



Approved 8/27/19

Town of Carver, Office of Planning and Community Development

Planning Board Meeting Minutes, August 13, 2019, Carver Town Hall, Meeting Room #11. This meeting was videotaped by cable cast area 58, channel 15.

Attendees: Bruce Maki, Chairman; James Hoffman, Member; William Sinclair, Member; Kevin Robinson, Member; James HJen Bogart, Member Kevin Robinson

Also Present: Jim Walsh, Planning Director; Andy Glimes, Fuss and O'Neil

Absent:

Bruce Maki, Chairman, opened the meeting at 7:01 7:00 PM, followed by the pledge of allegiance.

Minor Modification:

- Patriot Pines – Off South Meadow Road, Phase 1 – road and drainage updates

Mr. Walsh – We do have Andy Glimes, Engineer Consultant for the Town of Carver, with us tonight

Jim Bristol, Patriot Pines and Sarah Stearns from Beals and Thomas – This is a 55 and over, 54-unit town house development. Since we last spoke the property has changed hands; Mr. Bristol is now the owner. We are in the process of refining the plan closer to Mr. Bristol's other development. Everything has been sent to Fuss and O'Neil. We received comments and made a few revisions. We have been working with them and the fire department. One of the issues was modifying one of the shared driveways resulting in a small cul-de-sac. Mr. Glimes – The latest responses from Beals and Thomas address most of our comments. The access to the shared driveway - I would recommend that it be considered a dead end street. Is there adequate access for the fire department? The applicant is currently proposing another shared driveway. This Fairway Landing one should be designated as a street. This street has fire suppression. There is not a clear cut definition on how many units can have a shared driveway but I feel it meets bylaws for a street. Ms. Stearns – The orientation of the circular way for Fairway is essentially the same. The only change was to the first cluster of houses. The fire department did not have issue a year ago. Mr. Walsh – read a letter from Jesse Boyle, Assistant Deputy Chief. Eagle Way – the cul-de-sac does not conform and falls short of requirements. At what point does a shared driveway become a roadway? We request that the Board not make a decision on this modification until a resolution can be reached.

Ms. Stearns – "Eagle Way" was removed to avoid confusion with road definition. The Fire Department felt it was better to leave it unnamed. We will have visible markers. Mr. Maki – to Andy – The loop road Fairway, if its changed to a road would it stay the same size? Mr. Glimes – There wouldn't be any required modifications. Mr. Walsh – Andy do you have any specifics? Mr. Glimes – The curb Radius – We wanted the applicant to discuss with Jesse. The applicant made the changes and they are compliant with subdivision regulations. Mr. Sinclair – I would

like to recognize the fire departments concern and would like to defer to them for making a decision on this. Mr. Hoffman – The reconfiguration for the first parcel – its not going toward the neighbors? Ms. Stearns – No. Everything is in the same footprint. This is just a reminder; this is just for the first phase (the phase closest to South Meadow Road.) Mr. Robinson – As far as Jesse is concerned, what is "Just short"? Ms. Stearns – He's referring to the roadway regulations. Mr. Robinson – If they need more to get their apparatus in there, can you do that? Ms. Stearns – We are kind of out of room right now; we would have to move some houses out to accommodate that large of a turnaround. Mr. Robinson – I think we need to make sure that the equipment can get in there. Would it be easier to move back the houses? Ms. Stearns – We are happy to continue working with him. Mr. Robinson – Is there a hydrant? Ms. Stearns – Yes, that has not changed from what was previously approved. We will come up with an answer. The site is under construction; we are trying to keep the conversation going on this. We will make sure that Jim and Andy are kept in the loop. Mr. Maki – Yes, continue to work with Fuss and O'Neil and the Fire Department. We will revisit at our next meeting. Mr. Bristol – Introduced himself to the Board. I am excited for this project. We look forward to a resolution and moving it forward.

Motion to continue to August 27, 2019 at 7:00 PM, for Patriot Pines: Mr. Sinclair

Second: Mr. Robinson

Approved: Unanimous (5-0)

Public Hearings:

- Requested Continuance to August 27, 2019 meeting date:

On the application of Bayberry Dunes, LLC, requesting a Site Plan Review pursuant to Sections 3100 of the Carver Zoning by-Law, located at North Main Street and Lillian Way, in Carver, MA (Assessors Map 49, Lot 62-2) to construct 2 commercial buildings (13,200 sq. ft.). The proposed building use will be wholesale, warehouse and distribution in the General Business District.

Motion to continue the public hearing for Bayberry Dunes, LLC, to August 27, 2019 at 7:00 PM: Mr. Sinclair

Second: Ms. Bogart

Approved: Unanimous (5-0)

- On the application of NextSun Energy, LLC, requesting a Special Permit and Site Plan Review pursuant to Sections 3100, 3580.60 and 5300 of the Carver Zoning by-Law, located at 0, 340/342 Tremont Street and 65 Wareham Street, Carver, MA (Assessors Map 127, Lots 10, 12, 21) to allow the construction and operation of a dual use, large ground mounted solar photovoltaic installation (LSGMSPI) and appurtenant equipment and interconnection in accordance with the solar by-Law in a Residential / Agricultural and Industrial "A" District.

Representing NextSun Energy, LLC - Sarah Stearns –

Ms. Stearns - We had site visits in July. Fuss and O'Neil has reviewed our supplemental package and has given us a comment letter. There a few items to address, primarily on the plans. The plans are, right now, stamped "in progress". When finalized, the Board will have a final. Ms. Stearns provided a copy of the FAA advisory circular 4/24/2012 re: heliport design to Mr. Walsh. Ms. Stearns – The battery storage was originally proposed on the

Wainio property. The battery storage has now been divided up to each of the 3 properties. Mr. Maki – Let's have Andy detail his concerns. Ms. Stearns distributed current plans. Mr. Maki – Everyone had a site walk except for Mr. Sinclair.

Andy –

Most comments have been addressed.

- o We do have some recommendations for conditions and one waiver
- o We recommend approval of the overhead wire
- o The plan set has a couple of minor items –
 - Ms. Stearns – The distance between panels and dimension? Andy – You included dimensions from property line to panels; it would be beneficial to see each row and between tables. Mr. Schumacher – It is 21' on center and uniform in the project.
- o We wanted the Board to receive a signoff from the fire department as well. Add a condition that the fire department gets an opportunity to inspect when project is complete.
- o Storm water management – no concerns but don't agree with watershed map that is delineated.
 - The abutter comment 43 Myles Standish Drive – We have reviewed and reached out to FAA to get their input on the matter. The FAA wasn't able to make a determination as it's not a charted heliport. The applicant can go through that process, but I am not sure what that entails. We did review the documentation that was submitted; our opinion is that they made a strong effort to address the abutters concerns. We don't have an exact flight path that the abutter would use. The applicant has indicated that the panels include an antireflective coating on them. The FAA doesn't restrict development within 280' buffer zone. Developing the site with the panels does restrict the abutter but there are no FAA regulations to change this. Our findings are in our letter dated August 7th.

Mr. Maki – We walked the site. As we were looking at it, there was a concern of how far the helicopter was from the bog. We did see electrical lines and antennae and gas facility out there. I wanted to make sure the landing area was safe. You are also doing some fencing and berming on Tremont Street; this is not in our by-Laws but you are doing it for visibility.

Ms. Stearns – 280' is the number Fuss and O'Neil got from their research. The distance we have is 500+ feet. The is only one point in the project that is visible on Tremont Street, we are proposing a solid fence and berms with plantings. Ms. Stearns presented some drawings to the Board.

Mr. Maki – Anything else from the Board? Mr. Sinclair – We went from one battery storage to three? Ms. Stearns – yes, it was split it up. Mr. Sinclair – Where does it go from pole to underground? NextSun Energy Rep – We had to split it up because of the voltage drop with longer runs. Once it's out of the bog, its underground to the battery storage then it's overhead to the interconnection of the grid. Mr. Sinclair – By separating the inverters, have you increased the number of poles? NextSun Energy Rep – Yes, going from Weston to Wainio, 10 poles and 15 poles to the other. I will double check the exact numbers. Mr. Sinclair – The proposed plantings – What's the affect on the Berry Guys Market and parking lot? Ms. Stearns – Nothing will be planted in front of them. The

business will continue to operate. Mr. Sinclair – I am concerned about site distance. Ms. Stearns – No impact to site distance.

Ms. Bogart – The intent of the solar by-law is 100 % screening. Are the trees higher than the top of the panels?

Ms. Stearns – The trees won't be mature for a number of years. What we are showing you is 8' fencing; we could go up to 10'. The panels are 13' at maximum angle, over a distance. Ms. Bogart – My concern is that is should be adequate at the construction phase, not 10 years from now. Andy – We should note that even that the fence is not at the same level of the panels, it could still adequately screen due to angle and site line. We could have them review by the site line from the roadway. Ms. Stearns – We would be happy to do a visual from a couple of points from Tremont Street. We will prepare that exhibit for the Board to see. Mr. Hoffman – The bogs are already below street level, you are on route 58, the bog is typically 2 feet below street level? Ms. Stearns – Yes, some places are 5 feet. Mr. Hoffman – The plantings will be in front of the fence. Mr. Robinson – There is also an existing tree line there behind the front bog? Ms. Stearns – Yes, very densely treed; you can't see anything beyond the front bog. Mr. Hoffman – On the new electric lines – are they anywhere near the overhead lines? NextSun Energy Rep – They come out of the inverter pad to the existing line which they parallel and go to the south. They are no closer than the existing line. Mr. Walsh – The road coming out of the concrete plant – How far back is the new plantings? Site line? Ms. Stearns – The fence will not be in the line of site. Mr. Walsh – could you have site distance re: fence coming in and out of the concrete road for our next meeting? Ms. Stearns – Yes. We will do that. Mr. Maki – Any questions from the audience?

Mr. Jim Dahill, 43 Myles Standish Drive –

I tried to give information to Mr. Walsh, he wouldn't take my report. I would have appreciated an invite to the site walk so I could show you my concerns. I wanted to get a glaze analysis report from the FAA; Andy said it was done. I want to see it. Ms. Stearns is not talking to me. Mr. Maki – The site walk is not open to the public, which is why we didn't reach out to you. We are not trying to avoid you; we want you to talk to us and give us your info. Mr. Dahill – I want to know who did the glaze analysis and I want to see a copy. I showed Adam my concerns but nothing. Once these properties get sold and they move on we are all going to get stuck with it. We are going to have an encephalitis issue; no one is going to be maintaining these swamps. You have to address this now. I have kids coming over in September to work with the school for helicopters. Can you imagine what my insurance bill is going to be, flying over an electrical grid. Mr. Maki – We will certainly look over your concerns. Mr. Dahill – These people aren't calling me back. Mr. Maki – You can give the information to me or Jim. Mr. Dahill – I get FAA inspections twice a year; I am grandfathered in. I have been here for 30 years! Mr. Maki – We will look into it. This is privately owned land; we can only follow the laws and regulations. We don't want to put you out of business. Mr. Dahill – I am very concerned for the new kids learning how to fly; this will take them off guard. Mr. Maki – I will make sure that this is looked at for you. Mr. Walsh – Mr. Dahill did give me information that I passed on to your peer review consultant for review. Mr. Dahill gave a copy of information to Mr. Maki.

No more questions heard.

Mr. Maki – I would like to continue looking at this. This meeting will be continued; I will not be here on August 27 but will be here on September 10. NextSun Energy Rep – I think that we should probably continue this until September 10, 2019 so that we can have a full Board. Ms. Stearns – We will put together a formal response as well.

Motion to continue the public hearing for Nextsun Energy, LLC, Tremont Street and Wareham street, to September 10, 2019 at 7:00 PM: Mr. Sinclair
Second: Mr. Robinson
Approved: Unanimous (5-0)

Public Hearing:

- On the application of Commerce Way Realty Trust, Vittorio M. Artiano, Jr., Trustee, 6 Commerce Way, Carver, requesting Site Plan Review under Section 3100 of the Carver Zoning by-Law, located at Lot 2 Commerce Way (Assessor's Map 21, Lot 2-2) to construct a new 2,730 sq. ft. building for warehouse and storage use in an Industrial B Zoning District.

Representing Commerce Way Realty Trust - Gregory Morse, Engineering and Buzz Artiano

Mr. Morse – the lot is about 3.7 acres in size. Lot 2 has 4 buildings on it. We are proposing to add a 5th building that will be a warehouse building. The topography – drainage toward Plymouth street; there are two detention basins at the bottom of the site. Currently it is a gravel storage area. We sought a variance for a setback of 8 feet, through the Zoning Board.

Mr. Artiano – I developed in 2005. The last building was built about 3 years ago. My primary business is Rebuildex. I am running out of room and need to get some equipment inside a climate controlled environment. This is strictly to house equipment for my business. Mr. Artiano presented the Board with a plan.

Mr. Maki – With the stuff that is outside; it would be nice to have a building to store it. Mr. Artiano – It will help with being able to find everything I need. Mr. Maki – Have you talked with the Fire Department? Mr. Artiano – Yes, there were no issues. Andy – I did not do the review personally, but all issues have been addressed. The planting plan has not been implemented yet; an updated plan has been submitted. Mr. Artiano – Some of the plants have died. We do maintain the slopes. It's clean, no rubbish, grass is mowed. The front is well planted. We did lose a couple trees last year; we will replant those this fall. A guard rail was hit the other day; no one knows who takes care of that so I ordered a new guardrail. Mr. Sinclair – Mr. Artiano has been coming in for many years. Housing his equipment in a building is a great idea. Any types of plantings will be taken care of by Buzz. I have no issue with this. Ms. Bogart – I appreciate you submitting the drone images. It makes it more tangible. Mr. Maki – From 44 and the street you enter, it looks nice. This just cleans up the area out back. Mr. Hoffman – Any additional lighting? Mr. Artiano – Just two wall packs, you won't see them.

Motion to close the public hearing: Mr. Sinclair
Second: Mr. Hoffman
Approved: Unanimous (5-0)

Motion to approve the application for Commerce Way Realty Trust, with conditions to be approved at the next meeting: Mr. Sinclair
Second: Mr. Hoffman

Mr. Walsh – I will meet with Andy and we will approve conditions at the next meeting

Informal Discussion:

SunRaise Development, LLC – Proposed +5 megawatt (MW), large – scale ground mounted solar project

Representing SunRaise Development, LLC – Sarah Stearns, Beals and Thomas

You can see there are many issues in the cranberry industry right now. All of the growers that I have spoken with are not excited to be in this position but it is a reality.

This is a 215-acre parcel on Forest and Fuller street, with access on Fuller Street. The bogs are labeled bog 1 and bog 2. Those pieces are well insulated in the property and surrounded by wooded area. The frontage is on Fuller Street and comes in at 40'. By-Laws say 150'. The access road is paved and on Fuller Street. We understand that we would need a variance from ZBA, for relief from section 2230. Mr. Maki – We did have a project a couple of years ago that couldn't get a permit for lack of adequate frontage. Mr. Sinclair – This a little different as this project does have some frontage where the one a couple of years ago didn't have any frontage. Ms. Stearns – I really just want to keep this Board in the loop. Mr. Sinclair – If the site becomes a viable site, the only way you can come to us is by being turned down by the Building Commissioner and applying for relief through the ZBA. Mr. Walsh – I did talk to our legal counsel and they confirmed the frontage requirement is based on the district, in this case Residential Agricultural which is 150'. We could address this in the by-Laws at the next town meeting.

Other Business

Planning Board Member Notes:

- Ms. Bogart –
- Mr. Robinson –
- Mr. Maki –
- Mr. Hoffman –
- Mr. Sinclair – Thank you to everyone who was able to do that site walk, without me.

Planning Director Notes:

Mr. Walsh –

- Planning Board Member Training is tentatively scheduled for Sept 10, before the meeting at 6:00 PM – I will confirm with KP Law.
- Nathan Borgess – 67 Main Street
Mr. Borgess – Licensed Contractor – We have Unit 1 ready for occupancy and have permission for the next 3 units. Each unit is connected by a roof in the center. The original plans had a doorway from garage to garage. The plans never accounted for when they change to the next house. We are seeking a variance to remove the door at garage, out to deck. There are still 2 points of egress. Mr. Maki – There are 6 now? Single family? Mr. Borgess – Yes. Mr. Borgess reviewed the plan with the Board. Mr. Walsh will put this information in writing for the file. Mr. Sinclair – Would the Board want to wait for language for the minor modification? Mr. Maki – Yes, let's do that. There are a total of 8 doors (2 at each overhang).
- Mr. Fuller owns the B&B on 170 Plymouth Street. He has recently decided to reopen this business. He needs to get a special permit and subsequent years, come back for a renewal for the special permit.

Minutes of July 23, 2019

Motion to approve the minutes of July 23, 2019, as amended: Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous (5-0)

Next Meeting date:

Our next meeting will be on August 27, 2019 at 7:00 PM

Adjournment:

Motion made to adjourn at 9:23 PM: Mr. RobinsonSinclair

Second: Mr. Sinclair

Approved: Unanimous (5-0)