

Planning Board Minutes  
Tuesday, July 5, 2016

APPROVED  
JULY 26, 2016

The Carver Planning Board met on July 5, 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 7:00 p.m.

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

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

**NOT PRESENT:** Chad Cavicchi

**Continued Public Hearing:**

Borrego Solar Systems, Inc.-Special Permit-19C Ward Street (Assessor's Map 120-6-0-R)-to allow a ground-mounted solar power generating facility of approximately 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

Chairman Maki read the notice into the record. In attendance were Mr. Rich Serkey, Mr. Zach Farkas and Mr. Dean Smith. Mr. Serkey thanked the Board for the meeting. He noted the two open issues were the glare issue at the airport and the second vehicle gate on the property. He stated he did email material regarding same to Eric Germaine at the Fire Department in Carver and to the Board.

Chairman Maki asked if any of the public wanted to speak and there was no response.

Mr. Sinclair asked about an individual, Janet White. Mr. Serkey said she worked for Thomas Maher at the airport and she had corresponded under the authority of Mr. Maher. Mr. Sinclair said that addressed his concern and the access to the gate was fine.

Chairman Maki asked if there were any other questions and there were none.

Chairman Maki noted he could close the public hearing. Mr. Sinclair made a motion to close the public hearing. Mr. Robinson seconded the motion. It was voted unanimously.

Mr. Sinclair referred to the discussion topic (see Agenda - Discussion) . He wanted to see if it directly affected the neighborhood and asked if the easements were in place yet. Mr. Serkey said they were not in place. Mr. Sinclair said he was not ready to vote on that motion, referring to the safety issue of getting into the site.

Chairman Maki said there were still the Zoning Board of Appeals' issues regarding frontage and sideline setback. Mr. Sinclair said he had not seen the decision so he did not want to comment yet. Chairman Maki looked to Ms. McCollem for information. Ms. McCollem said she wanted to caution the Board, there were certain rights under the act to appeal the decisions. She did not want the two things confused into one conversation. They can or cannot issue the permit. She did not want them confusing the two issues. The current discussion was regarding the special permit part of it and she wanted to keep the special permit on track

and then talk about the variance separately.

Chairman Maki asked Ms. McCollem to read the Zoning Bylaw 5300 and she did. Ms. McCollem read the criteria and went over §§5331, §§5332, §§5333, §§5334, §§5335 and §§5336. Mr. Sinclair wondered, under 5332, about the safety issue. His concern, he had a problem with the safety issue for the municipal vehicles going up there.

Mr. Robinson wondered of McCollem, regarding the variance, if the Board had already made the decision and Ms. McCollem replied no. Mr. Robinson wanted to know if the Board did not go forward, where the Board would stand. Ms. McCollem said they needed a special permit by the Planning Board, if they could make the findings in 5300 and issue the special permit. Ms. McCollem said the special permit needed a super majority. She added, if allowed in residential/agricultural area it must be permitted by the Planning Board.

After reading the description on the Agenda, Ms. McCollem explained to the Board where they were and what they needed to decide. She again read the Zoning Bylaw special permit criteria. Ms. McCollem said all the technical requirements were found in the solar Bylaw.

Mr. Sinclair said there was a long dirt road through multiple easements to get to the site and he was concerned with the safety issue. He said the length across multiple easements was what was bothering him. Mr. Robinson said he agreed with Mr. Sinclair; that safety was his biggest concern. He said that was his sticking point.

Ms. McCollem explained what their determination was for the evening's meeting.

Chairman Maki noted that they still had 90 days. Mr. Sinclair agreed there was still time and said this meeting was for them to come up with more information; that they could just digest this some more.

Chairman Maki asked about the metes and bounds and Mr. Farkus said they would be in the plans.

Chairman Maki wanted to know, if there was no vote that evening, what then? Ms. McCollem said they had every right to essentially table the special permit discussions and pick it up later. Chairman Maki thought this was necessary for that night to address concerns.

Ms. McCollem said they could bring back for further discussion at the next meeting or schedule another meeting.

Mr. Robinson wondered about them getting a grant or something. Mr. Sinclair said they had time lines to meet at the last meeting. Mr. Robinson then asked if there was possibly another way in. The answer was no. Mr. Serkey said that was correct. In addition, Mr. Serkey said they didn't need a string of easements, just one (easement from Ward Street to Cobb property). Mr. Farkus added that it had been purchased. Mr. Serkey stated, none of the emergency service departments that had commented, had expressed a concern of safety to and from the site. He said the easement and plan would be recorded.

Mr. Sinclair thanked them for other information. Mr. Serkey suggested they look at the plan he had with orange, yellow, green and purple delineations. He said the easement was only on orange. Mr. Robinson wanted to know if this could be a condition and Ms. McCollem said it could but added the Board had to be fine with.

Chairman Maki said they could vote or wait. He wanted to know how the Board members felt.

Mr. Sinclair wanted to know the approximate length of the only easement that was outstanding and Mr. Farkus said it was approximately 800 feet. Mr. Sinclair thanked him. Mr. Farkus said the total length from the fence to Ward Street was probably about 2.5 times that or 2000 feet, he thought. Mr. Serkey stood and indicated the area on a plan. Mr. Farkus had C 2.1 and stood and showed the area to the Board.

Mr. Serkey added, as a substantive matter, whether Borrego had a right to drive over or own had not much difference. Chairman Maki said they could consider these things. Mr. Sinclair said in light of what he heard, it seemed better to him. Chairman Maki thought for what the Planning Board had to look at, what he saw he thought he was satisfied with.

Mr. Sinclair said the additional information helped him. Mr. Robinson wanted conditions in the vote. Chairman Maki said Ms. McCollem had drafted the decision. The motion was read into the record and Ms. McCollem said he should make a motion, see if it was seconded and voted.

Mr. Sinclair made a motion to approve the special permit for Borrego Solar Systems, Inc. Mr. Robinson seconded the motion. Mr. Sinclair continued reading the motion, including ten conditions. Ms. McCollem corrected the date to May 19. Mr. Serkey checked his dates with Ms. McCollem. She did not have the 14<sup>th</sup>. Mr. Serkey also wanted to see a reference to the site plan approval.

Chairman Maki asked Mr. Sinclair to read the motion aloud. After, Chairman Maki asked if anyone wanted to add anything and there was no response.

Mr. Maki said the motion had been revised. Mr. Sinclair motioned to approve the special permit. Mr. Robinson seconded the motion. It was voted unanimously. Mr. Serkey thanked all and Chairman Maki invited Mr. Serkey to stay for the discussion.

### **Discussion:**

Variance granted by the ZBA for frontage and sideline setback for the proposed Borrego solar array at 19C Ward Street.

Mr. Sinclair suggested the Board should be cautious not being able to read their decision. He said he had not read the decision and he wanted to read it. He had problems with what was granted and he wanted to be cautious.

Chairman Maki said he just approved Borrego solar system but was concerned about the parcel not having any frontage and setback. He was concerned about setting a precedent. Mr. Sinclair said the Board had worked very hard regarding solar setbacks. He felt on a non-buildable lot and giving frontage, he had a problem with. Mr. Sinclair wanted to read and be cautious. Mr. Robinson agreed completely with Mr. Sinclair.

Mr. Hoffman asked, regarding the ZBA decision, was it filed yet? Ms. McCollem said that it had not been filed yet. Mr. Sinclair wanted the Board members to know where he stood and he wanted to see how the two variances were granted. Chairman Maki's concern was if they granted the site with no frontage, in 20 years it would be gone and then what? He asked if someone could use it for some other purpose. Mr. Serkey said no, the variance was for a particular use. Chairman Maki wanted to continue the discussion after reading the decision. Mr. Sinclair thanked Mr. Serkey. Mr. Serkey said 200 feet on the sideline should be tweaked and he thanked the Board and left at 5:59 p.m..

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

**Other Business:**

A. Planning Board Member Notes

None.

B. Minutes - June 28, 2016

Mr. Sinclair made a motion to approve the minutes of June 28, 2016, as written. Mr. Hoffman seconded the motion. It was voted unanimously.

C. Correspondence (if any)

None.

D. Next meeting dates: July 12, 2016 and July 26, 2016

It was decided to have a meeting with only one item (Borrego) on the agenda.

Mr. Sinclair made a motion to have a meeting on July 12, 2016, at 7 p.m. Mr. Robinson seconded the motion. It was voted unanimously.

Mr. Sinclair made a motion to have a meeting on July 26, 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 6:12 p.m.

**EXHIBITS**

- A. Agenda
- B. Borrego Solar Systems, Inc. Motion
- C. Minutes of June 28, 2016



# TOWN OF CARVER

## Permitting Departments

### PUBLIC MEETING NOTICE

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

### PLANNING BOARD MEETING AGENDA

July 5, 2016

5:00 PM

Carver Town Hall Room #1

#### Continued Public Hearings:

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

#### Discussion:

*Variance granted by the ZBA for frontage and sideline setback for the proposed Borrego solar array at 19C Ward Street.*

#### Other Business

- A. Planning Board Member Notes
- B. Minutes –June 28, 2016
- C. Correspondence (if any)
- D. Next meeting date: July 26, 2016
- E. Adjournment

