

CARVER PLANNING BOARD  
MINUTES OF March 21, 2023

Approved  
4-25-23

Chairman Cornelius Shea, Richard Dionne, John Gaskey, Ellen Sordillo, Kevin Robinson, Donald Williams, Thomas Bott, Town Planner, Attorney Amy Kwessel of KP Law.

Meeting was called to order at 7:05PM.

Pledge of Allegiance was recited.

**Minor Revision:**

1. Informal presentation of and Planning Board comment on revised project - Bridgestone Development, Inc., Lot #3, Ricketts Pond Business Park in the Spring Street Innovation District.

Robert Ferguson represents Bridgestone Development, Inc. and indicates the plans have been revised and he asks Eric Schoumaker of McKenzie Engineering to speak of this: Mr. Schoumaker summarizes the changes made to the project as follows: They removed components of environmental concern outside of the 100 foot bumper zone; Added a six foot vinyl fence for screening at the rear of the lot, and the fence ties into the dumpster enclosure; Dumpster pads were consolidated and moved outside the 100 foot buffer zone; Lighting will be motion activated after hours; and The propane tanks were removed outside the 100 foot buffer zone to the wetlands. He then details the changes to the utility plan and the landscape plan.

**Minor Modification:**

2. Request by Cranberry Point Energy Storage, LLC., for a Site Plan Minor Modification and Special Permit Extension Request 31R Main Street (Assessor's Maps 61 Lot 7-0) .

Dan Baily, a land use attorney at Pierce Atwood speaks to the board and giving a detailed overview of the company. He explains the reason for the extension is it takes a long time to get these projects reviewed and permitted. He indicates they would like: A reduction on total number of battery enclosures from 116 to 82; Reposition the sub-enclosures within the project footprint previously created and approved by the town; and Updates to the substation equipment type for incorporating feedback and details from both their source and from Tesla. He states these changes serve to improve ease of access and maintenance of equipment and don't affect the overall footprint of the project site.

Chris Quaranta of Plus Power, Cranberry Point and indicates since the original permit was granted battery technology has been improved and one of the reasons for the minor modification is to update the batteries. He states they have been working with the Carver Fire Department on these changes. The fire department will have access to a shut-off for the battery facility. He explains in detail what the drawings of plans entail. Chairman Shea asks what is being done to maintain chemical output into the atmosphere and the Mr. Quaranta responds there is in depth testing done to prevent this. He indicates for example if there was a single cell that went in a thermal runaway inside a single module they would be notified instantly and the equipment would automatically shut itself down

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and any debris would be removed from the site and the equipment evaluated and tested to make sure there was no further damage. He also states there is an external notification of thermal runways if there is an issue, and they will install a red warning light outside the facility door. Chairman Shea asks about security at the substation(s) and the response is they will comply with the town's requirements for placing a fence around sensitive areas for security and have security cameras as well which will notify them immediately and they would respond immediately. Chairman Shea asks what happens if someone takes the transformer out what is the procedure and the response is all the transformers have standard protection mechanisms and it would trigger a shutdown of battery equipment connected to that transformer and the company would be notified. They would not be able to tell if it was vandalism until they inspected the transformer. Mr. Shea indicates he will need a letter from the fire department stating they are working with Bridgestone and that the modifications are appropriate and up to their standards and what their training schedule is going to be.

Kevin Robinson asks Mr. Quaranta to explain exactly what would happen if there were a fire and he outlines the detail of managing and containing the fire and any toxins that are released. John Gaskey asks since they are going from a lower density battery to an updated battery why do they need less modules/enclosures and his response is because the newer batteries give more energy, so less modules/enclosures are needed. Mr. Shea asks if there was a blackout what would happen and the response is the system would shut down and would not operate.

Mr. D'Angelo of 19 Craig Street asks what about noise from the facility and the response is they are following the state's regulations. A resident asks about cobalt and the response is cobalt is not being used in these batteries, rather they are using a lithium iron phosphate base and there is no cobalt in that chemical composition. Dan Ferrini of 84 Fosdick Road the modification is not minor but rather a design change and he is also concerned if any of this is going to run underground for he is concerned about the aquifer. Richard Dionne asks why if the power goes out why can't the batteries keep electricity flowing and the response is the batteries will not work if there is no electricity. Another resident asks if there is any water used onsite and if there are hazardous chemicals being stored onsite and inside the batteries and the response is there are no chemicals inside the batteries and there is no water used onsite. Savery Moore of 12 South Main Street asks about the temperature of the cells and the response is that the LFP used in the Tesla mega pack 2 they are proposing is around 233 degrees C or 451 degrees Fahrenheit before they would go into thermal runaway. Chairman Shea states they will wait for a letter from the fire department to see if this is acceptable.

John Gaskey has an issue with the definition of a minor modification being an administrative issue and not a design change. Mr. Quaranta states he will provide more detailed site plan. Chairman Shea asks Attorney Kwessel what is considered a minor modification and she responds it is when the purpose of the application doesn't change and technically the essence of the application is not changing, but indicates it is up to the board at this point. Mr. Bott points out the zoning by-law regarding minor modifications.

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Chairman Shea will accept a motion to continue the request by Cranberry Point Energy Storage, LLC., for a Site Plan Minor Modification and Special Permit Extension to the March 28, 2023 meeting.

**Public Hearing Cont'd:**

3. On the application of Hailey Sheinis requesting a Special Permit pursuant to Sections 2230 and 5300 of the Carver Zoning by Law, located at 9 Island Farm Road in Carver, MA (Assessor's Map 10 Lot 1-6) to operate a doggie daycare in the lower level of the home in a Residential Agricultural District.

Mr. Bott indicates he's prepared a draft decision and proceeds to give details on the project. He states a site walk was done on March 9, 2023 with Cornelius Shea, Ellen Sordillo, John Gaskey, Richard Dion, Donald Williams and Thomas Bott. Mr. Phil Shannon on 7 Bow Street addresses the board stating he supports Ms. Sheinis who lives beside his brother, and believes she will operate a great business.

Chairman Shea will accept a motion to close the public hearing on the application of Hailey Sheinis requesting to operate a doggy daycare on the lower level at the home located at 9 Island Farm Road. Said motion is made by Richard Dionne and it's seconded by Ellen Sordillo. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Ellen Sordillo vote's aye, Donald Williams vote's aye, and Chairman Shea vote's aye. Approved 5-0-0.

**Petitioned Article 1** To see if the Town will vote to make the following changes to Section 2230, Use Regulation Schedule, Section C, Industrial, of the Zoning By-law: In the row "Large-Scale Ground Mounted Solar-Photovoltaic Installations," replace "SP\*" with "N" under column RA.

Mr. Dan Ferrini of 84 Fosdick Road addresses the board suggesting on the Section 2230, Use Regulation Schedule, Section C, Industrial of the Zoning By-law the "SP" be replaced with "N" under the column RA. Attorney Rob D'Ambruso addresses the board indicating he thinks this article is going to prompt a deluge of freezing these types of activities. He doesn't believe this is a realistic proposal and it doesn't align with what the Attorney General has put forth in terms of scope. It's clearly designed to protect the public health, safety and welfare even though there is clear and compelling evidence to achieve that goal. He doesn't feel it's advisable for the board to recommend this article. He believes is a waste of everyone's resources.

Chairman Shea will accept a motion to close the public hearing on citizens Petitioned Article 1 to see if the town will make the following changes to Section 2230 Use Regulation schedule Section c Industrial zoning by-law Large Scale Ground Mounted Solar-Photovoltaic Installations replace "SP" Special Permit with "N" (No) under the column RA (Residential Agricultural). Said motion is made by John Gaskey and it's

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seconded by Ellen Sordillo. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson abstains Ellen Sordillo vote's aye, and Chairman Shea vote's aye. Vote is 4-0-1.

Chairman Shea will accept a motion to recommend citizens Petition Article 1 to see if the town will make the following changes to Section 2230 Use Regulation schedule Section c Industrial zoning by-law Large Scale Ground Mounted Solar-Photovoltaic Installations replace "SP" Special Permit with "N" (No) under the column RA (Residential Agricultural). Said motion is made by John Gaskey and it's seconded by Chairman Shea. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Ellen Sordillo vote's nay, Kevin Robinson vote's nay and Chairman Shea vote's nay. Vote is 2-3-0.

**Petitioned Article 2** To see if the Town will vote to amend Zoning By-law 3580.32, Land Clearing, Soil Erosion and Habitat Impacts. To add the following to Section 3580.32 of the By-law: A LSGMSPI that actively occupies more than five acres in area in any Residential-Agricultural District is prohibited. Attorney Kwessel indicates the Attorney General would probably not allow this as they rejected a similar amendment for the Town of Wareham which was 10 acres in a Residential-Agricultural District.

Chairman Shea will accept a motion to close the public hearing on citizens Petitioned Article 2 to see if the Town will vote to amend Zoning By-law 3580.32, Land Clearing, Soil Erosion and Habitat Impacts. To add the following to Section 3580.32 of the By-law: A LSGMSPI that actively occupies more than five acres in area in any Residential-Agricultural District is prohibited. Said motion is made by Richard Dionne and it's seconded by John Gaskey. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, and Chairman Shea vote's aye. Vote is 5-0-0.

Chairman Shea will accept a motion to favorably recommend citizens Petitioned Article 2 to see if the Town will vote to amend Zoning By-law 3580.32, Land Clearing, Soil Erosion and Habitat Impacts. To add the following to Section 3580.32 of the By-law: A LSGMSPI that actively occupies more than five acres in area in any Residential-Agricultural District is prohibited. Said motion is made by John Gaskey and it's seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's nay, John Gaskey vote's nay, Kevin Robinson vote's nay, Ellen Sordillo vote's nay, and Chairman Shea vote's nay. Vote is 0-5-0.

**Petitioned Article 4** To see if the Town will vote to amend Zoning By-law 3580.70 Dimension and Density Requirements, Setbacks by striking from Section 3580.70, subsections (2)(a), (2)(b) and (2)(c) .

Dan Ferrini of 84 Fosdick Road addresses the board regarding setbacks. He would like the setbacks set at 200 feet for residential and agricultural areas, but if the property is abutting an agricultural area the setback should be at 12.5 feet. Attorney Rob D'Ambruoso indicates he would like to see subsections 2a, 2b and 2c be eliminated as

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well as all screening provisions.

Chairman Shea will accept a motion to positively recommend to close the public hearing for citizens Petitioned Article 4 to amend Zoning By-law 3580.70 Dimension and Density Requirements, Setbacks by striking from Section 3580.70, subsections (2)(a), (2)(b) and (2)(c). Said motion is made by John Gaskey and it's seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, and Chairman Shea vote's aye. Vote is 5-0-0.

Chairman Shea will accept a motion to positively recommend citizens Petitioned Article 4 to see if the town will vote to amend Zoning By-law 3580.70 Dimension and Density Requirements, Setbacks by striking from Section 3580.70, subsections (2)(a), (2)(b) and (2)(c). Said motion is made by John Gaskey and it's seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's nay, John Gaskey vote's nay, Kevin Robinson vote's nay, Ellen Sordillo vote's nay, and Chairman Shea vote's nay. Vote is 0-5-0.

**Other Business**

- A. Planning Board Member Notes-Chairman: None
- B. Planning Director Notes: Mr. Bott indicates the upcoming meeting will be on March 28, 2023.
- C. Discussion: John Gaskey says that Flag Football sign-ups continue.
- D. Minutes – 1/24/2023, 2/14/2023, & 3/14/23:

Chairman Shea will accept a motion to approve the minutes of 1/24/23. Said motion is made by Ellen Sordillo and it's seconded by Richard Dionne. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey abstains, Kevin Robinson vote's aye, Ellen Sordillo abstains, and Chairman Shea vote's aye. Approved 3-0-2

Chairman Shea will accept a motion to approve the minutes of 2/14/23 after clarifying Mr. Dan Ferrini's statement regarding First Right of Approval. Said motion is made by Kevin Robinson and it's seconded by Ellen Sordillo. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Ellen Sordillo abstains, Kevin Robinson vote's aye, and Chairman Shea vote's aye. Vote is 4-0-1.

Chairman Shea will accept a motion to approve the minutes of 3/14/23. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, and Chairman Shea vote's aye. Unanimously approved 5-0-0.

- E. Adjournment: Chairman Shea will accept a motion to adjourn the meeting. Said motion is made by Ellen Sordillo and it's seconded by Kevin Robinson. Chairman Shea takes a roll call vote and Richard Dionne vote's aye, John Gaskey vote's aye, Kevin Robinson

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vote's aye, Ellen Sordillo vote's aye, and Chairman Shea vote's aye. Unanimously approved 5-0-0.

Documents for 3/21/2023 PB Meeting

Copy of Site Plan Review and Special Permit decision for 31R Main Street

Ltr dated 2/14/2023 from Cranberry Point Energy Storage requesting a Site Plan Minor Modification and Special Permit Extension to T. Bott

Cranberry Point Energy Storage Site & Surfacing Plan

Cranberry Point Energy Storage Project side by side comparison 2021 Approved Site Plan and 2023 Site Plan Minor Modification

Email dated 2/1/2023 from A. Kwesell to C. Shea, T. Bott and A Glines re: settlement purpose Bridgestone/Carver with attached plans

Email 3/21/2023 from Carver Concerned Citizens to PB Re: withdrawal, changes, amendments and amended petitions for Town Meeting 2023

Photos post site walk for Hailey Sheinis – 9 Island Farm Road