



Approved 5/14/19

## Town of Carver, Office of Planning and Community Development

Planning Board Meeting Minutes, March 26, 2019, Carver Town Hall, Meeting Room #11. This meeting was videotaped for cable cast area 58, channel 15.

Attendees: Bruce Maki, Chairman; William Sinclair, Member; Jen Bogart, 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, Member James Hoffman;

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

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### Discussion and vote:

- On the application of Cranberry Point Energy Storage LLC, requesting a Special Permit and Site Plan Review pursuant to Sections 2230 of the Carver Zoning by-Law, located at 31R Main Street in Carver, MA (Assessors Map 61 10-0-R and 7-0-R) to allow a 150 megawatt battery storage facility in a Residential / Agricultural District.

Mr. Cole – At our last meeting the Board voted to close public hearing and move to discussion and possible vote for this evening. There are four waivers requested. Fuss & O'Neill has indicated that we should grant these.

Mr. Cole read the letter from Lynn Doyle, dated March 26, 2019

Ms. Bogart questioned dates on Page 2 – Should be March and July respectively.

There are 21 Conditions -

1. Prior to the issuance of an Electrical Permit, the applicant shall develop an Emergency Response Plan (ERP), with input and approval from the Carver Fire Department. The ERP will include best practices for fire suppression, professional development and training for Carver Fire Department personnel, specialized equipment and/or any apparatus that may be necessary to mitigate fire hazard on site. The ERP will include the methods for collection, testing and disposal of water used to suppress a fire that comes into contact with the lithium-ion cells.
2. The ERP will include the contact information for two (2) responsible site managers.

3. Prior to the facility going on-line, funding shall be provided by the applicant, directed towards emergency equipment and training, to help mitigate any potential hazards. These funds will be directed towards the purchase of smaller emergency fire vehicles/necessary fire equipment, specifically to assist the town in mitigating fire hazards, accessing, rescuing, and removing people in danger in the remote areas of the site, that do not meet access standards. The funding amount and mechanism for needed emergency equipment, utilized by the Fire Department, will be finalized by the Town Administrator.
4. The BESS shall be installed in accordance with MA 527 CMR 1.00, Chapter 52, Stationary Storage Battery Systems. This includes, but is not limited to: 52.3.10, an approved, supervised smoke detection/fire alarm system; 52.3.2, a Thermal runaway system; and 52.3.7, a temperature maintained operating environment.
5. A local disconnect shall be installed.
6. All access roads shall be constructed of an all-weather surface 12' wide, and be cleared of obstructions on both sides by at least 2'. The vertical clearance shall be a minimum of 16'. All gated access points should have the ability to accommodate a CFD supplied padlock or a "Supra" key safe, which must be installed at the expense of the developer. Specifications and ordering information for order the "Supra" box will be provided by CFD upon request.
7. The applicant shall submit and maintain ground fuels manicuring and maintenance schedule. Manicuring of ground fuels should occur twice per year, at a minimum, during the "growing season."
8. Prior to the issuance of a Building Permit, the applicant shall inform the Planning Administrator and Carver Fire Department which manufacturer has been selected to provide the technology for the development.
9. Components of the Carver public safety radio system is located adjacent to the project site. The applicant shall provide to CFD evidence that the BESS will not create radio interference with this mission critical infrastructure.
10. The design of the fire suppression system shall be in accordance with all applicable codes and requirements, including NFPA 70, NFPA 72, NFPA 855, MA 527 CMR 1.00 and UL 9540. These systems shall be approved by the Carver Fire Department.
11. Site shall be screened with a vegetative barrier or fencing on all sides of the project site in order to adequately prevent abutters from reasonably being visibly impacted by the development site.
12. Prior to the issuance of a Building Permit, a true copy of the recorded decision, as registered at the Plymouth Co. Registry of Deeds shall be submitted to the Board.
13. The project must be constructed as approved in the Site Plan. Any other revisions will require approval from the Board as a Modification of this decision.
14. Prior to the issuance of a Building Permit, the applicant shall submit site signage information, including details and locations.
15. Applicant must submit updated Operation and Maintenance Plan, including revisions outlined in memo provided by Fuss & O'Neill dated March 8, 2019.
16. Applicant must submit updated SWPPP, including revisions outlined in Fuss & O'Neill's memo dated March 8, 2019
17. Applicant shall submit estimate of construction costs to the Planning Administrator.

18. Prior to the issuance of an Electrical Permit, the applicant shall provide the Board with a decommissioning bond in an amount to be negotiated by the Town Administrator to run with the life of the project.
19. Prior to the issuance of an Electrical Permit, applicant will submit photometric analysis showing locations, height, orientation, color and type of lighting.
20. The applicant is responsible for the proper operation and maintenance of the site. During construction sedimentation and soil erosion controls shall be installed, repaired and supplemented as needed. Dust control is required during construction and the roadway apron is to be kept swept and clear of any dust, dirt or debris.
21. Any outstanding balance of the Review and Inspections Deposit Account shall be paid prior to the issuance of a Certificate of Use and Occupancy.

There are 4 waivers –

1. Applicant requests a waiver for providing open space.
2. Applicant requests a waiver for designating permanent parking, loading areas and walkways.
3. Applicant requests a waiver for providing on-site landscaping.
4. Applicant requests a waiver for providing traffic plan. A waiver does not apply to the trip generation during construction.

Discussion:

*Condition 3 -*

Mr. Sinclair– Id' like to add "and approved by the Planning Board". I don't have an issue with others negotiating but we need to be the final say. Ms. Bogart – I would like to remove the word "smaller"

*Condition 5 –*

Mr. Sinclair – Clarity of the type of disconnect. Mr. Cole – Jesse Boyle is here and can speak to that. Mr. Boyle – Initially a lot of these comments were for the shipping container proposal. We haven't been made aware of the exact product. Mr. Sinclair – This is electrical disconnection? Mr. Boyle – Yes. Mr. Sinclair – that needs to be clearer in the conditions. Mr. Boyle – We had some additional conditions that don't appear in the list of conditions read. Mr. Cole – Can you tell me the date? Mr. Boyle provided the list to Mr. Cole.

Mr. Boyle read his additional condition to the Board.

- Hiring a Fire Protection Engineer, to act as the assistant to the Deputy Fire Chief – This was not listed in the conditions and I feel it needs to be a part of the conditions of the project. Mr. Boyle provided a copy of the language to Mr. Cole.

#### *Condition 18*

Mr. Sinclair – Insert in the last paragraph “and approved by the Planning Board”. Mr. Milanoski – On that item; that really falls on your permit; I’ve never been involved and don’t need to be involved. When it comes to department, the Fire department is an operational issue. Mr. Sinclair – I welcome your expertise on negotiation but just want the Planning Board to approve. Mr. Boyle noted that the amended conditions were emailed to Mr. Cole.

Lawrence Whittaker, Co-Counsel – Wanted it noted that the Alternate Board Member, was present at all meetings. Ms. Dahill confirmed that she was in all meetings.

#### *Condition 19 –*

Ms. Bogart – Add, “also be vetted and approved by this Board.” Mr. Maki – I thought we weren’t going with photometric for this as it is more applicable to parking lots. This really isn’t necessary for this. There aren’t any houses for 1,000 or more feet. If the lights are shielded, they shouldn’t be shining on any homes. Ms. Bogart – Since the last meeting, I have found that the applicant has responded to the Energy Facilities Sitting Board. Mr. Maki – We could condition it to see the type of light fixture/shield and the light it throws out. Mr. Cole – Is the language in Condition 19 acceptable? Mr. Maki – Yes, I think that covers it. Mr. Sinclair – Yes, it is acceptable.

#### *Condition 11-*

Ms. Bogart – I am concerned about the use of the word “abutters” because those on Atwood St. who may see the project are not direct abutters. Mr. Maki – our by-Law says that those are the people we are concerned about. First we have to see what the site will look like. We will have screening and a fence there. These people are much further away than 600 feet. We did have money that was donated, for trees. Mr. Sinclair – I think that condition covers it. Mr. Cole – I believe it was Alex (from ENEL) who contributed an additional \$10,000 in case someone is visually impacted. Ms. Bogart – Can we put that dollar amount instead of “additional funds?” Things that were discussed but not in the conditions may not be adhered to. The term “abutter” does not cover those indirect abutters who, per the applicant are only 400-500 feet away. Ms. Bogart read from section 3200 of the Zoning by-Laws. Mr. Maki – We did talk about trees; there will be enough money to take care of this lot, if necessary. Does anyone else feel that this needs to be changed? None heard.

Ms. Bogart – Mr. Garfield, I would like to thank you for the respect you have shown us. In the state report, there were a lot of questions asked. The actual construction of the building, how long will it take? Hours of operation? Mr. Sinclair stopped discussion to state that the Public Hearing is closed. Mr. Cole – If this is new information, we should not discuss, unless it is recommendations for conditions. Ms. Bogart – We may need to condition how many truck trips and days/times of operation. We may also need to address noise. These should be conditioned. Hours – as they told the state, should be 7-4. Mr. Sinclair – So you want to use the state document you found? Ms. Bogart – Yes. Mr. Sinclair – After the Public Hearing was closed? Ms. Bogart – Yes. Mr. Sinclair – But now the applicant doesn’t have the ability to properly respond to anything brought up. Ms. Bogart – Can we reopen the

Public Hearing? This report gives a lot of information; the document wasn't available prior to the last meeting. Mr. Sinclair – Based on the information that was provided to this Board, the will of this Board was to close the Public Hearing. Now that you found new information you want to add this. Mr. Milanoski – I think at the last meeting, when town counsel here, town counsel advised the Board that each group has their responsibility. You have in front of you the public record that was released; which is what you are looking at. There will be other permits down the road that other groups have to handle. This Board closed the hearing at the last meeting. If you take this new information and present now, that could cause issue for the town. This information was not of public record. I am not saying it's not important but it now falls under the state permit process.

Ms. Bogart – I am not trying to get the town in trouble but I don't understand how we can't reopen the Public Hearing. Mr. Garfield had said that they expect a long list of conditions. We have new information before us but we are not allowed to consider it? Mr. Maki – Unfortunately, we can not legally do that. Mr. Sinclair – It is one of the waivers that they requested. Mr. Maki – Anything else? Ms. Bogart – I'm disappointed that none of us discussed the construction. Ms. Bogart - The rendering would have been very valuable to have and would have answered most of the questions. Mr. Maki – The rendering is not required by the by-Law and was anticipated to take 4-6 weeks. Ms. Bogart – They told the state they would come up with before and after renderings. We don't have a by-Law for Battery Energy Storage Facilities. Mr. Maki – This is under the Ground-Mounted Solar by-Law. Mr. Cole – We are here to discuss the conditions tonight. Ms. Bogart – We could condition these things. Mr. Robinson – Mr. Maki, is there any way you could ask for a vote on this, based on what we have already worked on? Ms. Bogart - Does it address the Fuss & O'Neill recommendation on final slab #1 – (March 8 final memo). Mr. Cole – I had already spoken to the Building Commissioner and he indicated that it was already going to be done.

*Motion to vote on conditions, with amendments: Mr. Robinson*

*Second: Mr. Sinclair*

*Approved: 4-1(Ms. Bogart)*

Mr. Maki – Thanked Attorney Whittaker for working with the Town and the Town Planner on this.

#### Public Hearing – (continued):

- On the application of David Mulcahy, 1929 Development, LLC of Kingston, requesting a Special Permit and 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

Mr. Cole – There was a request from the applicant to continue. Mr. Sinclair – How many times have we continued this application? Mr. Cole – 4 or 5 but some of those were issue with having a full Board.

*Motion to continue the Public Hearing for David Mulcahy, 157 North Main Street to April 23, 2019, at 7:00: Mr. Sinclair*  
*Second: Ms. Bogart*  
*Approved: Unanimous (4-0)*

- On the application of RPBP, LLC requesting approval of a Definitive Subdivision Plan pursuant to the Carver Rules and Regulations Governing and Subdivision of Land for Property located on "Spring Street", on Assessors Map 32, Parcels 3,5-E, 5-AN, 6-EN, 6-DN, 6-CN, 6-BN and 6-A in Carver, MA showing 6 proposed lots associated with 10 mixed use office/storage buildings and 9 storage buildings located in the Spring Street Innovation Zoning District.

Mr. Cole – I received a request from applicant to continue the Public Hearing. Fuss & O'Neill has also not fully vetted and the applicant has not appeared before the Conservation Commission.

*Motion to continue Public Hearing for RPBP, LLC to April 23, 2019 at 7:00 PM: Mr. Sinclair*  
*Second: Ms. Bogart*  
*Approved: Unanimous (4-0)*

#### Other Business

##### Planning Board Member Notes:

- Mr. Sinclair – Nothing tonight
- Mr. Maki –
- Ms. Bogart – A women reached out on social media that none of the 2019 meeting minutes are posted yet.  
Mr. Cole – I wasn't aware of that. I will investigate that.
- Mr. Robinson –

##### Planning Director Notes:

Thank you all for your hard work and time. We couldn't do it without you.

*Minutes – March 12, 2019 and Zoning Amendment Meeting Minutes – February 26, March 5 and March 12, 2019*

Ms. Bogart – We have just received these and I would like time to look at them. Can we table them to next meeting?

*Motion to table all minutes until April 23, 2019: Mr. Sinclair*

*Second: Mr. Robinson*

*Approved: Unanimous (4-0)*

*Next Meeting date:*

The next meeting has been scheduled for April 23February 13,2019 at 2018, at 7:00 PM

**Adjournment:**

*Motion made to adjourn at 8:07 8:01 PM: Mr. SinclairSinclair*

*Second: Ms. Bogart*

*Approved: Unanimous 4-0)*