



approved 1/22/19

Town of Carver, Office of Planning and Community Development

Planning Board Meeting Minutes, December 11, 2018, Carver Town Hall, Meeting Room #41. This meeting was videotaped for cable cast area 58, channel 15.

Attendees: Bruce Maki, Chairman; James Hoffman, Member - Remotely; Jen Bogart, Member; William Sinclair, Member; Kevin Robinson, Member; Cara Dahill, Alternate Member Kevin Robinson

Also Present: Stephen Cole, Planning Director; Andy Glimes, Fuss and O'Neil

Absent: James Hoffman;

Bruce Maki, Chairman, opened the meeting at 7:00 PM, followed by the pledge of allegiance.

Mr. Maki informed the Board and public that the Planning Board Member, James Hoffman, will be remotely participating in this meeting.

Sign Permit:

Drop Zone, Route 58 and South Meadow Road –

This applicant was not able to appear at the last meeting due to illness which is ongoing and he will not be here tonight. This permit application will be addressed at the next meeting.

Approval Not Required:

- Borrego Solar Systems – Federal Road (Assessors Map 131, Lot 2A) – Discussion and possible vote.

Sarah Stearns, Beals and Thomas, representing Borrego -

Mr. Cole presented the Board Members with a map. We are combining Phase 1 into phase 2. Mr. Maki – The lot has enough acreage and road frontage. Do we have to come up with meets and bounds on the first one? That has to be added before it goes before the registry of deeds. Ms. Stearns will check on that with the PLS.

Mr. Sinclair – This is just a standard Form A? Combining the two lots? Mr. Maki – They carved out A1 from A2, which goes around the solar array. The frontage is on the gravel road? Ms. Stearns – It is along Federal. Ms. Stearns – Phase 1 and Phase II get combined. The remaining parcel, A3 in a non buildable

lot. Mr. Maki – So lot A1 gets combined with A2? Did lot A1 exist before? Ms. Stearns – Yes, Lot 1A is the existing solar lot. The locust map shows it better; the site is so large it required two sheets. Mr. Maki – So that is why he didn't put meets and bounds around the lot, its going to be part of A2 anyway. Ms. Stearns Yes, it absorbs it. Mr. Maki – The notes are missing? Ms. Stearns referred to the notes and zoning information on Sheet 2. Mr. Maki – This seems fine with me. Ms. Bogart – Why do you want to combine them? Mr. Farkus – There are no internal set backs, there was the existing lot line. If we didn't combine it, there was a poor use of space, the total footprint can be minimized. Mr. Maki – Less trees to cut down.

Mr. Cole - When we have a quorum and a remote participant, we need to do a roll call vote

Motion to endorse Form A for Federal Road, Assessors Map 131, Lot 2A: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (5-0)

Roll Call – All Affirmative

- Borrego Solar Systems – Wareham Street (0 Hammond Street) (Assessors Map 134, Lot 4-2) - Discussion and possible vote.

Ms. Stearns – This is similar to Federal; just carving out a small piece. Mr. Maki – It does have frontage on Hammond Street. This is pretty simple. Ms. Bogart - This doesn't combine property so why do you want to do this one? Mr. Farkus – Similar reason; it's a 100+ acre parcel in order to make things cleaner, that will be the solar parcel defined by the limit of the solar plus the limit of the set back and straightening out some of the corners.

Motion to endorse form A for Borrego Solar Systems, Assessors Map 134, Lot 4-2 on Wareham Street (0

Hammond Street): Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (5-0)

Roll Call – All Affirmative

- Borrego Solar Systems – For property located off of Charlotte Furnace Road – Discussion and possible vote.

Ms. Stearns – This is a Wareham property with just a piece in Carver. We are still working on it with Wareham so we will request a continuance.

Discussion and possible vote:

- Priolo Plymouth Street Realty Trust, located at 0 Plymouth Street, Carver, MA (Assessors Map 18, Lot 8) SP/SPR – 32 - unit townhouse development.

7:18 PM Mr. Sinclair – As I am a direct abutter, I will excuse myself at this time.

Glen Priolo, representing Priolo Plymouth Street Realty Trust

Mr. Maki – I have a memorandum from Fuss & O'Neil – with revised storm water management. Three comments are included.

Mr. Cole – Yes Okay to approved with conditions; 18 Conditions with 1 waiver for 40 - foot buffer. Mr. Cole provided a list of conditions and read them to the Board.

Mr. Maki – Will that be drafted up for approval at our next meeting? Mr. Cole – I can add any additional conditions tonight and have them available for your signature tonight.

Motion to approve the application for Priolo Plymouth Street Realty Trust, 0 Plymouth Street, with Conditions outlined tonight: Ms. Bogart

Second: Mr. Robinson

Approved: Unanimous (5-0-1 – Mr. Sinclair)

Roll Call – All affirmative

7:26 Mr. Sinclair returned to the meeting.

Continued Public Hearings:

- On the application of DPH Realty Trust, requesting a Special Permit and Site Plan Review and definitive sub division, pursuant to sections 2230 and 3900 of the Carver Zoning by-Law for property located on 0 South Meadow Road, on Assessors Map 112, parcel 1-5 in Carver, MA to construct at 54-unit "pocket neighborhood style" Townhouse Development.

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Ms. Stearns and Ed Anglely, representing DPH Realty Trust

Ms. Stearns – Since we last met, we have received a supplemental response to the peer review. As we have gone through the final edits, I think we have accomplished what everyone wanted.

Mr. Cole – The Planning Staff conducted a technical review and Fuss & O'Neil did an engineering review. There are 8 waivers plus 2 additional. We received memo from all, including the Conservation Commission and the Fire Department. Approval has been given from all departments. Mr. Maki – Can we discuss the

memo? Ms. Stearns - 7 of the 8 waivers are covered in the rules and regulations. These are related to the driveways (they are pretty short); turning radius; and road length (1800') which will be cut in half due to emergency access. Mr. Cole - This is similar to the last development with road length. Curbing is also listed but Fuss & O'Neil has no issue with current design. The only other waiver has to do with Zoning By-Laws - We are adding lot lines for the wells that may impact building setbacks. We are not sure this is even needed but added it with an abundance of caution. Mr. Maki - Any questions or comments on the waivers? Mr. Hoffman - Some neighbors had concerns; were they addressed? Mr. Maki - The concerns at the site walk and drainage basin locations were addressed - they were reduced in size and moved away from residence in the the first plan. Ms. Stearns - I also met with two of the closest residents and did a site walk. They were both satisfied with no further comments. Ms. Bogart - Will you be phasing with construction? Ms. Stearns - Yes. We would like to add some final pieces, that we discussed with Fuss & O'Neil. We have proposed, with Sean from Fuss & O'Neil, a 3 phase process with general construction sequence. Ms. Bogart - What is the build-out time? Mr. Angley - 2-3 Years. Mr. Angley - It's likely that they will put the entire roadway in all at once. Ms. Stearns - There will be a lot of over-site with that. Ms. Bogart - Will you be clearing with the road all at once? Mr. Angley - No, we will not. We don't want to cut more than needed, at the time. Ms. Stearns - The emergency access road is proposed in Phase II. During the 1st phase no one will be living beyond that first 600' mark.

Motion to close the public hearing for DPH Realty Trust, 0 South Meadow Road: Mr. Sinclair:

Second: Mr. Robinson

Approved: Unanimous (5-0)

Roll Call - All Affirmative

Mr. Maki - Do we have a rough draft for conditions? Mr. Cole - Yes, we have 21 conditions and Sarah indicated 8 waivers but I have 10 waivers. Mr. Cole presented and read a list of the conditions to the Board.

Ms. Stearns - Could I ask for Logistical clarification for # 20 (Test Pits) - Is this just coordinating with the Planning Office rather than Planning Board/Public Hearing? Mr. Angley - The Health Agent has already determined that we have adequate soil. Ms. Stearns - We met with the Health Agent prior to the TRC to see if he would

require additional test pits; he was comfortable with what was there and felt it would not be necessary but if the Board would be more comfortable, we can. I just want to clarify that report be submitted to the Planning Administrator, rather than the Board. Mr. Maki - What testing have you done? Ms. Stearns - The tests were so uniform around the entire 30 acres. Mr. Maki - This is just for the basins? Ms. Stearns - Yes. Mr. Cole - If the Board approves I will change from "Board" to "Administrator." The Board had no issue.

Ten waivers were read, by Mr. Cole.

Ms. Stearns -

- 7.3.5E is no longer needed, due to revisions.
- 7.3.8 is no longer needed
- 7.3.9 is no longer needed

Ms. Stearns – We have one addition, within section 3961 of zoning by-Law; 40' buffer from the internal lot line.

Mr. Cole – I will add (waiver) Section 3961 for any landscaping and screening must be maintained in areas where buffers are determined to be less than 40'.

Ms. Bogart noted that #8, "Carver" was misspelled.

Motion to approve Proposal for, 0 South Meadow Road with conditions outlined tonight: Mr. Sinclair

Second: Ms. Bogart

Approved: Unanimous (5-0)

Roll Call - All Affirmative

- On the application of Borrego Solar Systems, Inc. requesting a Special Permit and Site Plan Review pursuant to Sections 3100, 3580 and 5300 of the Carver Zoning by-Law, located at 0 Wareham Street in Carver, MA (Assessors Map 134, 4-2) to allow a large scale ground mounted solar photovoltaic installation (LSGMSPI). The proposed project includes a proposed solar array and energy storage facility adjacent to an existing solar array, in accordance with the solar by-Law in a Residential / Agricultural District.

Ms. Stearns and Mr. Farkus, representing Borrego Solar Systems –

Mr. Maki – Some of us went on a site walk, with Sarah. This solar array is across the street from the landfill. It was way out into the woods. This particular site, no one would actually see the array. The adjacent land is owned by Makepeace. Some members of this Board were concerned with cutting the forest. After looking at it, there is a lot of forest that is dying off. In this particular case, it doesn't seem to be disturbing a good forest. This is a good place for the array.

Ms. Stearns and Mr. Farkus – Dec 6 Site visit. We are currently going through some revisions based on a memo from Fuss & O'Neil and comments from the Fire Department. We are in the midst of doing some redesign on storm water components on this site. We will need to work on recommendations and request a continuance.

Motion to continue public hearing for 0 Wareham Street to January 8, 2019 at 7:00 PM: Mr. Sinclair

Second: Ms. Bogart

Approved: Unanimous (5-0)

Roll call – All Affirmative.

- On the application of Borrego Solar Systems, Inc., requesting a Special Permit and Site Plan Review pursuant to Sections 3100, 3580 and 5300 of the Carver Zoning by-Law, located at 276 Federal Road, Carver, MA (Assessors Map 131-2-1 and 131-2-A) to allow a large scale ground mounted solar photovoltaic installation (LSGMSPI). The proposed project includes a proposed solar array and energy storage facility adjacent to an existing solar array, in accordance with the solar by-Law in a Residential / Agricultural District.

Mr. Farkus and Ms. Stearns, representing Borrego Solar Systems -

Mr. Maki – We did a site walk; it is adjacent to landfill and existing solar array. There was a concern by the Board about trees being cut. We noticed an area that was already cut for the existing array which will also be utilized for the new array. This is well off the road; you would have to stand on the landfill and look down to see it. Electrical components will be well off the road, as well.

Mr. Cole – Before proceeding, I would like to recommend that the Board close the Public Hearing and then reopen the Public Hearing. There was a procedural error; there were some abutters on the Wareham side that were only recently notified after last meeting. Closing and opening would satisfy the state statutes and notification requirements. Mr. Sinclair – That would be without prejudice?

Motion to close Public Hearing for 276 Federal Road: Mr. Sinclair

Second: Ms. Bogart

Approved: Unanimous (5-0)

Roll call - All Affirmative

Mr. Maki read the Public Hearing notice.

Ms. Stearns – Borrego Solar is proposing a 7 megawatt with battery storage. The area is property sited on AD Makepeace land. It complies with by-Laws. Closest abutter is in Wareham, approximately 700' away. We went through Conservation Commission and were issued an order of conditions about a month ago. Mr. Farkus was able to meet with Mr. Sinclair to look at a similar project in Winchendon MA. Mr. Cole has some photos to show. Mr. Sinclair – I want to thank you Mr. Farkus for meeting me out there. Mr. Cole presented photos. Mr. Sinclair noted the placement of the battery storage containers; additional equipment associated with the storage. This equipment locates and houses all battery storage. There is two on this particular site. I wanted you to see the elevation and location. The size of the plastic fence was 8' high. I couldn't see it from the street. I was there early to look; there were no residents close by. I wanted to show you the inside; there is fire suppression and notification. It also communicates if there is an issue. Mr. Farkus – We picked this site as it is so similar to what we are proposing here. Mr. Maki – Any questions? Ms. Bogart – It kind of reminds me of pump houses for cranberry bogs. I would love to see this to be more appealing; maybe look like an actual pump house. Mr. Sinclair – I had a similar concern; it's what I was expecting. I have since talked with the Fire Department (Germaine and Boyle.) I asked what hazards it would bring if we enclosed with a shed/metal building? They said it would cause additional challenges for the fire department if emergency services were needed. The look does match the solar site. If this was on route 58; that's a different story. With this site, we will not see it. Ms. Bogart – Regarding the trees, The Department of Energy has recommendations for foresting. I would like to see some conservation from this. Mr. Farkus – If we push more to the south to the dying trees, we lose the buffer.

Doing the project as proposed will help to keep the project screened. AD Makepeace has put over 1800 acres into Conservation over the years. If there are any specific areas that you would like us to work on in the community, we would be willing to participate. Ms. Bogart – They have done a lot but I would like to see more of Carver protected but it is not necessary that it be adjacent to this project. Mr. Cole – We did speak to the representative of applicant and there is a commitment for AD Makepeace and Borrego to contribute some monetary donation to replace some of the trees being removed (in alternate locations). This would be determined at a later time. I do caution the Board that this can not be a requirement. Mr. Farkus – We will stand behind our word. Mr. Maki – Until you clear that site, you won't know what is healthy or what is diseased. Mr. Farkus – We will send a qualified person to determine tree value. Ms. Bogart – What will the money get used for? Mr. Cole – I am not in a position to answer tonight; we need to get others involved. Remember, this can not be a condition of approval. Mr. Robinson – I am hoping that we can move forward with that. Mr. Cole – I would like to thank Mr. Robinson for his professionalism and knowledge in this area. He was instrumental in this.

Mr. Maki – Any questions?

Ms. Stearns – With this project we have gone back and forth with Fuss & O'Neil and have revised storm water report and provided all responses. We received a final memo from Fuss & O'Neil which states that all of their comments have been addressed. Mr. Cole – This project does comply with the zoning by-Laws.

Mr. Maki – Any audience members with questions? None heard.

Motion to close the public hearing: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (5-0)

Roll call - All Affirmative.

Conditions were read by Mr. Cole. Ms. Stearns – Comments regarding SWP – We will see it again as it is only draft until ready to construct. Mr. Farkus - #8 decommissioning amount is present day and added a 1.5% for each year. Is this current of future? We do have an estimate for you. Mr. Cole – I would be happy to take that. Mr. Farkus presented an estimate of \$139,386.05 which includes the 1.5% escalation of 20 years. Mr. Maki – Any comments on conditions? None heard.

Motion to approve project for Borrego Solar, 276 Federal Road with conditions outlined tonight: Mr. Sinclair

Second: Mr. Robinson

Approved: (4-1, Ms. Bogart)

Roll Call – Mr. Sinclair - Yes, Ms. Bogart - No, Mr. Maki - Yes, Mr. Robinson - Yes, Mr. Hoffman - Yes

- 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.

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

Mr. Cole – Received a request for the next meeting on January 8, 2019. We received the site plan application and it will appear on the January 8 agenda.

Motion to continue public hearing for 157 North Main Street to January 8, 2019 at 7:00 PM: Mr. Sinclair

Second: Ms. Bogart

Approved: Unanimous (5-0)

Roll call – all affirmative

- There were audience members present that received registered notice regarding a Public Hearing for Cranberry Point Energy Storage LLC, Requesting a special permit and site plan review. This will be on the agenda for the January 8, 2019 meeting. Mr. Cole will check to see if a new notice will be going out. The information was not complete so it could not be on the agenda this evening.

Other Business:

Planning Board Member Notes:

- Mr. Hoffman – Merry Christmas and Happy New Year!
- Mr. Maki – I wish everyone a merry Christmas and a Happy Hanukkah. As new solar projects come to us, they will each be a little different and we will need to look at them individually. Each one will need special consideration.
- Ms. Bogart – I heard there is a new business in town. We have a Barber Shop at 2 Montello Street, I want to wish them good luck! Stephen, I've seen 5 billboards on utility poles, who does that get reported to? Mr. Cole – I will take that information and pass it along.
- Mr. Robinson – Merry Christmas to all!
- Mr. Sinclair - I wish everyone a Happy Christmas and Happy Hanukkah! The site visit was great and I encourage everyone to review.

Planning Director Notes:

I would like to thank Cara Dahill for her indispensable help. You consistently contribute in a meaningful way. Merry Christmas to you all!

Minutes – November 13, 2018 and November 27, 2018

Mr. Cole – I did review the tape from the November 13 meeting. The recording secretary will add as quoted from recording. This is the section under Public Hearing for Borrego, 72 Center Street, additional comments:

Ms. Bogart – "I appreciate you turning to a local landscaper to work with, and I think its great you're working with the abutters that responded. But there's that one house on Center Street, um, that has what I think is probably the worst view of it, because the solar panels are facing their house. And I know that you've said, and you've concurred, um, that whoever lives there has been reached out to and hasn't responded, um so I don't see any kind of landscape plan for that. But I'm not sure that it's reasonable to expect a citizen to respond to something like that."

Motion to approve the minutes from November 13, 2018, as amended: Mr. Sinclair

Second: Ms. Bogart

Approved: Unanimous (5-0)

Roll call – All Affirmative

Motion to approve the minutes from November 27, 2018, as written: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (5-0)

Roll Call – All Affirmative

Next Meeting date:

The next meeting has been scheduled for January 8February 13,9 2018, at 7:00 PM

Adjournment:

Motion made to adjourn at 9:04 8:01 PM: Mr. SinclairSinclair

Second: Mr. Hoffman

Approved: Unanimous 5-0)

Roll Call – All Affirmative