

ATM 4/24/18 Art 9 passed

**MOTION TO AMEND** made by Cornelius Shea and seconded for the Town to remove RA from principal use in Article 9 Battery Storage.

Milanoski explained the Motion to Amend would be detrimental to the future financial impact to the Town, because the new battery storage technology is for primary use, not for residential C, D type batteries. This by-law is meant for storage of commercial batteries. The storage facilities cannot be put just anywhere. They need to be along the transmission lines that run through the Town. Carver is an ideal location said Milanoski and this is a huge economic benefit to our town. There is an applicant presently interested and the Planning Board is trying to get ahead of it. The site is about 3 acres and it is zoned residential. The project will be \$100 to \$150 million which will be assessed for taxes by the Town.

Matthew Keniston, 9 Center St. spoke in favor of this article.

Corbo explained the description of "essential services" in the Zoning By-Law. Essential Services are permitted as of right in all districts right now. The idea is to create a category for this type of service so the applicant would have to go before the Planning Board to obtain a permit and the Board would have better control to help protect the Town.

**Motion To Amend FAILED**

**MOTION TO AMEND** made by Jennifer Bogart and seconded for the Town to add the language that makes battery storage not allowed in the Resident or the Village Districts only until the Town adopts a battery storage by-law or overlay district at which time it would change to by special permit.  
**Moderator Ruled Motion "OUT OF THE SCOPE OF THE ARTICLE"**

**Motion for Article 9 PASSED TWO-THIRDS VOTE - 92 (YES) AND 14 (NO)**

**ARTICLE 10: GROUND MOUNTED SOLAR SETBACK**

To amend Section 3580 of the Town of Carver Zoning Bylaw, Large-Scale Ground Mounted Solar Photovoltaic Installations, by adjusting setback distances in Section 3580.25.1 and adding a sub-section "Nuisance" to Section 3580.50, Abandonment or Decommissioning".

Section 3580.25.1 shall read (bold text to be inserted):

3580.25.1. Setbacks. For LSGMSPI, front, side, and rear setbacks shall be at least 50 feet on the applicant's property; provided, however, that where the lot is located in a Residential-Agricultural district, the setbacks shall not be less than 200 feet on the applicant's property. LSGMSPI shall be provided with 200 foot setbacks on all lot lines abutting the Residential-Agricultural district, regardless of the zoning designated for the proposed site. Vegetated screening shall be provided for a minimum of 50% of the specified setback. The Planning Board may reduce the required screening and may reduce the required setbacks to a distance not less than 50 feet provided the LSGMSPI can achieve adequate screening to abutting and adjacent properties. The Planning Board shall not reduce any required screening or required setbacks without taking into consideration abutting uses, topography and impact to the neighborhood.

Every abutting property shall be visually and acoustically screened from the installation through either existing vegetation or new plantings of not less than 8 feet in height at the time of planting staggered at a spacing of no more than 8 feet apart throughout the required setback dimensions. All required plantings shall be maintained throughout the project's life, and replaced as necessary. As an alternate to providing the required screening through vegetation, it is acceptable to increase the setback to 600 feet on the applicant's property while providing an acceptable alternate screening such as a stockade fence and single row of vegetation in close proximity to the project.

The provided screening shall obscure from view on all sides at least 50% or 100% if the project is located in the Residential-Agricultural zoning district, of the project from adjacent properties, including upper levels of existing structures at the time of construction, within three years of the start of construction or earthwork activities. Security

ATM 4/24/18 Art 10 failed

fences, roadways, and equipment shall not be placed within the required setback, except for that which is required to access the site from an adjacent roadway, or to transmit the generated power to the grid. Access roads and transmission lines shall be placed in such a manner as to not create an unobstructed view of the project from adjacent property lines.

Section 3580.50. shall be inserted as follows:

Any LSGMSPI which has been abandoned consistent with Section 3580.52 of this bylaw and not removed within 120 days after the date of discontinued operations and/or is not maintaining required screening pursuant to the Bylaw shall be considered a nuisance and detrimental to the neighborhood. The Town may enter the property and physically remove the installation. The costs for the removal may be charged to the property owner and/or owner of the LSGMSPI. In addition to the foregoing remedy, whoever fails to remove an abandoned LSGMSPI shall be liable to a fine of not more than one hundred dollars (\$100.00) for each violation. As an alternative, the enforcing authority may utilize the non-criminal disposition procedure under Article XX of these bylaws. The penalty under the non-criminal disposition procedure for each violation shall be one hundred dollars (\$100.00). Each violation shall constitute a separate offense. Each day that any such violation continues shall constitute a separate offense.

**INFORMATIONAL SUMMARY:**

- Section 3580 – Large Scale Ground Mounted Solar Photovoltaic Installations. This proposal changes the setback requirement from 200' within applicant's property line to minimum 300' from nearest residential structure. Section 3580.50.1 – Nuisance. This proposal will allow the Town to assess fines for Solar Installations that are not compliant with maintaining special permit conditions, including landscaping.

**PROPOSED MOTION:** I move that the Town vote to approve Article #10 as written.

*Recommendation: Bd. of Selectmen 5-0, Planning Board 3-0*

**ARTICLE 10: VOTE**

**MOTION** made by Planning Board Chair Bruce Maki and seconded for the Town to approve Article 10 as set forth in the Warrant.

Selectwoman Helen Marrone corrected the board "Recommendations" stating she had voted "No" and the vote for Board of Selectmen should reflect 4-1, not 5-0.

**POINT OF ORDER** made by James O'Brien stating he sat on the original by-law committee for this by-law and does not agree with the proposed wording. It is a "grey" by-law, he said.

William Sinclair quoted the existing Solar By-law that he said helps regulate the concerns mentioned by O'Brien. 3580.60. Special Permit for LSGMPI. In the event that a Special Permit is required for a LSGMPI, the planning board may grant a Special Permit if the following conditions are met:

1. Such use will not nullify or substantially derogate from the intent or purpose of this bylaw;
2. Such use will not constitute a nuisance;
3. Such use will not adversely affect the neighborhood in which it is sited;
4. Such use complies with the standards for site plan review as spelled out in this bylaw;
5. The Planning Board may also provide for other conditions that it deems necessary.

Dunham urged the body to vote against the article.

Kim Shea stated there is too much ambiguity in this wording.

**Motion for Article 10 FAILED TWO-THIRDS VOTE - 11 (YES) AND 90 (NO)**

**MOTION** made and seconded for the Town to adjourn Town Meeting until 6:30 p.m. tomorrow evening.  
**Motion To Adjourn FAILED.**