

CARVER PLANNING BOARD
MINUTES OF March 28, 2023

Approved 6/23/23

Chairman Cornelius Shea, Richard Dionne, John Gaskey, Ellen Sordillo, Kevin Robinson, Donald Williams, and Thomas Bott, Town Planner.

Meeting was called to order at 7:09PM.

Pledge of Allegiance was recited.

ANR:

1. The purpose of the plan is to depict the existing perimeter boundaries of each of the solar projects, in an effort, to “clean up” descriptions of the parcels (Assessor’s Map 127 Lot 10-0), Solar Carver 1, 324 Tremont Street.

Mr. Bott explains the process for reviewing ANR plans. Kenneth Conte of Beals and Thomas, a professional land surveyor, and he is joined by Attorney Rob D’Ambruoso both of whom represent the property owner. Mr. Conte indicates he performed surveys and provided plans to the property owner. Mr. Conte states the property has adequate upland and frontage but other parts of the property will be subject to permits. They are asking the board to recognize the plot lines on the plan. Chairman Shea indicates the access way to the property is not sufficient. John Gaskey asks if there is any difference between what they are presenting here and the assessor’s map and the response is they are not changing any lot lines. Mr. Conte indicates he would like the board’s endorsement that this is not a subdivision.

Chairman Shea will accept a motion to approve the ANR with a condition statement that it is not to be considered a buildable property outside of already approved permits. 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, Kevin Robinson vote’s aye, Ellen Sordillo vote’s aye, and Chairman Shea vote’s aye. Unanimously approved 5-0-0.

2. The purpose of the plan is to depict the existing perimeter boundaries of each of the solar projects, in an effort, to “clean up” descriptions of the parcels (Assessor’s Map 127 Lot 21-1) Solar Carver 1, 340 Tremont Street.

Kenneth Conte of Beals and Thomas, a professional land surveyor, and he is joined by Attorney Rob D’Ambruoso, both of whom represent the property owner. Mr. Conte indicates he provided plans and performed surveys for the property owner. He states the property depicts the existing assessor’s map which is approximately 31 acres. The property has adequate frontage and they are asking the board to endorse this. Chairman Shea reviews the plan and asks if any of the property is buildable, and Mr. D’Ambruoso indicates part of the property is potentially buildable but would be subject to the full permitting process.

Chairman Shea will accept a motion to approve the ANR for Lot 21-1 340 Tremont Street with a condition statement that it is not to be considered a buildable lot in its current state outside aside from already pre-approved permits. Said motion is made by

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Kevin Robinson 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. Unanimously approved 5-0-0.

3. The purpose of the plan is to depict the existing perimeter boundaries of each of the solar projects, in an effort, to "clean up" descriptions of the parcels (Assessor's Map 92 Lot 22-0) Solar Carver 3, 62 Rochester Road.

Kenneth Conte of Beals and Thomas, a professional land surveyor, and he is joined by Attorney Rob D'Ambruoso, both of whom represent the property owner. Mr. Conte indicates he performed surveys and provided plans for the property owner. He states this parcel is not to be considered a buildable lot except for purposes of a solar facility. This parcel has approximate 10.7 acres out of a total of 14.7 acres and has adequate frontage on Rochester Road and an adequate 4 acres of upland area. This lot had been previously created for the permitting of a solar project. Chairman Shea asks if a variance was received through the Zoning Board for the frontage requirements for a solar facility. Mr. Conte responds he doesn't know if they received a variance but they do have a special permit. Mr. Shea recommends they seek a variance but also states the board cannot give a variance for this.

Chairman Shea will accept a motion to approve the ANR for assessors map 92 Lot 22-1 with a notation this is not a buildable lot and with further release from the zoning board. 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, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, and Chairman Shea vote's aye. Unanimously approved 5-0-0.

4. The purpose of the plan is to consolidate assessor parcels 92-14-1, 92-15, 92-16, and 92-17 to form Lot 1 to support the development of a solar project, Solar Carver 3 located at 62 Rochester Road.

Kenneth Conte of Beals and Thomas, a professional land surveyor, and he is joined by Attorney Rob D'Ambruoso both of whom represent the property owner. Mr. Conte indicates he performed surveys and provided plans for the property owner. He states this is a consolidation plan so they are taking existing assessors parcels 14-1, 15, 16 and 17 and creating one parcel out of four parcels. The plan has approximately 180 feet of frontage on Rochester Road and 12 acres of upland area. There is a portion of the property that has to clear the title and they are working on that. They received two comment letters from the fire department, one on August 14, 2019 and the other on September 19, 2019 regarding battery energy storage and the fire department is fine with the access to the property.

Chairman Shea will accept a motion to approve the ANR for lots 92-14-1, 92-15, 92-16, and 92-17 to form one lot with a notation it is not a buildable lot outside of prior approved permits and the board has no wish to convey any form of transfer or otherwise any interest of an area subject to an interest of Beverly Johnson's heirs. It is not the

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wish of this board to convey any form of transfer or interest to anybody else. Said motion is made by John Gaskey and it's seconded by Kevin Robinson. Chairman Shea takes a roll call vote and Richard Dionne vote's nay, John Gaskey vote's aye, Kevin Robinson vote's aye, Ellen Sordillo abstains, and Chairman Shea vote's aye. Approved 4-0-1.

5. The purpose of the plan is to consolidate assessor parcels 7 and 8 on Map 128 located at Tremont Street.

Kenneth Conte of Beals and Thomas, a professional land surveyor, represents the property owner. Mr. Conte indicates he performed surveys and provided plans for the property owner. The owner would like to remove a lot line that currently separates parcel 7 and 8 so it is considered one parcel. This property is 36 acres which has about 8 acres of upland and frontage on Carver Road.

Chairman Shea will accept a motion to approve the ANR for Tremont Street to join lot 7 and 8 with a notation this is not considered a buildable lot. 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, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, and Chairman Shea vote's aye. Unanimously approved 5-0-0.

Minor Modification:

6. Request by Solar Carver 1, LLC. for Minor Modification of Site Plan Review located at 324 Tremont Street (Assessor's Map 127 Lot 10-0).

Attorney Rob D'Ambruoso is present to represent the petitioner, Solar Carver 1 LLC, together Julianne Wooten of Pine Gates Renewables who is the controlling interest. Attorney D'Ambruoso indicates in 2019 the Planning Board and the Conservation Commission approved this project with its dual use of solar energy project on Tremont Street. Preliminary designs were approved by the board to use steel pile foundations for the solar panel racking. In May of 2020 Solar Carver 1 LLC acquired the project from a predecessor entity. However, during the pandemic there was a global chain disruption in steel and it was determined to be preferable and more feasible to use timber piles, so they applied for electric and building permits and received said permits for the timber pile design in February 2021 and then construction began.

Concern was expressed by the Conservation Commission regarding the timber piles and they returned to the Planning Board and Conservation Commission and obtained permission to substitute precast concrete files for the timber piles. In December 2021 the Planning Board approved the change to move to concrete piles as a Minor Modification to the site plan. At this time the company would like to revert to using the steel piles which were originally approved. The piles are the same as approved before, but just a little thicker to ensure structural soundness and stability. They received an Extension from the Conservation Commission allowing them to complete the work.

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Kevin Robinson asks Attorney D'Ambruoso to clarify his statement regarding prior approval from the Planning Board for timber piles and he declares he misspoke and the Planning Board did not approve or weigh in on the timber design. Richard Dionne asks Attorney D'Ambruoso to explain what will happen when the holes in the ground from the timber piles were 12 inches and the steel piles being installed are only 4 inches and he explains the technical people working on this project determined this will not be an issue and the steel piles will be stable. Chairman Shea indicates he wants the timber piles that have been removed from the ground be removed from the site and asks for timeline for doing so and the answer is three years, perhaps even less. Kevin Robinson asks if the removed timber piles are stacked and Ms. Wooten does not know the answer to this. Attorney D'Ambruoso indicates the point is taken and he will address it with the company. Chairman Shea would like the timber piles removed from the site before the steel piles are brought to the site. He believes within 12 months is a reasonable, even generous, time frame.

Chairman Shea will accept a motion to approve the minor modification with the conditions as stated. 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 vote's aye, Ellen Sordillo vote's aye, and Chairman Shea vote's aye. Unanimously approved 5-0-0.

7. Request by Solar Carver 3, LLC. for Minor Modification of Site Plan Review located at 62 Rochester Road Solar (Assessor's Map 92 Lot 14, 15, 16, 17, 20, and 22.

Attorney Rob D'Ambruoso is present to represent the petitioner, Solar Carver 3 LLC, together Julianne Wooten of Pine Gates Renewables who is the controlling interest. Attorney D'Ambruoso indicates this is a sister project of Solar Carver 1 LLC, above, which was permitted by the Planning Board and Conservation Commission in 2019. This project is a dual use of solar energy on Rochester Road, which is 29 acres.

Preliminary designs were approved by the board to use steel pile foundations for the solar panel racking. Subject to that approval the petitioner acquired Solar Carver 3 LLC and a determination was made due to an engineering study and disruption to the global chain it was preferable to use timber piles, so they applied for electric and building permits and received said permits in February 2021 and then construction began.

Concern was expressed by the Conservation Commission regarding the timber piles so work ceased immediately and they returned to the Planning Board and Conservation Commission and obtained permits for Minor modification to the site plan in December 2021 to substitute precast concrete files for the timber piles. Now they would like to seek approval along the same procedural lines for another Minor Modification to revert to using the steel piles which were originally approved. The piles are the same as were previously approved, but a little thicker to ensure structural soundness and stability. They received an Extension from the Conservation Commission allowing them to complete the work. At this time all timber piles are out of ground and are being stored

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on-site. Kevin Robinson indicates he would like the timber piles removed as soon as possible for safety concerns. Chairman Shea asks if this site has a 13 foot access drive and the response is yes and that access has not changed.

John Gaskey asks the size of the battery storage and Ms. Wooten responds she believes its 2 megawatts. Mr. Gaskey is very concerned this battery storage is abutting a resident's property and recommends the battery storage to be placed somewhere else on the property. Kevin Robinson asks if this project will be changing of the Tesla Mega Pack 1 to the Tesla Mega Pack 2XL and Attorney D'Ambruoso doesn't believe the battery storage is anywhere near that size. He also indicates he assumes battery technology has improved since this was permitted in 2019 which is beneficial to persons and the environment. However, Kevin Robinson's concern is the old technology that was permitted could be grandfathered in so they wouldn't have to use the newer batteries. Mr. Shea recommends moving the timber piles that were removed be stacked at the lower entrance which provides more safety and also the lower entrance should be used for piles arriving and piles exiting. Chairman Shea would also like three monitoring wells be installed upon the recommendation on the town's engineer because this is a large population area.

Chairman Shea will accept a motion to approve the request for Solar Care 3 LLC for minor modification at 62 Rochester Road with the conditions regarding monitoring wells, using the lower access for heavy equipment and removing timber piles within 12 months, as stated. 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, Kevin Robinson vote's aye, Ellen Sordillo vote's aye, and Chairman Shea vote's aye. Unanimously approved 5-0-0.

Minor Modification Cont'd:

8. 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).

Chris Quarenta of Plus Power represents the applicant and indicates at a previous meeting the board requested additional information regarding site plan equipment, Tesla Mega Pack, and currently planned Tesla Mega Pack 2XL. They provided multiple documents on March 24, 2023 for the board's review. John Gaskey asks what are they doing different and is it safe compared to other projects that have one-third the output and twice to three times the number of containers. Mr. Quarenta states there are different energy products and providers and not all of them have the quality and safety that the Tesla Mega Pack 2 has and continues to explain the technical details and testing that is done on the Tesla Mega Pack 2XL. They are following required guidelines for noise coming from the containers. Richard Dionne asks what would happen if an electric strike were to occur on one of the containers and the response there is almost a zero chance of lightening striking a container, and they have taken every precaution in grounding paths. The board agrees to do a site walk on March 31, 2023 at noon for most members and other members on April 4, 2023 at 5:30PM.

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Public Hearing Cont'd:

9. On the application of Slocum-Gibbs Cranberry Co. requesting a Definitive Subdivision (Gibbs Street Subdivision) approval pursuant to the Carver Subdivision Control By-Law, for property located “off Wareham Street”, on (Assessors Map 127 Lot 33, and Map 128 Lots 1, 2, 3, 6-1, and 15) in Carver, MA in a Residential Agricultural District. Proposed work includes construction of a ±400-linear foot roadway and cul-de-sac, stormwater management system, and off-grading to support a three-lot conventional subdivision. Each proposed single-family dwelling lot will have its own private well and septic system.

Attorney Rob D’Ambruoso represents the petitioner and indicates this is the sixth hearing before the board regarding this matter. He details the background of the project and states they have met all conditions set forth in a comment letter from Fuss & O’Neal dated February 27, 2023. They requested three waivers (1) for re-designing the cul-de-sac, (2) Installing a sidewalk close to the buffer zone, and (3) Improve setbacks to existing structures. They submitted a plan that addresses all concerns and he believes Mr. Bott has proposed final waiver language similar to what is in the Fuss & O’Neal letter. Dan Gagne of Beals & Thomas answers a question from John Gaskey regarding the retaining wall. Mr. Gagne explains the height of the wall was reduced as they moved it uphill. Mr. Bott indicates he prepared a draft decision for review which incorporates Fuss & O’Neal’s comments and recommendations on conditions and waivers. Chairman Shea reviews aloud the conditions and discusses them with the board and Mr. Bott. Mr. Shea also asks what is going to happen to the iron blast furnace on the property and John Garretson, the principal owner of Slocum-Gibbs Cranberry Co. responds it is a structure built from gathered rocks and is of no historical interest. Mr. Bott reads aloud the conditions and waivers.

Chairman Shea will accept a motion to close the public hearing for Slocum-Gibbs Cranberry Co. requesting Definitive Subdivision approval pursuant to the Carver Subdivision Control By-law. Said motion is made by Richard Dionne and it is seconded by Ellen Sordillo. 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.

Chairman Shea will accept a motion to approve the application of Slocum-Gibbs Cranberry Co. requesting Definitive Subdivision approval pursuant to the Carver Subdivision Control By-law for the property located off Wareham Street, Assessor’s Map 137 Lot 33 and Map 128 Lots 1,2, 3, 6-1, and 15 in an Residential Agricultural District with conditions and waivers as discussed. Said motion is made by Kevin Robinson and it is seconded by Ellen Sordillo. Chairman Shea takes a roll call vote and Richard Dionne vote’s aye, John Gaskey vote’s aye, Kevin Robinson vote’s aye, and Chairman Shea vote’s aye. Approved 4-0-0.

10. On the application of Weathervane at Patriots Pines requesting a Special Permit and Site Plan Review to Sections 2230, 3100, 3900, 4300, and 5300 of the Carver Zoning by Law, and a Definitive Subdivision Plan pursuant to the Carver Subdivision Control by Law, for

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property located at 0 South Meadow Road in Carver, MA (Assessor's Map 112 Lots 1-5E, 1-5I, 1-5J, 1-5K, 1-5L, 1-5M, 1-5P, 1-5Q, 1-5R, 3-88A, and Map 107 Lot1-4A) the applicant seeks to append 9± acres of adjoining land to the property and modify the subdivision boundaries in compliance with MGL Chapter 41 Sections 81W, (ii) increase the unit count from 54 units to 66 units, (iii) alter the building configuration to create zoning compliant triplexes, and (iv) adjust the roadway layout and lot configurations to accommodate alterations to Phases 2 and 3 of the project in the Residential Agricultural Zoning District.

Attorney Jeff Tocchio represents Weathervane at Patriots Pines LLC. Also present are Jim Bristol, Sarah Stearns and Dan Gagne. They are here to speak about Phases 2 and 3 and indicate they received comments from Fuss & O'Neal that were issued on February 27, 2023 with recommended conditions.

Chairman Shea will accept a motion to close the public hearing on the application of Weathervane at Patriots Pines requesting a Special Permit and Site Plan Review regarding Carver Subdivision Control By-law for 0 South Meadow Road. Said motion is made by Richard Dionne and it is seconded by Ellen Sordillo. 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.

Chairman Shea reviews the conditions with the board and applicant and confirms housing specification conditions with Attorney Tocchio such as number of houses, number of bedrooms per unit and number of units that will be affordable, as well as many other conditions. Chairman Shea would like a condition and substantial outline of the open space and how it will be conserved and who it will be conveyed to.

Chairman Shea will accept a motion to approve the application of Weathervane at Patriots Pines at 0 South Meadow Road for Modification of Site Plan and Modifications of both Definitive Subdivision and Special Permit Townhouse Development with conditions as discussed and amended. Said motion is made by Sordillo and it's seconded by John Gaskey.

The board and Mr. Bott continue to go over all the conditions.

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 ye. Unanimously approved 5-0-0.

Other Business

- A. Planning Board Member Notes-Chairman: None.
- B. Town Planner Notes: None.

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C. Discussion: None.

D. Minutes – 2-28-2023: Tabled until next meeting.

E. Adjournment: Chairman Shea will accept a motion to adjourn the meeting. 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, Kevin Robinson vote's nay, Ellen Sordillo vote's nay, and Chairman Shea vote's nay. Unanimously approved 5-0-0.

Documents for 3/28/2023 PB Meeting

ANR application with plan for Solar Carver 1, 324 Tremont St.

ANR application with plan for Solar Carver 1, 340 Tremont St.

ANR application with plan for Solar Carver 3, 62 Rochester Road

ANR application with plan for Solar Carver 3 located at 62 Rochester Road

ANR application with plan for Map 128 Lots 7 and 8 located at Tremont Street

Copy of 12/28/2021 decision for minor modification of site plan review and special permit for Solar Carver 1, LLC. located at 324 Tremont Street

Ltr dated 3/21/2023 from S. Stearns to C. Shea and T. Bott requesting for Minor Modification of Site Plan Review located at for Solar Carver 1, LLC. located at 324 Tremont Street

Copy of 12/28/2021 decision for minor modification of site plan review and special permit for Solar Carver 3, LLC. located at 62 Rochester Road

Ltr dated 3/21/2023 from S. Stearns to C. Shea and T. Bott requesting for Minor Modification of Site Plan Review located at 62 Rochester Road for Solar Carver 3, LLC

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)

Mega Pack 2 L Datasheet re: Cranberry Point Energy Storage

Mega Pack Specifications re: Cranberry Point Energy Storage

Reference drawing dated 3/23/2023

Cranberry Point Energy Storage project comparison plan 2021 approved site plan / 2023 Site Plan Minor Modification

Memo dated 3/23/2023 from J. Boyle re: Cranberry Point Energy Storage

Memo dated 3/28/2023 from J. Boyle re: Gibbs Street Subdivision

Draft decision re: Gibbs Street

Revised Plans dated 2/17/2023 on Gibbs Street

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2/17/2023 Ltr from D. Gagne/S. Stearns response to peer review memo re: Weathervane with revised permit set of plans

Memo from A. Glines to PB Re: Gibbs Street

Memo from A. Glines to PB Re: Weathervane at Patriot Pines, LLC.