



Town of Carver Planning Board

April 27, 2021
7:00 PM

CARVER TOWN HALL

*Approved
5/11/21*

The public is invited to attend; social distancing practices are in effect.
The proceedings will be videotaped and rebroadcast by Area 58 TV.

Pledge of Allegiance

Members present: Kevin Robinson, Richard Dionne, Ellen Sordillo, Bruce Maki, Cornelius Shea

Members Absent: John Gaskey

Member participating remotely via Zoom: None

Others present: Jim Walsh, Planning Director

Others present via Zoom: Amy Kwesell, Associated Energy Developers, Jamie, Jerry, Koos Erasmus, Mary Kate Schewinn, Michael, Johnson, Pat Jackson

The meeting was called to order at 7:00 pm.

Minor Modification:

Valta Energy- 72 Center Street (Map 70, Lot 1-2-R):

Others present: Jim Banda building inspector, Amy Kwesell via zoom, Andy Glines- (Town's engineer) Mr. Silva, Thomas Strong with Valta, Rob Dambroso legal counsel for Valta.

The Chairman introduces the matter, notes that we have done minor modifications for the solar fields before. Tonight we are here to discuss the height of the solar panels. Amy Kwesell speaks- notes that the original plan was to have a panel height at 8.8ft. Now with the tilt of the panels we are talking about 10ft and change. Thinks that less than 2ft could probably be considered minor. With regard to the relocation of the poles, this happens all the time. They are not adding any poles, they are just moving pole locations. There is no other real change to the actual project in regards to poles in her opinion. there is some conflict between the lessor and the lessee of this matter, and encourages the Planning Board not be get involved in this, but rather to just look at the reason we are here, being the height of the panels and location of the two poles.

Mr. Dambroso on behalf of Valta speaks that the original plans that were written up did say approximately 8.8ft. He states his case for Valta.

Koos Erasmus from Valta Energy thanks Mr. Dambroso for his statement.



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Phil Brown speaks on behalf of Mr. Silva. States that he has prepared a letter that we would like to submit for record. Notes that 14% change is what is being proposed, and notes that this is a substantial change. The plan that was submitted by the planning board was the the permit that Valta agreed to abide by, and was submitted to the planning board. Site plans are designed to give the public notice of what is being planned. They are to be relied upon by the applicant, etc. States that there is plenty of case law that notes if you do not comply with the plan, you can be required to change to comply. Amy Kwesell follows up on the last comments and states that she probably agrees with everything that was said except for the fact that it is well within the planning board's bylaws to allow for modifications for site plans.

Alan Germain 24 Pine Street: Has been working with Mr. Silva since October. As soon as the tilt is adjusted, the panels will stick out into the road. Will impact Mr. Silva's ability to work on his bogs and drive heavy machinery.

Mr. Silva speaks- states that he was ignored by the Town of Carver. Notes that he is not in this for any other reason but caring for his property. States that he is upset with how this has gone down. The inspector who is no longer here signed off on this project.

The Chairman asks for Andy Glines, professional engineer from Fuss and O'Neill, to speak. Specifically regarding the layout of the panels, there was a discrepancy in the height. Mr. Glines notes that the panels do encroach closer to the bog roads, but is within the boundaries as set by the Planning Board. The property owner had concerns that the panels would encroach further onto the bog roads. The contractor to the project noted that the bog owner was able to harvest cranberries during the construction of the project. Valta offered to improve the bog roads, but states that the property owner was not open to that. The determination on this minor modification is specifically whether or not the change adversely impacts the changes that are set forth under site plan review.

The Chairman asks for questions from the Planning Board. He reiterates that we should vote this as a minor modification.

Mr. Shea speaks and notes that he feels that this project is non-conforming. States that we cannot approve modifications after the modifications have been done. Strongly recommends that this board seeks to send it over to the Zoning Board of Appeals for the non-conforming project.

The Chairman asks for Ms. Kwessel to speak, and she notes that she does not necessarily agree with Mr. Shea.

Mr. Dambrosio reiterates that the builders followed the rules by the book in terms of getting approval for the project.

The Chairman asks for a motion.

Mr. Shea motions that the board not approve this project. Ms. Sordillo seconds the motion.



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The Chairman asks for further discussion. None. Mr. Gaskey is absent, so will have the four remaining members. Shea, Robinson, Sordillo, yes. Maki no. 3-1.

Ms. Kwessel asks for a re-vote. The Chairman asks again for a roll call vote. Shea, Robinson, Sordillo, yes. Maki no. 3-1 in favor of the board denying the minor modifications.

ANR:

367 Tremont Street (Map 98, Lot 2-1) Nathan D. Johnson:

Bob Rogers, GAF Engineering. In the family transfer of a small lot. 25.7 acres. There is the desire to put a garage style building on the lot, and they need to meet the set-backs. There is a small well on the property, the father is granting an easement to the well to his son.

The Chairman asks for further questions. None.

The Chairman entertains a motion to approve the ANR.

Mr. Shea motions to approve the ANR. Mr. Robinson seconds the motion. No further discussion. Shea, Maki, Robinson, Sordillo 4-0, yes.

Public Hearings: (con't)

On the application of Ironwood Renewable, LLC., requesting a Special Permit and Site Plan Review pursuant to sections 2230, 3100, 3580 and 5300 of the Carver Zoning Bylaw, located at 223 Meadow St. (Assessor's Map 82, Lot 1-1) in Carver, MA to allow the construction of a large-scale ground mounted solar photovoltaic installation, 3.75 MW DC Ground Mounted Solar Project. The level of development is 14.7 acres with 12.7 acres of clearing. Property located in a Residential/Agricultural District.

E-mail from the applicant requesting a continuance to the May 25th Planning Board meeting.

The Chairman entertains a motion to continue the hearing to May 25.

Mr. Shea motions to continue the hearing until May 25, Ms. Sordillo seconds.

Roll Call Vote, Shea, Maki, Robinson, Sordillo 4-0 yes.

On the application of Fuller Street Carver Solar, LLC requesting a Special Permit and Site Plan Review pursuant to sections 2230, 3100, 3700, 3580 and 5300 of the Carver Zoning Bylaw, located at 40 Fuller Street (Assessor's Map 50 Lot 8, 10A) to allow the construction and operations of an approximate 5 megawatt (MW) large-scale ground mounted Solar Photovoltaic



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Installation (LSGMSPI) and appurtenant equipment including Inverters and Battery Storage and Interconnection. Property located in a Residential/Agricultural District.

The Chairman states that this is a continuance from the last meeting. There was a site walk done since the last meeting. The Chairman asks for someone to speak regarding the matter. Mary Kate Schweiss is the environmental specialist with Beals and Thomas. Joined tonight by Pat Jackson from the applicant side. Notes that there were a couple of questions that were raised since the site visit. There were concerns about the gravel infiltration center. This area is ~5500 sq. ft. There will be a total of 22 utility poles. They prepared a revised site plan based on the comments received from Fuss & O'Neill. Stormwater management modifications as well as set backs. The applicant is also requesting a waiver for the underground wire requirement so that they can have above-ground electric. This interconnection is at the central connection to the site, and away from abutters, so will not have an impact on the visual field. States that they also coordinated with the Carver Fire Department and provided them information on the gas suppression and fire containment systems.

The Chairman asks if Mr. Walsh has any comments. States that Andy Glines recommended the Board discuss the waiver regarding electric. This will include 22 poles above ground.

Andy Glines, Fuss & O'Neill: re-iterates that the location of the poles have been placed in such a way so that they are adjacent to the solar array, but over 300-ft from the nearest abutter. Interconnection from existing poles will be 750-ft. from adjacent right-aways. The site in general is pretty remote. Will be 2500-ft of poles that they are looking to approve, but will not necessarily impact the abutters due to the remoteness of the property. Going underground with conduit wouldn't necessarily be impossible.

Mr. Shea asks why the electric is closer to the wetland.

There is some question regarding the 200-ft set-back and fencing. The Chairman asks if there is a way to get the fencing closer to the array. Pat Jackson speaks to this, and notes that this was a specific request of the land-owner so that he can continue to farm the eastern-most portion of the bog.

Mr. Shea asks about the recommendations from the fire department regarding warning lights.

Ms. Sordillo asks if there's any sound emitted from the electric wires overhead. Andy Glines notes that any noise off these wires would be negligible compared to the transformers, and other equipment.

The Chairman asks for questions from the audience.

The Chairman entertains a motion to continue this public hearing to May 25, 2021.



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Mr. Shea motions to continue the public hearing to May 25, 2021. Ms. Sordillo seconds the motion. Roll call vote: Shea, Maki, Sordillo, Dionne yes. 4-0. Robinson refuses due to being a direct abutter, Richard Dionne votes in his place.

Public Hearings:

8:36pm: The Chairman reads the public hearing notice into record. On the application of ID Sign Group, Inc. requesting a Special Permit pursuant to Sections 3570 and 5300 of the Carver Zoning by Law, located at 100 N. Main St. (Shaw's) in Carver, MA (Assessor's Map 26 Lot 1-0-R) to exceed the signage dimensional requirements in the Highway Commercial District.

Jamie Fisher represents Shaw's via Zoom. Requesting to build a wall mount sign for drive-up and go. 48-inch diameter sign to promote drive-up and go program in response to COVID-19 crisis. The Chairman directs the Planning Board members to their packets. This sign will go to the right of the existing sign. The Chairman states that he and Mr. Walsh went out to do a site-visit today, and think that this is appropriate. Mr. Shea asks about the illumination aspect of the sign section 35.70 notes special permit required for illuminated signs. Question regarding total square footage, 18.75 sq.ft. total. Mr. Shea asks about the wattage for the lights as well as when these lights would be active. Mr. Shea recommends that we set limits to times of day the lights can be lit up, to be shut off after business hours.

The Chairman entertains a motion to approve a sign at Shaw's with an added condition for the light to be shut off at the end of business hours. Mr. Robinson motions, Mr. Shea seconds the motion. No further discussion. Roll Call Vote: Shea, Maki, Robinson, Sordillo 4-0, yes.

The Chairman entertains a motion to close the public hearing. Robinson motions to close the public hearing, Shea second the motions. Roll Call Vote: Shea, Maki, Robinson, Sordillo 4-0 yes.

8:46pm: The Chairman reads the public hearing notice into record: On the application of Miriam Gori requesting a Special Permit pursuant to Sections 5300 and 2230 of the Carver Zoning by Law, located at 149 South Main Street in Carver, MA (Assessor's Map 94 Lot 11-0-R) to operate a Hobby/Commercial Kennel in a Residential Agriculture District

The Chairman states that himself and Mr. Walsh drove by the residence today.

Paul DuMond: 127 Main Street. In the Little Red Smokehouse Plaza there is already a dog grooming business. States that you can already hear these dogs barking on a daily basis. He plays a recording of the dogs barking on his phone.

Miriam Gori 149 South Main Street: is the applicant. Applied for a permit for the dogs, and notes that she did try to apply for a permit, but she was told that she didn't have enough dogs. Her intention from the beginning has been to start a doggy day care. Right now on average has 6-10 dogs a day including her own dogs. Would like to add training and agility, things like that. States



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that this includes things like boarding. Currently has all together 4 pens. Has the fence serviced regularly to keep it safe, has added height. Thinks the fence is polypropylene mesh, with metal at the bottom to keep them from digging under.

The Chairman states that he thinks he has an issue with the fencing. Also recommends a waste management schedule. If the dogs are outside, someone needs to stay with the dogs to make sure that they are not barking. The Chairman recommends that we look into our records to see what needs to be done to make this a proper business.

Maurey Jewett 275 Tremont Street: The doggy day care neighbor from the other side. States that she recommends that the owner have a proper area to put the dogs in. Also that she clean-up after the dogs.

DuMond 147 South Main Street: Recommends no-bark collars, also re-iterates that they should be leashed.

Mr. Shea asks if she has talked to the Conservation Commission regarding this project yet. The applicant notes that she did awhile back. Mr. Shea shows to her on a map, and recommends that she goes down and talks to the conservation commission and telling them what she plans on doing. Mr. Shea asks about doing a site walk.

The Chairman recommends scheduling a site walk. Thursday May 6, 2021 @ 12pm.
The Chairman entertains a motion to continue this hearing until May 25th meeting.

Mr. Robinson motions to continue the meeting to May 25, 2021. Ms. Sordillo seconds the motion. no further discussion.

Roll call vote: Shea, Maki, Robinson, Sordillo 4-0 yes.

9:25pm: The Chairman reads the public hearing notice into record: On the application of David Mulcahy, 1929 Development Inc., requesting a Special Permit and Site Plan Review under Sections 2230, 2330, 3100, 4300 and 5300 of the Carver Zoning by Law, located at 157 North Main Street, in Carver, MA (assessors Map 24-Lots A, B, C) for the construction of a 5000 Sq. Ft. craftsmans/tradesman building in order to operate a Deer, Tick and Mosquito Control business in a Highway Commercial District (HC).

Scott & David Mulcahy. Looking to construct a 5000 sq. ft. craftsman/tradesman building. Current building will contain all of the materials needed for the business. New building will be for equipment storage. Met with town boards for this, and notes that they didn't have any large objections. Met with conservation, had some comments, and have since modified. The building itself has floor drains, the product itself is contained in the building outback with an 8x8 containment room with floor drains. This building is strictly for vehicle storage with 4 proposed bays.

Andy Glines, Fuss & O'Neill: Has not had a chance to fully review the latest plan set yet. Did provide initial comments at TRC meeting. Client has made changes based on these



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recommendations. Have not had a chance to review comments and issue a comment letter to the planning board yet, but hoping to have this done for May meeting.

Mr. Shea asks if they have filed LOI with the Conservation Commission yet, and whether or not they have filed through the fire department yet. Also asks if the trucks will be carrying chemicals. Yes, they will be carrying 500 gallons of mixed pesticide (1 gallon to 500 gallons of water). Total proposed coverage of the property was 44,000 sq. ft. which has been reduced since then.

The Chairman notes that back when they originally applied, the town counsel thought in their opinion that it really didn't meet the definition of craftsman/tradesman, but the board voted to accept this as a craftsman/tradesman because they have their license.

Mr. Dionne asks about the building and whether the trucks will be full or empty. The applicant states that there will be floor drains as well in this new meeting.

The Chairman recommends that a site walk is scheduled for Thursday May 13, 2021 @ 12pm.

The Chairman entertains a motion to continue this public hearing until May 25th @ 7pm.

Mr. Robinson motions to continue the public hearing May 25. Mr. Shea seconds the motion.

Roll call vote: Shea, Maki, Robinson, Sordillo 4-0 yes.

9:46pm: The Chairman reads the public hearing notice into record: On the application of Galehead Development requesting a Special Permit and Site Plan Review pursuant to sections 2230, 3100, 3700, 3580 and 5300 of the Carver Zoning Bylaw, located at 0 Meadow Street (Assessor's Map 82 Lot 1-A, 1-2 & 1-3) to allow the construction and operations of an approximate 1 megawatt (MW) large-scale ground mounted Solar Photovoltaic Installation (LSGMSPI). Property located in a Residential/Agricultural District.

Lucas Faria represents the applicant Galehead Development.

Jocelyn Gambant- civil engineer-7 acre lot, today which is a cranberry bog. Solar panels on the southernmost access point of the lot with access at Cobblestone Way. Electric will be connecting into existing poles on the street. The bog will be taken out of use for cranberry and production. Cranberry plant will be removed and replaced with a meadow mix. Also proposing a gravel path for the access road to get to the electric equipment which will be on concrete pads. 6-ft fence around the perimeter with gaits. Maintaining the existing grading and draining patterns. no additional need for stormwater retention, etc. We will be slightly modifying the alce control



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structure. In terms of set-backs we are requesting a waiver. We have reached out to the abutters to reduce the set-back to 250-ft. There is an abutter in the southeast setback we are providing a 230ft set-back. This is owned by the parcels to the East.

They went to the Conservation Commission last week, who made recommendations for the project. Also went to Fuss & O'Neill.

This will be a ground-mounted system.

There are three different abutters that they have to ask for approval for the project. They have waivers for anyone that is within 200-ft of the project.

The Chairman prefers to wait for a site walk until this is looked into further. Andy Glines will issue an initial comment letter when appropriate. There will be another meeting at some point with a site walk.

The Chairman asks for further questions/comments.

Lucas Faria - clarifies that there will be above ground wires as well as underground as well. This is pointed out on the map. This largely depends on what Eversource allows in terms of whether they can hook-up to existing poles on Cobblestone Lane, etc.

Mr. Walsh recommends waiting for a site walk until receipt of the abutter waivers. If need be at that point, we can go ahead and schedule a date for a site walk.

The Chairman entertains a motion to continue this meeting to May 25, 2021.

Mr. Robinson motions to continue this meeting to May 25, 2021 @ 7pm. Mr. Shea seconds the motion.

Roll call vote: Shea, Maki, Robinson, Sordillo 4-0, yes.

Discussion:

The Chairman states that he was going to do reorganization, but will plan to do this May 11, 2021.

Other Business

- A. Planning Board Member Notes- none
- B. Planning Director Notes- none
- C. Discussion- On item is to have a meeting with Amy Kwessel regarding training and legal matters with the board. Asks the Board for other matters they would like addressed.
- D. Minutes -3/23 - To be continued to next meeting
- E. Next meeting date- May 11, 2021, May 25, 2021



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F. Adjournment: 10:09pm: Mr. Shea motions for adjournment, Ms. Sordillo seconds the motion. Roll call vote, Shea, Maki, Robinson, Sordillo 4-0, yes.