 2016 memo received from Fuss and O'Neill, the drainage system is adequately designed and minor modifications have been made to incorporate the peer review comments. A final set of drainage plans and final SWPPP shall be submitted per condition #3.

The Board finds that the proposed curb cuts and sidewalk will be installed as part of the Route-58 MA-DOT highway reconstruction project with the work in the public layout to be constructed by Lawrence-Lynch Corp.

Conditions:

1. The plans must be constructed as approved. Any revisions will require approval from the Board as a Modification of this decision.
2. The fire alarm and suppression systems shall be installed per MA Fire Prevention Regulations 527 CMR 1, and the building code.
 - a. Prior to issuance of Building Permits, revised plans shall be delivered to the Board showing the location of the required 6-inch dry suction hydrant, and the 4-inch CFD connection to the building. All CFD connections shall be clearly marked with signs and remain free of obstacles. All work is to be conducted under the direction of the Carver Fire Chief.
 - b. Prior to the issuance of Building Permits, the exact location and specifications for the connection proposed to Vaughn Pond shall be shown on the revised plans. All work is to be conducted under the direction of the Fire Chief.
3. Prior to issuance of Building Permits, a final Storm water pollution prevention plan and final drainage design plan set shall be submitted to the Planning Board.
4. The applicant is responsible for the proper operation and maintenance of the site. During construction sedimentation and soil erosion controls shall be installed, repaired, and supplemented as needed. Dust control is required during construction.
5. Any outstanding balance of the Review and Inspection Deposit Account shall be paid prior to the issuance of a Certificate of Occupancy.



TOWN OF CARVER

Office of Planning, Environment & Permitting

Public Hearing Notice

In accordance with the provisions of the Town of Carver Zoning by Law and the Rules and Regulations Governing the Subdivision of Land, the Carver Planning Board will hold a public hearing on

June 14, 2016 at 7:00 PM

In the Carver Town Hall, Meeting Room #1

On the applications of A.D. Makepeace Company requesting a Special Permit and Site Plan Review pursuant to Sections 3100, 3580 and 5300 of the Carver Zoning Bylaw, along with a modification of the definitive plan entitled "Golden Pond Definitive Residential Subdivision," dated November 24, 1998.

Located off of Federal Road, across from the Ocean Spray Receiving Facility, in Carver, MA (Assessors Map 131, Lots 1-1, 1-2, 1-3, 5-0) to allow a ground mounted solar power generating facility of approximately 8.4 mW, and to waive subdivision roadway construction standards, in a Residential/Agricultural District.

Any persons interested and wishing to be heard should appear at the time and place designated. A copy of the plan is on file at the Planning Department and may be reviewed during normal business hours.

Carver Planning Board
Bruce Maki, Chair

Carver Reporter Publish Dates: May 27 and June 3, 2016

#4

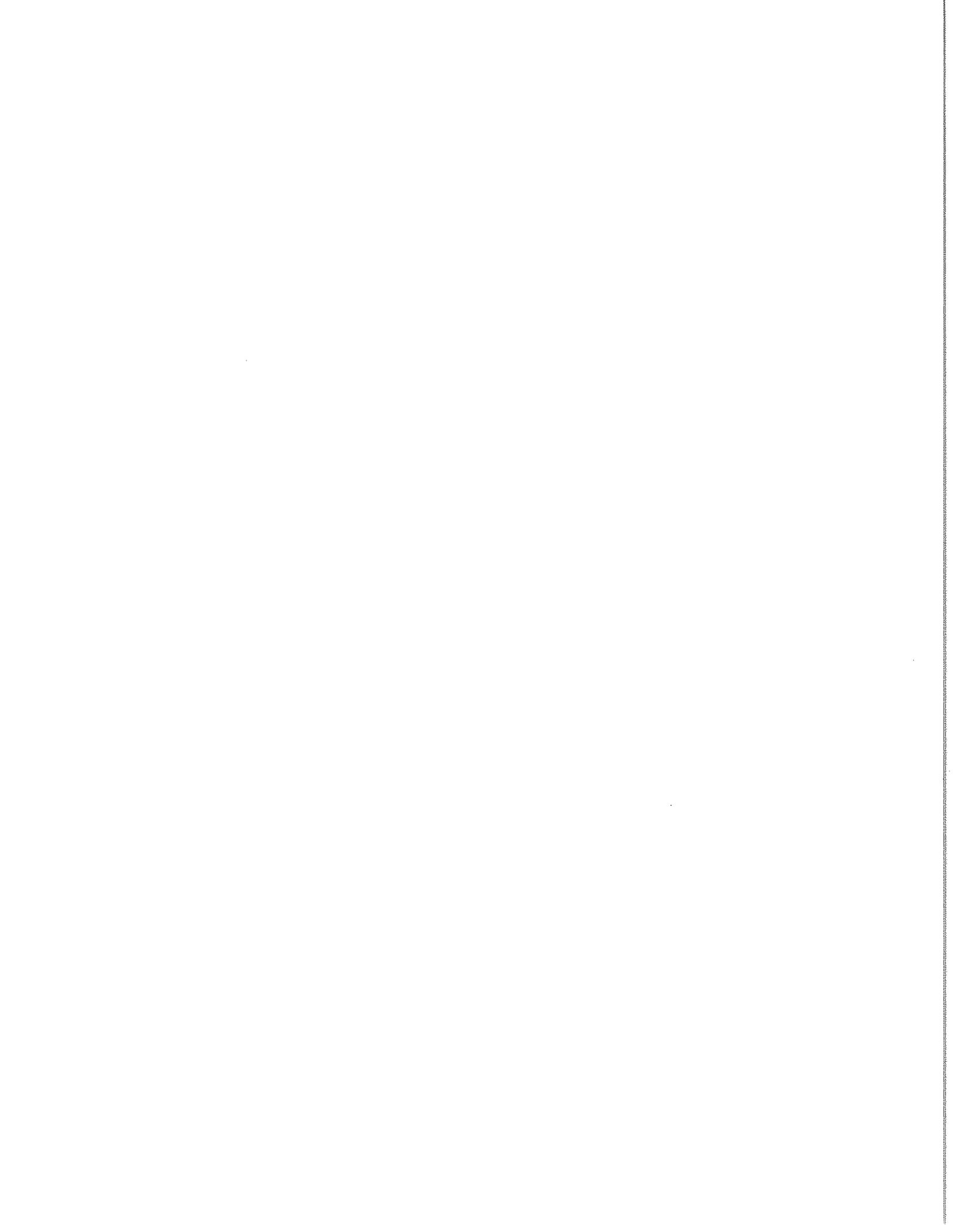
NOTICE OF PUBLIC HEARING

The Carver Planning Board will hold a public hearing on Tuesday, June 14, 2016, at 7:00 P.M. in Room #1, Carver Town Hall, 108 Main Street, Carver, MA. The purpose of the hearing is to review the Board's Rules and Regulations for Special Permits, Site Plan Review, Subdivisions, and Fees, and solicit comment on any proposed changes.

If unable to attend the Public Hearing, members of the public may submit written comments by 4:00 P.M., Tuesday, June 14, 2016, to the Planning Director, Carver Town Hall; 108 Main Street, Carver, MA 02330.

Bruce Maki, Chairman

Publish Date: June 3, 2016



Town of Carver, Massachusetts
Subdivision Rules and Regulations
February 19, 2008

SECTION 4. PROJECT REVIEW FEES

4.1 Applicability

In addition to an Administrative Fee, the Planning Board shall impose a Project Review Fee on those applications which require, in the judgment of the Planning Board, review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, by-laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.

4.2 Submittal

Project Review Fees and Supplemental Project Review Fees shall be deposited in an account established pursuant to G.L. c. 44, s. 53G (53G Account).

4.3 Determination of Project Review Fees

Upon receipt of an application for Planning Board approval, Planning Board staff shall submit plans and/or other pertinent information to the consultant chosen by the Planning Board in order to obtain an estimate of the cost of consulting or review services. On receiving notification of the estimate, the applicant shall submit the amount indicated to the Planning Board. No review work shall commence until the estimated fee has been paid in full. Failure to submit the fee within five business days following notification shall be reason for denial of the plan for failure to comply with these regulations.

4.4 Inspection Phase

After the granting of a Special Permit, site plan approval or Definitive Plan approval, the Planning Board may require a Supplemental Project Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

4.5 Handling of Project Review Fees

The Project Review Fee is to be deposited into a special account as set forth in G.L. c. 44, s. 53G.

Town of Carver, Massachusetts
Subdivision Rules and Regulations
February 19, 2008

- a. Outside consultants retained by the Planning Board to assist in the review of an application shall be paid from this account.
- b. Project Review Fees shall be turned over to the Town Treasurer by the Planning Board for deposit into a 53G Account.
- c. A copy of the latest statement from the banking institution handling the 53G Account shall be forwarded from the office of the Town Treasurer to the Planning Board office as soon as it is received for timely and accurate accounting.
- d. The Town Accountant shall prepare a report on activity in the 53G Account on an annual basis.
 1. This report shall be submitted to the Selectmen for their review.
 2. This report shall be printed in the Annual Report for the Town.
- e. An accounting of an applicant's funds held in the 53G Account may be requested by the applicant at any time.
 1. The Planning Board shall respond to the request in a timely fashion.
 2. This accounting shall include the following information:
 - i. The latest statement from the banking institution handling the account, which should include an accurate accumulated interest portion to the closing date of the statement if such statements are subdivided into individual applicants' accounts. Otherwise, a statement of principal and interest, prepared by the Planning Board office, based on the latest statement from the banking institution.
 - ii. A report of all checks authorized for issuance since the last banking statement.
- f. An applicant may request an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.
- g. Excess fees in the 53G Account, including accumulated interest, shall be returned to the applicant or other person or agency responsible for making the original deposit at the conclusion of the review process, as defined below.
 1. With the approval or disapproval of a Preliminary Subdivision Plan.
 2. With the disapproval of a Definitive Subdivision Plan.
 3. With the release of the performance bond at the end of construction of an approved Definitive Subdivision Plan.
 4. With the final inspection or the approval or disapproval on all other types of applications under the Zoning By-Law, whichever comes later.

4.6 Appeal

The Planning Board's selection of a consultant for the review of an application may be appealed in writing to the Board of Selectmen by the applicant, providing such appeal is initiated within two weeks of the initial selection.

Town of Carver, Massachusetts
Subdivision Rules and Regulations
February 19, 2008

- a. The Selectmen shall convene a formal hearing within twenty days of receiving a written appeal by an applicant.
- b. Two circumstances may disqualify the selected consultant. These conditions constitute the only grounds for an appeal.
 1. Conflict of interest: A consultant shall not have a financial interest in the project under review, or be in a position to financially benefit in some way from the outcome of the pending review process. Consultants must be in compliance with the Massachusetts Conflict of Interest Law, G.L. c. 268A.
 2. Lack of appropriate qualifications: A consultant shall possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field.
- c. The required time limits for action upon an application by the Planning Board shall be extended by duration of the appeal.
- d. If no decision is rendered by the Board of Selectmen within 30 days following the filing of the appeal, the selection made by the Planning Board shall stand.
- e. This appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

**SECTION 5. REVISION OF FEE SCHEDULES AND REGULATIONS
GOVERNING FEES**

5.1 Amendment

The Planning Board may review and revise its regulations and fee schedules, from time to time, as it sees fit.

- a. Amendments shall be preceded by a Public Hearing.
- b. Any new regulations or alterations to the fee schedule shall take effect upon filing a copy of the amendments with the Town Clerk.

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

6090. Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

Ms. Hanlon recommended adding that the owner should be cited for 21E under Section 6030.

Mr. Hunter explained that a 21E has never been required of a special permit. If the property is sold, it would be the responsibility of the bank to require the 21E.

MOTION: by Mr. Sinclair to bring to Town Meeting as amended with the deletion of the proposal for 21E.

SECOND: by Ms. Hanlon

UNANIMOUSLY VOTED

• RULES AND REGULATIONS GOVERNING REVIEW AND INSPECTION ACCOUNTS

Carver Planning Board

Section 1. Employment of Consultants

In accordance with M.G.L. c.44 §53G, the Planning Board, acting by and through the Director of Planning and Community Development, may require that applicants pay the reasonable cost for employment of outside consultants to review a proposed project. The Planning Board may use the Review and Inspection Fee to engage experts, including attorneys, as outside consultants to assist the Planning Board in its review process.

Section 2. Establishment of Special Account

The Review and Inspection Fee shall be deposited with the Town's Accountant who shall establish a special account in accordance with M.G.L. Ch. 44 §53G. Expenditures from this special account may be made at the direction of the Director of Planning & Community Development, under the overall guidance of the Planning Board, without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a Review and Inspection Fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. The consultant's review will not commence until the Director of Planning & Community Development verifies receipt of the project review fee. Failure of an applicant to pay a required Review and Inspection Fee shall be grounds for finding the application incomplete.

Section 3. Reimbursement of Excess Amount

At the completion of the Planning Board's review of a project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest. The Planning Board shall provide the applicant or the applicant's successor in interest with a final report of said account. An applicant's successor in interest shall provide the Planning Board with documentation establishing such succession in interest.

Section 4. Administrative Appeal

Any applicant may make a written administrative appeal from the selection of the outside consultant to the Board of Selectmen within twenty (20) days after the Planning Board has mailed or hand delivered notice of the selection to the applicant. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Planning Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Planning Board shall stand. February 2, 2011

*****Caveats

•M.G.L. c.44, §53G does not authorize the hiring of consultants or the imposition of fees to do so; it merely provides a means by which to pay the cost of certain consultants without appropriation.

•Municipalities may only hire these outside consultants without appropriation if they have promulgated rules for the hiring of outside consultants under one of the statutes listed in M.G.L. c.44, §53G.

MOTION: by Mr. Sinclair to bring to Town Meeting as amended with the deletion of the proposal for 21E.
SECOND: by Mr. Fuller
UNANIMOUSLY VOTED

MOTION: by Mr. Sinclair to hold a Public Hearing for Rules and Regulations on April 5, 2011 at 7:15 pm.
SECOND: by Ms. Hanlon
UNANIMOUSLY VOTED

OTHER BUSINESS:

D. Planning Board Notes

None at this time.

E. Planners Notes

Mr. Hunter reviewed the Partnership meeting with John Buckley, Registrar of Deeds, and how they discussed ways to get people into the Foreclosure Program who are in threat of foreclosure. They have interviewed three (3) firms for the task of administering



TOWN OF CARVER

Office of Planning & Community Development

RECEIVED

2011 MAY 25 P 3:05

108 Main Street
Carver, MA 02330

Phone: (508) 866-3450 TOWN CLERK CARVER MA.
Fax: (508) 866-3430
E-mail: jack.hunter@carverma.org

Planning Board Minutes April 5, 2011

The regularly scheduled meeting of the Carver Planning Board was opened at 7:01 p.m. and was held at the Carver Town Hall, Meeting Room #1, 108 Main Street Carver.

PRESENT: Allan Kingsbury – Chairman
Edward Fuller – Vice Chairman
Rosemarie Hanlon – Member
Bruce Maki – Member
William Sinclair – Member
Edward James – Alternate Member

ALSO PRESENT:

Dick Ward- Selectman
Jack Hunter – Director of Planning and Community Development
Members of the public

APPOINTMENT:

A. Selectman Dick Ward – Stretch Code

Selectman Dick Ward and Ms. Hanlon briefly discussed the Stretch Code to the planning board members. Mr. Ward explained that the town needed to accept the Stretch Code in order to be certified as a green community in Massachusetts and would have the ability to apply for various available grants. Mr. Ward also added that the Green Committee had met with local contractors and businesses at a round table to discuss the Stretch Code and were moving forward with the proposal. Mr. Sinclair asked Mr. Ward what kind of feedback he had received from the round table discussion. Mr. Ward said that the local builders had mixed views on the idea. Mr. Ward reminded the board that the longer they waited to approve the Stretch Code the less eligibility we will have for grants.

NEW BUSINESS:

At 7:20 p.m. Mr. Fuller was asked by Chairman Allan Kingsbury to take over as chairman.

Mr. Fuller accepted and acted as chairman for the remainder of the meeting.

B. Public Hearing 7:15 PM: Planning Board Rules Regulations Proposed Amendments

Mr. Hunter explained that it was the intent of the Carver Planning Board to amend the Planning Boards Rules and Regulations by adding a section dealing with the Review and Inspection Account. Robert Belbin as a member of the public commented that he liked the idea because it gave applicants the opportunity to challenge a planning board decision.

Mr. Hunter explained to Mr. Belbin that one could only question the actions pertaining to the Review and Inspection Account and not the decisions of the planning board.

MOTION: by Mr. Sinclair to close the public hearing

SECOND: by Ms. Hanlon

UNANIMOUSLY VOTED

MOTION: by Mr. Sinclair to approve the new language

SECOND: by Ms. Hanlon

UNANIMOUSLY VOTED

Mr. Fuller announced that the board should move ahead to Planning Board Notes due to the fact that it was not time for the scheduled hearing yet.

E. Planning Board Notes

The planning board did not have any notes.

Chairman Kingsbury addressed the board and thanked them all for their support and help over the years and also told the board members that he is very proud of them.

F. Planners Notes

Mr. Hunter asked Bruce Maki if he would agree to be the planning boards' representative on the SRPEDD Commission.

Mr. Maki agreed.

MOTION: by Mr. Sinclair to elect Mr. Maki as the SRPEDD representative

SECOND: by Ms. Hanlon

UNANIMOUSLY VOTED

Mr. Hunter spoke of a business round table on the Rte 58 renovation from South Meadow St. to Purchase St. He said he was pleased with the progress of the project.

Mr. Hunter also commented on his trip to Oregon the week of March 28, 2011 where he discussed the solar panel program located on Rte 44. He explained to the board that this program that the Town of Carver was involved in was only the second solar panel project on a U.S highway.

Mr. Sinclair commended Jack on his leadership skills and commended the town on its progress.

C. Public Hearing 7:30 PM: Special Permit for Residential Above Commercial-Anthony Alonge, 42 Main Street (#11-SP-321)

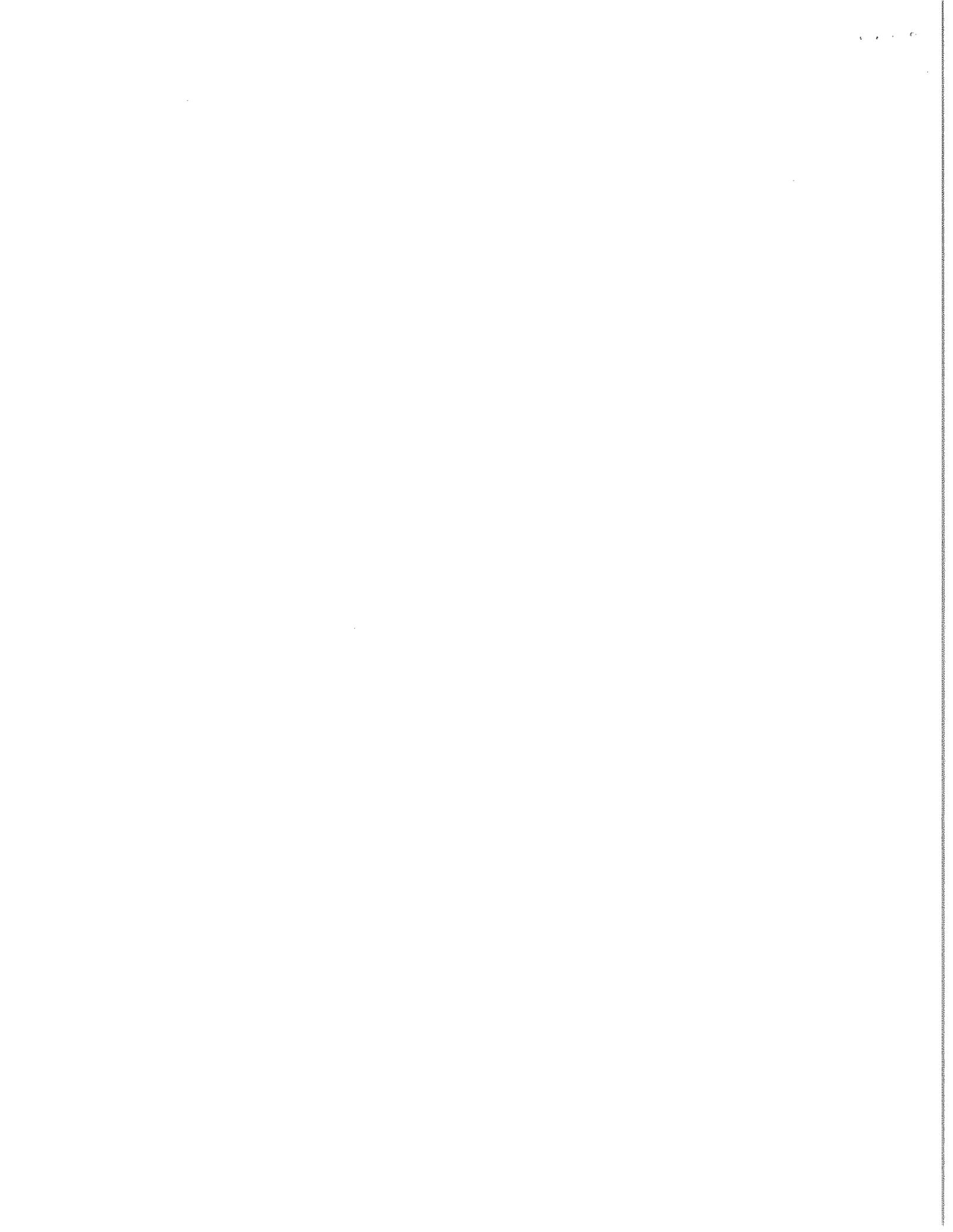
Jeff Metcalfe supplied the board members with site and floor plans pertaining to the Special Permit application submitted by Mr. Alonge. Mr. Metcalf explained that he had brought with him the documents of which the board had requested. He presented a parking analysis and a square footage total. Mr. Metcalf also presented a letter from Flaherty & Stefani calculating the difference of the septic capacity. Mr. Hunter explained that the Board of Health was not approving the plans without additional information on the right side of the building and the sewage capacity pertaining to Title 5 deed restriction. Metcalfe agreed. Mr. Fuller asked Mr. Metcalfe to designate the parking spaces in order to limit confusion. Mr. Robert Belbin brought up the issue of ice buildup on the property. He also questioned whether or not someone from the town would be checking on the actual square footage. Mr. Hunter explained to Mr. Belbin that the town would be measuring the total square footage.

Mr. Belbin also questioned whether or not Mr. Alonge could attempt to condo-ize the property at some point. Mr. Hunter explained that the state forbids the distinguishing between apartment and condo. Mr. Belbin also brought up the idea that the septic flow would be changing at certain times requesting another memo because of the subtle differences.

Mr. Hunter explained to Mr. Metcalfe that the drama club issue would need to be addressed. Mr. Alonge said that it was actually the karate school. Mr. Hunter said that the Board of Health was requesting another memo because of the subtle differences.

In reference to the ice, Mr. Alonge explained that he has a sand company who does his sanding.

Mr. Fuller added that the icing issue should be brought up to the building inspector.



Planning Board Minutes
Tuesday, May 24, 2016

The Carver Planning Board met on May 24, at the Carver Town Hall, Meeting Room #1, 108 Main Street, Carver, Massachusetts. This meeting was videotaped for cable cast area 58, channel 15.

Chairman Bruce Maki opened the meeting at 7:05 p.m.

PRESENT: Bruce Maki, Chairman; James Hoffman; Kevin Robinson; William Sinclair

ALSO PRESENT: Marlene McCollern, Director of Planning and Community Development; Christine Champ, Recording Secretary

NOT PRESENT: Chad Cavicchi (emergency work conflict)

Public Hearing:

Carver Elementary School Building Committee - Site Plan Review - 85 Main St. (Assessor's Map 64-10) - for the construction of a new 112,350 sq. ft. elementary school with associated utilities, parking, athletic fields, and site improvements in the General Business District. (Zoning Bylaw § 3100).

Filed with the Town Clerk: April 26, 2016

Last Meeting: June 14, 2016

Deadline: June 24, 2016

Chairman Maki read the notice into the record. He stated it had been published twice in the Carver Reporter (May 6, 2016, and May 13, 2016).

Mr. Matt LaRue, the project manager, was in attendance with representatives from the design team to provide information and answer questions. (Chuck Kozlowski, Jennifer Johnson and Chad Crittenden.) Mr. LaRue walked through different aspects of the project and said he had had some initial feedback from Ms. McCollern. He was there to address the plans thus far. He described the drawings and oriented everyone to the maps on the board. He said there were two buildings on the site and described, where the playing fields are now is where the new school will be.

Mr. LaRue stated it would be a two-year-long construction period and he would have the logistics plans while it was being completed. Mr. LaRue stated, once it was complete, the existing buildings could be taken down and the parking would be addressed. He said the drinking water well would be put in with a protection zone built around it and it was in the process of getting approved. Mr. LaRue said the architect, Chuck, would talk about the general information of the plan and then Jennifer would speak to the site drainage. After that, he would be back.

Mr. Chuck Kozlowski said he had an overall site plan and he pointed out where things were. He went over the entrance and exit on the plan. Mr. Kozlowski went over the specifics of the placement of the driveways. He then described the circulation map, going over the drop-off area for parents. Mr. Kozlowski said if that were not enough area, they would eliminate and change to 1095 feet if necessary. He said, at any time they could have 39 cars parked there and there would be constant movement of the cars. At the bus drop off, the buses would be the same way, going to the back of the school to the drop-off zone for busses (19 busses would be accommodated). Mr. LaRue said there would be a maximum of 20 busses on site at one time. Mr. Kozlowski noted there would be 197 parking spaces, including 6 handicapped.

Mr. Sinclair asked if the congestion was looked at with private vehicles and busses leaving at the same time, and Mr. Kozlowski said he had looked at it and he thought it would work more than adequately. Jennifer said they did look at the widths of the driveway. Mr. Kozlowski said they were providing a double stacking area at the area for leaving and added that the busses get priority so there would be a staggered dismissal.

Mr. Hoffman inquired about this and Mr. Kozlowski said they were staggered so there was no leaving at the same time. Mr. Hoffman said it gets backed up on rainy days and Mr. Kozlowski thought the signage would help and said it would be staffed with people from the school.

Mr. Sinclair wanted to know if the outlaying was adequate. Mr. Kozlowski said the outlay added another 600 feet of stacking room.

Chairman Maki asked for other comments and there were none. He opened the meeting up to the public for any comments.

Mr. Kozlowski wanted to continue with his overview of the drop-off area and the front of the school. He said there would be an outdoor patio with seating under a canopy. He described play areas, a fenced area for pre-kindergarten, kindergarten, and grades 1 through 5. He showed each area for each group. Mr. Kozlowski continued, speaking to the locked gate, some painting of games, play equipment at different areas, a free play area, lawn and logs and a slide built into a hill, saying each group would have its own areas. Mr. Kozlowski said there would be some basketball nets also.

Mr. Kozlowski went over some images of what it would look like. He mentioned the area would be accessible for wheelchairs and he went over another drawing regarding the same, showing types of items they would use making it wheelchair accessible.

Showing the pre-kindergarten and kindergarten, Mr. Kozlowski went over the different types of structures, to give an idea of the activities. Mr. Kozlowski went over the third area of the drawing, (grades 1 through 5) for the kids who are little older, with climbing structures. Again, it would be wheelchair accessible and accessible for other disabilities. He then went over the free-play area which could accommodate drawing, story time, amphitheater, an outdoor slide built into a hillside, balancing beams. Mr. Kozlowski said the hillside helps to screen from other property.

Mr. Kozlowski spoke about the plantings, noting there would be trees that do well in this area. He said they would be replacing the memorial tree with a new memorial tree (Katsura) in front. Some others he noted were the Starburst, honey locust, Serviceberry, black Tupelo, Quercus X and elms and pines that are indigenous to the area. He also listed shrubs, hydrangeas, Red Twig Dogwoods and juniper.

Chairman Maki said it looked beautiful and asked if the board had any questions.

Mr. Sinclair asked if the gate would be closed where there was a back play area access and Mr. Kozlowski said there would be a swing arm at two spots. Mr. Sinclair wondered if they would be manual and Mr. Kozlowski said they would. Mr. Sinclair questioned, in case of emergency, would there be any way to have them automatically open, controlled by the emergency vehicles and Mr. Kozlowski thought so. He said he met with the fire department and he spoke about the different gates, saying the gate in there now was what the fire department requested. Mr. Sinclair thanked him for the information.

Mr. Kozlowski then presented the civil engineer, Jennifer Johnson. Ms. Johnson spoke about storm water management, saying it would be integrated into the overall design. She noted, we are lucky because of sandy soils which helps the area, collecting from different sites and sending them to other areas. She explained the yellow chambers on charts, so the water could flow into them and flow into the ground. Ms. Johnson explained, another one behind the building collects from the roof. She went on to describe in detail about the storm water management features, noting the water was required to be pre-treated. Ms. Johnson said a high level of treatment was happening. She noted that the existing play structures would have flow-through features.

Ms. Johnson said this was just a brief overview and inquired if there were any questions. There were none from the board.

Mr. Kozlowski gave a quick overview of the lighting, noting the plan represented illuminating levels. He went over the parking lot fixtures, explaining about pedestrian-height poles, along the front and between the wings and egress pathways. He then went over the building-mounted light fixtures saying they provided illumination around the buildings. Mr. Kozlowski said they were all LED-type fixtures which allowed them to be tailored for lighting just where you would want it, the illumination levels could be down to zero with light just where you need it. Also, the LEDs are long-life lights. He said they would allow good spacing to let them be very efficient with the poles, et cetera. Mr. Kozlowski said they would not need to be changed for many years.

Mr. Kozlowski asked for any questions. Mr. Sinclair asked if there was any proposed lighting for the ball fields. Mr. Kozlowski said he had not been asked that. He wanted to touch on the building, itself. He said it would be a two-story building with features on the front side (cafeteria, offices). He briefly went over the entry plaza design, entry lobby, back side of the school, wings and classrooms. Mr. Kozlowski went over some materials, saying it would be primarily a concrete-based architectural block with the feel of polished stone. He said it was used through most of the building and there would be glass to let light in with some translucent glass material and some regular glass material.

Mr. Hoffman had a question regarding the lighting, wondering about the back-facing business, would it be on all night? Mr. Kozlowski answered that it would be tied into the system which allows them to be programmed and at certain hours it could be dimmed down. He said it would be the usual practice but it would be worked out with the school department and can be changed down the line.

Chairman Maki had letters regarding the townhouses at Chance Court and deferred to Ms. McCollem. Mr. Maki said the representatives from Chance Court were in attendance and opened the meeting to the public. Mr. Ward wanted Chad Crittenden to address the board and then he would speak.

Mr. Chad Crittenden said he was working with the residents of Chance Court, to include provisions for a 6-foot stockade fence. The Building Committee assigned a target allowance. Mr. Crittenden referred to the drawing and said they were going to have a 440-linear-foot stockade fence indicated by the red line. He said there would also be new trees and they would tag and maintain the trees to help. He believed the concern had been resolved.

Mr. Dick Ward of 20 West Street (Chairman for the Carver Elementary School Building Committee) said he was representing the committee. He stated the Building Committee was diverse. Mr. Ward said he had been working on it for a long time and they fully supported their work.

Chairman Maki thanked him and asked if anyone else had anything. The representative of Chance Court said they were satisfied.

Chairman Maki stated he had correspondence from Fuss & O'Neill.

Shawn Martin questioned whether there was going to be a basement in the school and Mr. Kozlowski said there was not. Their review would be limited to drainage. Mr. Sinclair wanted to know if the water coming off from the site to Route 58 could be controlled? Shawn said it could, keeping more on the site, and he expected improvements to all.

Chairman Maki said there was a letter from the Conservation Commission and they were all set. There was also something from the Fire Department, who requested a site walk. Chairman Maki asked if there was a need now and Ms. McCollem said it should certainly be done but the Planning Board did not need to get involved. Ms. McCollem said if there were any review to the path or fire lane, it should be shown as a revision. Chairman Maki said there was also a letter in the packet from the Board of Health and that they were still reviewing.

Mr. Sinclair questioned the existing water source at the location where the proposed buildings were going. Mr. Kozlowski said he was correct and that they were both in the footprint. He said as the new building was done, they'd get water, then the old ones would be decommissioned. Mr. Sinclair then asked about water for landscaping and Mr. Kozlowski said the flow rate was too low for an irrigation system but they looked at it. He then mentioned a new irrigation well.

Chairman Maki said there was some concern about a dumpster location and Mr. Kozlowski said no clothing dumpster had been asked for; that there were others at the service area.

Chairman Maki said he had a letter from Ms. McCollem. She said it was a municipal facility so there should be a site plan review. Ms. McCollem noted during the conservation, all conform to the circulation patterns. She said the signs were exempted so there was no sign approval permits. She said the fence will be revised on the next set of plans. Ms. McCollem said at some point a Fire Department gate will be notated and shown wherever best located. For parking, she wanted to confirm the handicap and van accessible spaces. She wanted the board provided with the parking calculations (how they were calculated).

Ms. McCollem said the lighting and landscaping conformed to the standards. She said the Fire Department would have revisions to the hydrant locations. Ms. McCollem said she has not sat with the Deputy Chief but she will get back to him when she has more information. She also wanted to confirm that the playground pavement would be porous and wondered if there was a plan for it. Mr. Kozlowski said he thought it should be vacuumed every year. He said there were no maintenance specs but he thought they would be provided. Ms. Johnson said they could include it in their system. Ms. McCollem said the Board should make that a consideration for the plan, making it a condition.

Chairman Maki asked if the public had any questions and there were none.

Chairman Maki continued. Ms. McCollem would pass the information to the design team so they could do one plan. She said at the next meeting of June 14, 2016, it could be back on the agenda for that day and Kevin and Chad could vote then. They should have the site plan review on that date.

Ms. McCollem asked if the Board wanted a site plan visit. Chairman Maki and Mr. Hoffman said no.

Mr. Sinclair motioned to move the site plan to June 14, 2016. Mr. Hoffman seconded the motion. It was voted unanimously.

Borrego Solar System, Inc. - Special Permit - 19C Ward St. (Assessor's Map 120-6-0-R) - to allow a ground mounted solar power generating facility of approx. 2.77 mW in a Residential/Agricultural District. (Zoning Bylaw §§3100, 3580, 5300).

Filed with the Town Clerk: May 2, 2016

Last Meeting: July 19, 2016

Deadline: August 1, 2016

Mr. Rich Serkey, for Borrego, said they were in need of further approvals before they could proceed. This was continued to the June 14, 2016, meeting.

Mr. Sinclair asked to take, under Discussion, Pine Ridge, next. Chairman Maki answered yes.

Discussion:

Pine Ridge - Sampson's Pond Residences - Letters received by the Board dated May 4, and May 10, 2016, regarding compliance with the conditions of the Special Permit dated May 5, 2015.

Richard Searcy, Esquire, from Plymouth, spoke on behalf of Sampson's Pond, LLC. He listed the background of the condo documents, noting the Master Deed for the condo had been recorded. Mr. Searcy said the Master Deed gave a later date to include later phases. He continued listing when different units were added and what the Master Deed contained. Mr. Searcy said the name Post Road LLC changed to Sampson's Pond LLC and the condo documents had a deadline of 10/21/2016. The Planning Board documents had a note of special permit issued in June of 2013. He continued to go over the units and corresponding phases with deadlines. Ms. McCollem went over her list of dates and deadlines, as it was the intent of the Board to finish.

Mr. Searcy said the holder of the development rights was ready to return, as the market was back and it does not preclude Ms. Varrichione from continuing. He said, briefly, the holder of development rights was prepared to complete the project and include the remaining units by the deadline. Mr. Searcy questioned, why do authors want to stop completion of the project? He stated he would let them answer, themselves. There were two deadlines and they would comply with both, he said and he intended to abide by the deadlines.

Chairman Maki asked for speakers.

Patricia Lake, the chairman, (trustees), was not prepared to speak at the meeting. A letter of the Board's intent was submitted and they wanted a continuance so they could have representation as well.

Ms. McCollem said since they had received the letters, there were a number of things to bring to their attention. The last permit she could see was May 5, 2015, essentially an extension of the 2012 permit. Ms. McCollem said there were 32 conditions listed within it. She was also given two letters that the Planning Board had received from Kopelman and Paige dated 10/14/2010 and 7/16/2012. Ms. McCollem read the history from the Kopelman and Paige letter. She said the special permit was valid and she went over the conditions, noting #4 was problematic. Ms. McCollem said they must conform to the site plan of the date and the file was not

complete as to the plans.

She said Mr. Delli Pescoli gave the plan and the most recent revision was 2008 and that she had nothing later. Ms. McCollem said she could not do anything and the building commissioner could not do anything until they receive an updated plan. She read into the record #24 of the permit and said, again, when the plan was received, for the record, it would behoove them to make sure #24 was complied with.

Ms. McCollem continued, regarding #27, it should be determined (by Fuss & O'Neill) if any major revisions. She read #27 into the record. The language was difficult but the limit of work was supposed to be reviewed by the engineer. She did not have the record and did not have approved final plans. Ms. McCollem said, lastly, the phasing referenced earlier, #32, phases, regarding unit numbers. She recommended the Board instruct that the building commissioner interpret, outlined in #32, as he interprets it; that he should do as he sees fit. She noted, this has its own separate decision track. Ms. McCollem said they could appeal as outlined in zoning act but it was not a condition open for Planning Board's review. So, she could not give an answer without more information about what new plans show. Ms. McCollem wanted the Board to make a decision as to what they wanted her to do. She asked that the October plan be provided in a large format plan that is readable, to ensure that everything has been done.

Chairman Maki said we needed revised plans of October, 2008. He asked for any comments.

Mr. Sinclair said that is a hang up and having plans is a must. He said the building commission had the jurisdiction to oversee all the conditions. Mr. Sinclair asked if they could get the correct year of that date to him. He felt with all the items mentioned, it was bothersome that they never got the plan, and the Board had to have it as part of the record.

Mr. Sinclair made a motion to have the Board request the 10/16/2008 plan and enforce all the conditions per the outline, having Fuss & O'Neill go out to the site and make sure all was done. Mr. Hoffman seconded the motion. It was voted unanimously.

Mr. Searcy said they could not locate the plan and Shawn Martin said they still probably had it. Mr. Searcy said the plan was done by Fuss & O'Neill. He said he would try to get the archives by Mr. Savage and he thinks the plan is here. Mr. Searcy stated, Arthur Borden is the civil engineer now. He spoke to how well Maria (Varrichione) was doing, selling lots. Mr. Searcy said he'd work with Shawn and try to find in Bruce's archive.

Ms. Lake spoke again, adding there had been a revision on the plan; that the grading was not the same. She said some of the units had been changed (several bulkheads) and the land had changed. She wanted to know about for clarification.

Mr. Searcy said if you look at the conditions, they were protecting the environment and the tree line. He said the units had walkouts into the tree canopy and as you go along in the project, there's hills. He said the permit explains and they are working with the topography, working with the grading that is there. He said that is what they did, not changes, just working with permits.

Mr. Sinclair noted he was not there at the time.

Chairman Maki asked if it was necessary for another building meeting. Ms. McCollem said she would work

with Mr. Morgan and Mr. Martin to recreate the plans and give an update on June 14th. She said she'd get revised plans and work with the building commissioner.

Ms. Lake wanted to know what would happen between now and then. Mr. Sinclair said they should abide by the Board's decision, to ensure the Board's people go out there to make sure that each item was addressed. He continued, the deadline that Mr. Searcy was talking about did not have anything to do with the Board's decision. Mr. Sinclair suggested they come back on June 14th to see what was found and hoped for a conclusion. Ms. Lake asked that if there were conversations with the developer, they could tell the trustees. Ms. McCollem said all discussions would be at the public meetings.

Chairman Maki questioned if the plans could not be found. Ms. McCollem said she would let them know, as she had searched and would continue. She asked Mr. Martin to look in the archives. Mr. Sinclair inquired if it was the obligation of the developer to provide and Ms. McCollem replied, absolutely. Chairman Maki said if approved, it should be signed and filed with the Registry. Ms. McCollem said it was a special permit but the decision is recorded. She added she had not found that these plans did go to the Registry.

Chairman Maki said they would look for the plans and thanked all for coming.

Other Business:

A. Planning Board Member Notes

Mr. Sinclair said, at the last master plan meeting, there was no quorum so he hopes for a quorum at the next meeting. He also noted, the Redevelopment Authority has been working on the Urban Renewal Plan for North Carver. Mr. Sinclair wished for everyone to celebrate the upcoming Memorial Day weekend responsibly and he extended warm wishes to the family regarding the slain officer and asked all to keep them in their thoughts.

Mr. Hoffman thanked all for the great success of the Zac Kane golf tournament on May 21, 2016. Mr. Sinclair noted they did a great job.

B. Minutes - May 10, 2016

Mr. Sinclair motioned to approve the minutes. Mr. Hoffman seconded the motion. It was voted unanimously.

C. Correspondence (if any)

None.

D. Next meeting date: June 14, 2016

Ms. McCollem went over with all Board members the calendar for the summer. After discussion, all agreed on the date July 26, 2016, as the only date available to all. Unless they could meet on July 5, 2016, there would only be one meeting on the last Tuesday of July; July 26, 2016.

Mr. Sinclair made a motion to have the next meeting date of June 14, 2016. Mr. Hoffman seconded the motion. The date was approved unanimously.

E. Adjournment

Mr. Sinclair made a motion to adjourn the meeting. Mr. Hoffman seconded the motion. It was voted unanimously to adjourn at 8:55 p.m.

EXHIBITS

- A. Agenda
- B. Minutes of May 10, 2016