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11/27/18*

CARVER PLANNING BOARD MINUTES OF OCTOBER 9, 2018 MEETING

Present: Chairman Bruce Maki; William Sinclair, Member; James Hoffman, Member; Jen Bogart, Member; Kevin Robinson, Member; Cara Dahill, Alternate Member. Also present: Stephen Cole, Planning Director, Shawn Martin, Fuss & O'Neill and Marianne MacLeod, Recording Secretary.

Chairman Maki opened the meeting at 7:00 p.m., followed by the Pledge of Allegiance.

Sign Permit

"Edaville" – 7 Eda Ave

Stephen Cole said this application was submitted due to a minor change to the original sign approved. John Delli Priscoli modified the sign and that sign came in damaged, so they put up a temporary sign which carried them through the 18th of September, so they are slightly out of time, but he showed the sign they are putting up, which is made out of state, and they needed a temporary sign. It is expected to arrive in four weeks and they are hoping it is there for Christmas. Will Sinclair explained they are looking for a 60-day extension to allow for the new sign to arrive. Will Sinclair made a Motion to extend the sign for Edaville to January 9, 2019, seconded by Jim Hoffman, voted and passed unanimously 6-0-0.

Public Hearing:

1. On the application of Priolo Plymouth Street Realty Trust requesting a Special Permit and Site Plan Review pursuant to Sections 2230, 3900 and 5300 of the Carver Zoning by Law, located at 0 Plymouth Street Carver, MA (assessors Map 18-Lot 8) to allow a 32-unit townhouse development in a Residential Agriculture Area.

Will Sinclair will be excusing himself on this project.

Mr. Priolo came to see if there are any questions? He asked who would monitor the perk tests? It isn't necessary for someone from the Town to be present at the test; the test results are submitted to the Board and someone from Faus & O'Neill would review them.

Mr. Maki explained perk tests are through the Board of Health and soil testing would also need to be completed and it is not necessary for someone to be there. Testing is submitted to the Town. Shawn Martin, from Fuss & O'Neill said there is nothing "earth shattering" on this project, except the rainfall depths. He said there is some description or guidance on how the basins are designed and he suggested modifying the basin shapes to be more aesthetically pleasing. The northern basin grading is very close to the property line and he asked them to move it away from the property line and the basin excavations.

Mr. Priolo said he would have a landscape architect on the project. He asked if there is anything that needs to be addressed from the walk through?

Jim Hoffman made a motion to continue the Hearing to October 23, 2018, seconded by Kevin Robinson, voted and passed unanimously 5-0-0.

2. On the applications of Edaville Land Holdings requesting Special Permit approval pursuant to Sections 2230 & 5300 of the Carver Zoning Bylaw, located at Pine Street in Carver, MA.

Plans prepared by Arthur F. Borden and Associates, Inc., dated November 2, 2017 showing the paving and associated drainage on an existing parking lot, on two sheets for said development.

Mr. Arthur Borden and Mr. Delli Priscoli appeared before the Board. Mr. Borden updated the Board regarding a few outstanding items from the last meeting. They just completed the license agreement with the Board of Selectmen, which includes drainage issues on the South part of Pine Street. Mr. John Delli Priscoli explained that the town is also participating in the plan. They also met Jen Bogart and Stephen Cole about items they were looking for. They added a location for a bike rack on the pedestrian walkway. Also they were short with on-site landscaping by 18,000 square feet and they are improving landscaping at the Pine Street/Rochester Road intersection and Rochester Road and South Main intersection. John Delli Priscoli explained they also went to the Carver Conservation Commission and a few parking spaces were eliminated and then added back in, revising the NOI. These 14 spaces are being put back in. Jen Bogart said she is happy to see the bike paths included. She wants to make sure that the extra 18,000 square feet is included elsewhere. John Delli Priscoli said he is going to commit to two locations and not go by 18,000 square feet. He feels it is generous on their end to do this and he said it will be a collaborative effort with the town. Jen Bogart asked who decided those two locations? John Delli Priscoli said it would make sense to enhance the entrance to Edaville and the neighborhood. Ms. Bogart said those areas can be considered but the final decision needs to be a collaborative effort agreed upon by

Planning, DPW and applicant. Will Sinclair asked if the photo metrics plan is this still in the works? Arthur Borden said yes. Will Sinclair wants it to be approved by town's engineer. He said the work Mr. Delli Priscoli is doing off-site speaks volumes to how he is trying very hard to be a good neighbor. He is happy with the outcome that has been accomplished.

Mr. Robinson said he agrees with Mr. Sinclair that it is a fantastic idea to try to do more landscaping, and he appreciates the fact that he is working with the neighbors and going above-and-beyond. He would like Mr. John Delli Priscoli to work with the Town for a lay-out landscape design for the particular areas discussed.

Mr. Maki thanked Mr. John Delli Priscoli for this plan and it is good to see how beautiful it will look and the fact that it will help the neighborhood is a good thing.

Mr. John Delli Priscoli stated a subsequent plan will be coming along showing the 14 parking spaces and there are a few open issues to act on.

Carrie Santos says neighbors have come and complained and Mr. John Delli Priscoli has done everything he has said he would do. Her yard has flooded the last two years. She has hired her own contractors and wrote a letter to the Town and saw the article in the Carver Reporter and that is why she is here.

Mr. John Delli Priscoli explained there are three catch basins and those 3 basins are going to collect the water and they are enlarging the storm water entrance on their property. The Town has agreed to provide the material and he is providing the labor. Mr. Maki asked for new drainage calculations for those catch basins. Mr. Borden replied they will put a separate plan of the corrective action and that will have the revised calculations. Mr. John Delli Priscoli said it is a supplemental project. This work is contemplated for the spring. They are working on the permitting right now.

No other comments from the public.

Jim Hoffman made a Motion to close public hearing, 2nd by Will Sinclair, voted and passed unanimously 6-0-0.

Will Sinclair made a Motion to approve the special permit for Edaville parking plan 1) photometric plan included; 2) revised drainage calculations, including Pine Street to be submitted and revised by Fuss & O'Neil, 3) Landscaping plan offsite; 4) revised 14 spaces paved on the northeast side, near the old Washburn bog, 2nd by Jim Hoffman, voted and passed unanimously 6-0-0.

3. On the application of David Mulcahy, 1929 Development, LLC of Kingston, requesting a Site Plan Review pursuant to Sections 2230 and 3100 of the Carver Zoning By Law, for property located at 157 North Main Street, on Assessors Map 24 – Lot 4A, Carver, MA.

Applicant requests approval to construct an addition of a Craftsman/Tradesman Building to an existing single family dwelling in the High Commercial Zone.

Rich Serkey and Kevin Grady came before the Board, representing Mr. Mulcahy, who is also present. Mr. Rich Serkey explained the property owner is seeking to construct an addition to the rear of a non-conforming residence and wishes to utilize that space for his deer, tick and mosquito control business and also associated office space. On August 29th Mr. Serkey wrote to Mr. Cole. The Property is in the highway commercial zone, on the Carver/Plympton town line. There is a residence on the property constructed in 1965. He wants to add a craftsman/tradesman shop, which is an allowed use in the H/C zone. There is a tenant currently occupying the existing residence. The owner will eventually turn the residence into his office, making the entire structure used for the business. Mr. Serkey gave a handout to the board members with the definition of craftsman/tradesman for the zoning by-law. Mr. Serkey feels the definition has two parts. He feels Mr. Mulcahy practices a trade. He feels you don't have to be both. He makes no claim to be a craftsman. The definition doesn't require a product be made. Mr. Serkey feels his use is allowed in the H/C zone bylaw.

Mr. Grady explained the site plan and details. He outlined each of the sheets submitted. He explained the applicant would like to keep the two access points that are already there. They are proposing to widen the northside entrance, as requested by the Carver Fire Department. The site requirement is at least 60,000 square feet. This lot is 66,000 square feet. There are 222 square feet of frontage on the existing lot. He reviewed proposed parking. They are proposing 19 parking spaces, 13 on the exterior, 6 interior. Applicant currently has six trucks and there will be sufficient space to store inside the building. Each space is 18x10. Applicant doesn't anticipate a lot of vehicle parking requirements. The site is serviced by an existing upgraded septic system, under the main access drive, approved by the Board of Health. They are proposing to have existing gas service and existing water service for utilities. They did an overall storm water analysis for the project on the site. The water runs from the berm on North Main Street in an easterly direction to the wetland in the rear. 100% of the proposed pavement and the building will be collected by the water management system. They are proposing handicap accessible space in the front of the building, with a walk way proposed along the building, which will access the office portion. There shouldn't be a lot of foot traffic here. They have proposed a dumpster, which has been relocated from the original plans and is now at the rear of the building. The building will be a slab foundation, housing trucks, materials and equipment; commercial garage uses require a flood drain system. This system goes to a waste water holding tank that is a dual wall tank with alarms for when it is full or when the initial containment tank has a breach. Professional landscape plans have been submitted. It will be esthetically pleasing to abutters and those driving by on North Main Street. They provided a lighting plan as well. The lights are night-sky compliant.

Mr. Grady prepared responses from 3 letters – Fuss & O'Neill a few weeks ago, the Carver Fire Department and then another one from Fuss & O'Neill. He will go through

each one if the Board wishes. He explained the pesticides will be stored indoors and will not be exposed to the elements. The applicant submitted data sheets detailing the products he uses is technically an insecticide; however, there is minimal risk and there is an exemption from FRFIA 25B because it's basically essential oils. It is low risk, it is not toxic.

Stephen Cole conducted a TRC on 9/10/10. The Fire Department responded and there is a copy in the packet. There are four particular areas of concern. Also two letters from Fuss & O'Neill. Roadway radius, driveway width and fire protection, an NFPA Compliant sprinkler system is required in buildings in excess of 7,500 square feet is exceeded.

Shawn Martin from Fuss & O'Neill explained the three items that were a concern to him. Storage containment tank in the parking lot, emergency response plan was not in his packet. Whether it is a toxic substance. Fire Department questioned their access be adequate. Outdoor storage of any materials is a concern. How would greater spills be dealt with? Any spills outside that could get into the drainage system? Also, in the response letter, he noticed whether the storm water regulations from the Board of Health apply to this particular project. The rainfall depths used in the model are not as great as the Town requires.

Mr. Maki asked if there is less frontage than is normally needed so this will require a variance? Mr. Grady explained he misspoke that the frontage will be well over the requirement, approximately 300 feet.

Mr. Maki asked if there is a 100' buffer. Mr. Grady stated they met with the Carver Conservation Commission and have an OOC.

The proposed holding tank is 1,000 gallons inside a 2,000 gallon tank. They do not anticipate a lot of liquid.

Will Sinclair asked for clarification – page three shows a 1,500 gallon holding tank. Mr. Grady replied that the outside tank is 2,000 but he thinks it may be a 1000 gallon tank.

Mr. Maki explained they have a letter from the Carver Fire Department about their concerns and have they been addressed? Mr. Grady said they are still working with the Department and are hoping to do a singular response in advance of the meeting. A couple of the items that were brought up – one for 40' radiuses; they proposed 35'. State highway access permits require a minimum of 30' radiuses. Mr. Grady did run an auto turn on this, which is shown on sheet 9, and is more than enough to make any turn, in the north entrance in particular.

Mr. Maki asked Shawn Martin of Fuss & O'Neill if he had time to go through the plan thoroughly? Yes, they looked at it in detail but he hasn't reviewed the response to comments in detail yet.

Mr. Grady also explained that they have 24 foot wide aisles, which were provided to begin with. They also asked to access all three sides of the building. One deterrent is cost for a driveway to no-where for a potential fire, secondly, environment issues and that side of the building is closest to the wetlands area, the other issue is that the existing driveway has access to a rear garage entrance and in an extreme emergency they could have access there to reach the back. They would like to request that they don't have to pave the entire area around the building. Mr. Maki said they'd have to speak with the Fire Department about that.

Jen Bogart asked what the products really are. The property owner, Mr. Mulcahy handed out information sheets about the products he uses. He explained the products are essential oils and food based.

Jen Bogart asked if they are currently working out of Carver? Mr. Mulcahy said he would be a new business in Town.

Jim Hoffman asked if there will be retail sales? Mr. Mulcahy said no. Jim Hoffman asked business hours? 7-8:00 a.m. to 5:00 p.m.

Jim Hoffman asked about putting up signs? No signage plans at this time.

Mr. Maki asked what he actually will be doing? Mr. Mulcahy explained that his company sprays residential/commercial properties using the products mixed with water. Kevin Robinson asked if you have to be licensed? Mr. Mulcahy said not for this product; however, he does have his license.

Kevin Robinson asked what is going on with the single-family dwelling? Mr. Serkey explained it will be leased to the current tenant and in the future it will be turned into office space and at that time the non-conforming use will lapse.

Cara Dahill asked about clean-up and flammability and she asked Mr. Mulcahy to contact Chem-treck regarding this.

Will Sinclair asked about the water flow – back towards the wetlands? He asked Mr. Grady to show him on the plan. Will Sinclair has concerns regarding the use and asked: did you look at this considering the water resource area of the north carver water district? Mr. Grady said no. Will Sinclair asked Shawn Martin of Fuss & O'Neill to make sure they look at that. Shawn Martin had a question about getting rid of containers after they are emptied – will they be rinsed out? Mr. Grady stated that Fuss & O'Neill stated pesticides and insecticides is not a prohibitive use. Everything is done on the inside of the building and there are provisions and considerations for the environment here. Shawn Martin feels they are great but clarification on the handling processes on the inside and the pumping of the holding tank needs to be considered. Mr. Grady explained typically the floor drain is pitched to the middle of the facility and drums are 55 gallons and Mr. Mulcahy says he may have two drums, so it would be unlikely that a spill would go outside the building.

Will Sinclair asked for clarification of the sprinkler system, storage containments, emergency response plan, material specification, fire department access, storm water regulations required by the Board of Health, clarification of tank size. He feels with all that, why not a special permit request? He also wants to make sure the change of use from residence and someday to the office, how is that going to be dictated in the language? Mr. Serkey said that at some point the residential use will cease which is non-conforming and the office use will commence. This can be documented for purposes of zoning at that time. Mr. Serkey said he would submit something to let them know.

Will Sinclair asked if they are going in front of the ZBA? Mr. Serkey will be asking for a variance to the extent necessary but he doesn't believe they need one, but in order to not stand on ceremony they have applied for it. He doesn't believe a variance is needed and he will tell the ZBA at the meeting. Will Sinclair asked if they went before the Carver Conservation Commission? Yes.

Will Sinclair asked if there are any time restraints? Mr. Artiano, current owner of the property explained that the property was purchased to be rehabilitated and sold. He made an agreement with Mr. Mulcahy to purchase the property, subject to permitting approval. He welcomes a site walk. He feels it is a pretty simple project and understands the environmental concerns and will address this with a response plan. He wants to stress to the Board this is a pretty simple project. No there are no time constraints. Mr. Mulcahy plans to build the building next year and he is a small business and needs the income from the rental property at first.

No public comments.

Mr. Maki would like to schedule a site visit. Will Sinclair made a Motion to have a site walk on Thursday, October 18th at 5:00 p.m., seconded by Jim Hoffman, voted and passed unanimously 6-0-0. Mr. Maki requested to have the corners of the pavement and the building marked out.

Will Sinclair asked the applicant to meet on October 23rd or at the next meeting? Mr. Serkey said leave it to the 23rd.

Will Sinclair made a Motion to continue the Hearing to October 23, 2018 at 7:00 pm, seconded by Jen, voted and passed unanimously 6-0-0.

4. On the application of Renewable Energy Development Partner, LLC requesting a Special Permit and Site Plan Review pursuant to Sections 3100, 3580 and 5300 of the Carver Zoning by Law, located at 13-A Gate Street and 0 Godfrey Circle Carver, MA (assessors Map 1-L-R & 1-0- R) to allow a large scale ground mounted "dual use" solar power generating project in a Residential/Agricultural District.

Hank Ouimet from Renewable Energy Development Partners and Peter Beaton, Landowner is also present. Mr. Ouimet's firm has been working together with them for a couple of years now. They are here for a site plan review and special permit for a dual-use solar project, which is a project that is an array of solar panels which is going to be designed and operated with agricultural use under the solar panels. The site is 170 acres of agricultural land, 30 acres which are cranberry bogs which are actively farmed. To the east of the bogs there is a 13 acre gravel pit with a transmission line going down the middle of it. The project will go on both sides of the transmission lines. The state came out with an incentive project for dual use solar projects. This means the solar array would be taller than a traditional array. The lowest edge will be approximately 8' off the ground and the top would be approximately 15' in the air. The other difference in this design, compared to a traditional solar array, is that the rows would be spaced further apart. The gap between rows would be approximately 25' between rows for sunlight to get in and also farm equipment to travel through, thus accommodating agricultural needs. They have filed for approval with the state and are expecting it to be approved shortly. They have filed with the local utility as well.

Stephen Cole explained they conducted a technical review and this is a straightforward project. Representatives from the Conservation Commission, DPW and Building Commission and Jessie Doyle reviewed this project. The Conservation Commission has reviewed and approved and an OOC was issued. The Fire Department would like sufficient access for vehicles and a grading change from 15% to 10% was corrected. Also Faus & O'Neill also reviewed the project and Shawn shared with the Board. 1) May or may not be interested in describing the specific areas where the crops are being managed; storm water rainfall depths were lower than Carver rainfall depths. Some of the model was on the less conservative side. He would like to have the model updated to use the Carver rainfall depths. Lastly, the applicant proposed, upon condition of approval for test pits after the project is complete.

Mr. Maki asked if all the panels would be over existing bogs? Mr. Ouimet said none of them are going to be over existing bogs. The farming below the panels will not be cranberries. The state required a farming plan be submitted, a comprehensive plan for low crops to be rotated, as well as horticultural crops that do well in the shade and then forage crops – all over the next 20 years. The design is to vary the agricultural use of this site so the owner can diversify his revenue.

This project will be actively farmed and will have early warning of soil erosion. He showed the proposed storm water basins on the perimeter. The Fire Department has looked at this, with regards to access. All the bog roads are sufficiently wide enough as is. There is no need for road building. Access to the site is an existing driveway on Gate Street.

Mr. Maki asked how far away are other homes to the site? Mr. Ouimet showed where the homes on Gate Street would abut the property. He said most of the properties are at least 1,200 feet away from the array.

Kevin Robinson asked the height from the ground? Each row of panels will be tilted at 35 degrees so the lower edge will be at 8 feet and the top edge will be at 15.5 feet. Kevin Robinson asked where the farm would be? Mr. Ouimet said the entire area would be used. Kevin Robinson asked if it would be an oversized berm? It is proposed as a 4 foot urban berm with 6 feet of planting which will total 10 feet of berming.

Jen Bogart asked who from the state checks to make sure farming is viable after approval? Mr. Ouimet said there is a component requirement of annual filing, audit-based. To receive the incentive payment they need to have an economic plan.

Mr. Maki asked when would the start of the project be? They are hoping to have all the relative entitlements and so that they will be ready to build during the winter, perhaps January to mid-March.

Paul Rodrigues, Trustee for Mycock Realty, 20 Gate Street came forward as he has several questions. Where are the projects that were done together? In Plymouth and operational. They are not dual-use. He feels the berm is a waste of money. He asked if this changes the 61A status. Mr. Ouimet said they don't expect to change the designation at all.

Will Sinclair asked for an estimate on a Bond for decommissioning. \$81,000. The Board standard is normally \$100,000.

Will Sinclair asked if they have been in talks with the Town for a PPA Agreement? No. It was their understanding that this is not on the path of this project right now.

Mr. Maki asked if they were coming to the next meeting on October 23, 2018? Sean said there will be another exchange but they're pretty close.

Jim Hoffman made a Motion to have the site walk on October 16th @ 5:00 p.m., seconded by Jen Bogart, voted and passed unanimously 6-0-0.

Will Sinclair asked if the applicant wanted to be at the meeting of the October 23rd? Yes schedule them for that meeting. Will Sinclair made a Motion to continue the Hearing to October 23, 2018, seconded by Jim Hoffman, voted and passed unanimously.

Other Business

A. Planning Board Member Notes - None

B. Planning Director Notes - None

C. Minutes – September 25, 2018. Jim Hoffman made a Motion to accept the minutes as written, seconded by Jen Bogart, voted and passed unanimously 5-0-0.

D. Next meeting date: October 23, 2018

Jim Hoffman made a Motion to adjourn at 9:26 p.m., seconded by Kevin Robinson, voted and passed unanimously 5-0-0.

Next meeting will be on October 23, 2018.

Respectfully submitted,

Marianne MacLeod,
Recording Secretary