



approved 10/22/19

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

Planning Board Meeting Minutes, September 24, 2019, Carver Town Hall, Meeting Room #1. This meeting was videotaped by cable cast area 58, channel 15.

Attendees: Bruce Maki, Chairman; William Sinclair, Member; James Hoffman, Member; Kevin Robinson (7:15 PM), Member; Jen Bogart, Member

Also Present: Jim Walsh, Planning Director

Absent:

Bruce Maki, Chairman, opened the meeting at 7:08 PM, followed by the pledge of allegiance.

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### Sign Permit:

ViewPoint Sign, 74 Main Street, North Easton Savings Bank –

Bart Steele, ViewPoint Sign and Awning – Representing Mutual/North Easton Savings. On November 4, the banks will be merging and the logo will be changing. The freestanding sign will be refaced with the new copy. It will echo what is existing. On the gable, we will take off old letter and put up new letters. The sign facing the parking lot is not illuminated but slight increase in size to accommodate the increase in name size.

Mr. Walsh – This is just changing the content of the signs; I think they are good. Mr. Maki – Any questions from the Board? None heard.

*Motion to approve the sign permit for 74 Main St, as presented, with a building permit: Mr. Sinclair*

*Second: Mr. Hoffman*

*Approved: Unanimous (4-0)*

Mr. Maki - Meeting will be taken out of order as Mr. Robinson is running late. We will go to Bayberry Dunes at this time.

### Discussion and Possible Vote:

- On the application of the Town of Carver Police Station Advisory Committee, requesting Site Plan Review pursuant to Section 3100 of the Carver Zoning by-Law for property located at 3 Center Street, on Assessors Map 103, Parcel 11-C-E, containing 67,257 sq. ft. and a portion of Map 103, Lot 11, in Carver, Ma in order to construct a new single-story, 12,000 sq. ft. Police Station building, including a carport and a 2,400 sq. ft. accessory building. The project will entail construction of a new driveway access from Center Street to a rear, fenced Police parking lot, containing 29 parking spaces; the widening of the existing library exit driveway into a two-way driveway; and the

construction of 18 new public parking spaces on the southerly side of the new Police Station. The project will also include development of a new septic system, drainage system and water service connection to the existing town well on site. Also, a generator, radio tower and dumpsters will be installed. The project is located in the Village (V) Zoning District.

Representing the Town of Carver Police Station Advisory Committee, Nathan Ketchel and Tom Linden –

Mr. Maki – We closed the public hearing at our last meeting. We can discuss the conditions tonight.

Ms. Bogart – The bicycle racks? I think this is imperative. Mr. Linden – They are now incorporated.

Mr. Sinclair – I will be using the Mullin rule on this and will be voting tonight

Mr. Ketchel – Flagpoles and bike racks will now be incorporated. Ms. Bogart – #5 on 9/10/19 memo – Entrance on Center and Main St. Mr. Linden – His concerns included the new two-way access and traffic flow at that intersection. Mass DOT would have to be involved with a redesign of that intersection. Mr. Milanoski – A parallel project will be happening with our Operations and Maintenance and Chapter 90 funds. We will come in and make some adjustments with this intersection but it will be separate from this project. Ms. Bogart – 18 new parking spaces on the southern side? Do all the spaces remain that are behind the playground? Mr. Linden – You won't lose any; they are all still there. Mr. Walsh – You will lose 2-3 for emergency access to the station. Mr. Linden – The angled striped parking behind the library would need to be re-lined by the town to make it a two-way road. Mr. Linden – We are requesting a few waivers; they mostly pertain to landscaping and parking lot –

- o Trees would hide a building that wants to be noticed
- o Islands in the parking lot would not function well for the police station
- o Planting on three sides – already heavily wooded on two sides
- o Sign permit approval will come in when designed (already a condition)

Mr. Walsh read the complete list of conditions.

Mr. Ketchel – The Fire Department letter and fire protection – The campus fire protection system is back in the scope of this project. Mr. Maki – Has this been reviewed by Fuss & O'Neil? Mr. Ketchel – It was submitted but no comment. Mr. Walsh – It's usually deferred to the Fire Department. Mr. Milanoski – By reconfiguring it this way it will be able to handle the library should the need arise. This will also allow the Fire Department access to fill their trucks. We would be able to run a campus fire suppression system off of this. This is done with the Fire Departments full blessing, support and design. Mr. Ketchel – At the last meeting it was asked the height of existing lighting poles; the existing lighting poles are 20'. Mr. Sinclair – I would like to thank everyone for all the hard work on this project.

*Motion to approve the application from the Town of Carver Police Station Advisory Committee, as presented with conditions: Mr. Sinclair  
Second: Mr. Robinson  
Approved: Unanimous (5-0)*

### Continued Public Hearings:

- 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.

Sarah Stearns, Beals and Thomas and Adam Schumacher from NextSun Energy along with three land owners associated with the project.

We have received supplemental comments from the Fire Department and Fuss and O'Neil. We received a final memo from peer review stating all issues were addressed. I drove, very slowly, on Tremont Street and took a series of photos to give a feel for what the site will look like from the travel way. The elevation change is very dramatic. We also superimposed what an 8' fence will look like. Sarah presented the photos to the Board and audience. Mr. Sinclair had asked about utility poles – We prepared an exhibit showing where the utility lines would be. Sarah showed the plan to Mr. Sinclair. Most of what you see here is invisible from the street. Mr. Schumacher – Overhead lines are restricted to inverted pad to inverted pad. Everything else is underground. Mr. Sinclair – My biggest concern with the overhead wires was with an abutter and flight issues. Mr. Schumacher – We are not putting any additional poles in the way of the flight path. Ms. Stearns – There was a question on our planting plan and site distance and exiting and entering to/from the Berry Guys. We did a site distance exercise on this. Even with the plantings there are site distances in excess of 500-750' from all access points. Mr. Sinclair – Thank you, I think that the public needs to understand that we are looking out for the safety of people coming in and out. Ms. Stearns – I feel that at this point we have addressed all concerns. We are doing this project to help diversify income for Carver's Cranberry Growers. This won't work for everyone, however, this particular site checked all of the boxes for dual use.

Mike Wainio – It humbles me to sit here and explain the economics of the Cranberry bogs today. I got into this business when things were good; things have changed. In 2019, we are only getting \$13. It's about \$35 per barrel to break even. What we are getting now is what growers were getting in the early 50's. Growers are getting better at growing but supply and demand is out of whack. The only thing that will save me is solar. Massachusetts has the oldest growers nationally. This is the way of the future. We tested it and were pleased with the same color and crop as the rest of them.

Eric Weston – It is important to the financial liability of growers. We are at a competitive disadvantage in Massachusetts to other growing areas. This will allow cranberries to remain on the bogs. I think we are farming the sun and getting a product. You are getting a guarantee of continued farming.

Roger Shores – I have been involved with cranberries since I was 8 years old. Cranberries are going the way most agriculture is going. The outlook by CMC and Oceanspray is looking at 2% increase in sales with a 4-8% increase in fruit. Excess fruit coming in is in the range of 100 million pounds of unsold cranberries. The cost is \$35 per barrel with payment much lower. I have lost about \$28K in the last three years. We had to sell our retirement

land and our life insurance policies to make our bills. The Town of Carver is important to me. I am 75 years old; what do I do with my bogs?

Mr. Maki – Jim and I took a helicopter ride with Mr. Dahill so that we know what he is facing in his business. He has someone with him tonight, Jeff Mandeville representing Fire Fly –

Mr. Mandeville – I am working as a consultant for Fire Fly. In 1993 a special permit was given to Firefly. Our only concern is that the location of some of the solar panels. We need a safe approach area. If there is a problem and we have to land on solar panels; we don't want to land on an electrical grid. Jim has already had a pilot state that he wouldn't work for him if approach was over panels.

Cranberry bog 4 – if we could have a 90' wide path (in specified area), for an approach. Rotor blades are about 45' in diameter. We are not opposed to the plan. The FAA has approved this flight path. It's a safety concern.

Mr. Schumacher – Cranberry Bog 4 – Mr. Mandeville showed the proposal to Mr. Schumacher. We are talking about panels that are about 13' in height. Ms. Stearns – Bog elevation is significantly lower. Mr. Schumacher – Based on research we did and Fuss & O'Neil and what the FAA has approved; this request is reasonable and I think that we can accommodate this. We can adjust panel numbers in other areas. We have some time pressure in terms of qualifying for the program; would it be possible to enter this as a condition to keep moving? Mr.

Mandeville – This would be acceptable to Fire Fly. Mr. Walsh – There were trees you mentioned? Mr. Mandeville – Yes going from Firefly out; if we could get them topped down as low as we can get them. Mr. Walsh – The trees that are easterly of Bog #1. Mr. Schumacher – We would be happy to do that. Mr. Maki – Was there an electrical wire that you were concerned about? Mr. Mandeville – I didn't see the new plan – Sarah showed Mr. Mandeville the plan. Mr. Mandeville – This plan should not be an issue. We support this project.

Mr. Walsh – We will add that condition. 90' wide pathway running from the boundary of the properties across bog 1 through bog 4 and run up to the bog road that separates bog 4 with the reservoir, approximately 800' in length. Ms. Stearns – That bog is isolated and if we just reference bog 4 and the plans with this date, including the sketch with approval. Mr. Walsh – Yes, we can approve tonight with conditions and we will work on the language prior to the 8<sup>th</sup> to approve at the next meeting. They can move forward with their next step. Ms. Stearns – we also need to note that the panels lost would be reallocated to another bog. Mr. Maki – Would you be doing a new plan? Mr. Schumacher – Our Building Permit plans would need to conform with Special Conditions/Planning Board approval. Ms. Bogart – Would Fuss & O'Neil need to comment on the revised plan? Mr. Maki – No there is just a swap; I don't see any additional comments being made. Mr. Schumacher – We would be happy to pay for Fuss & O'Neil to review the building plans. Mr. Walsh read the new conditions language to the Board.

*Motion to close the public hearing for Nextsun Energy, LLC, Tremont Street and Wareham Street: Mr. Sinclair*

*Second: Mr. Hoffman*

*Approved: Unanimous (5-0)*

*Motion to approve the application for Nextsun Energy, LLC, Tremont Street and Wareham street, with conditions discussed tonight: Mr. Robinson*

*Second: Mr. Sinclair*

Discussion – Ms. Bogart - On Page 2 of letter from Laura Hyman, it referenced a letter received by the Board – I never received this letter? Mr. Walsh – Mr. Maki received the letter and he passed it on to me. Mr. Walsh – I will note that. Ms. Bogart – What about the screening? The language should be very specific. Ms. Stearns – The tree size listed at 4-6' or 7-8' in height depending on type. Shrubs are 2-4' in height. It also specifies mature height. If you reference the plan set, we would be bound to adhere to that. We also listed choices on fence on the plan. Ms. Bogart – In my travel to New Hampshire recently, there was a chain link fence that had woven greenery in the links. Mr. Maki – We could do wood fence, chain link or vinyl. Ms. Stearns – There are no residential neighbors in this project. Mr. Schumacher – Vinyl is the most durable. Woven chain link may also look good. Ms. Stearns – I would recommend against white. Mr. Schumacher – I would recommend working with our landscape architect. Mr. Maki – A solid fence type would be what I would recommend, with natural screening wherever possible. Ms. Bogart – I would like assurance that once this is built it will be fully screened from Tremont Street. So condition would be - 8' chain link with woven material (solid), with the color to be determined by the architect of the applicant.

*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, 0R, 60 Rochester Road, Carver, MA (Assessor's Map 92, Lots 14, 15, 16, 17, 20 and 22) 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 District.

Sarah Stearns, Beals and Thomas and Adam Schumacher, NextSun Energy

Ms. Stearns – Mr. Sinclair will be using the Mullin rule this evening as he wasn't in attendance at the last meeting. This is a dual use project; smaller scale than Tremont Street. The majority of the Board was able to come to a site visit last week. We do have residential abutters; Adam was able to meet with some and the land owners met with everyone else. We have been busy with Fuss & O'Neil. They outlined some engineer and design questions. We responded as quick as possible. I don't anticipate any issues with them. We have proposed landscaping with the Rogers and Perry residential properties. Deputy Germaine confirmed that access needs are met. Jesse Boyle recused himself as he recently moved into this neighborhood. This is a great project; it's not visible at all from Rochester Road. Mr. Schumacher – We were able to address all of Fuss & O'Neil comments. Ms. Stearns – There memo was very brief. Mr. Walsh – Andy Glines is working on a letter of comments. I look forward to getting that letter. Mr. Hoffman – The house next to the Shores; anything decided on the screening for 26 Rochester Rd? Ms. Bogart – Everything else had significant buffer. Ms. Stearns – Sheet C41 shows the landscape. My understanding is that the fence was the more important piece with plantings on the #26 side. We are right on the property line, so we are limited. To our understanding, that is appropriate for the homeowner. Ms. Bogart – How visible will it be with the proposed plantings? This house is for sale. Ms. Stearns – It's an impossible question to answer. The property line/road are right there. We have done our best to do what we can on our property and talked with the currently home owners. We took that feedback and incorporated it into the plan. Ms. Bogart – the new buyer won't know. I would like as much screening as possible. Mr. Schumacher – We are willing to provide as much as

possible. We would be happy to adhere to any additional conditions to that affect. Mr. Hoffman – When you are looking out from #26, will they be looking out over the fence? Ms. Stearns – We are amenable to additional screening. Mr. Schumacher – The foundation is at same elevation as the property line so if we make the fence 8' it should be effective at that height.

Roger Shores Jr. – As an abutter, the solar companies told us that they are going to please us. They made the same promise to all of the abutters. I appreciate the concern; but I am comfortable with their promise. Mr. Maki – Sometimes, when the season changes and you lose leaves, site changes and you need to fill in gaps. As long as the current owner is in agreement; that is all you need. Ms. Stearns – I did do a walk through with a registered landscape architect; it was done very thoughtfully.

Mr. Maki – Any questions from the audience? None heard.

*Motion to close Public Hearing for 0 or 60 Rochester Road: Mr. Hoffman  
Second: Mr. Robinson*

Discussion – Ms. Bogart – Are we voting tonight? Mr. Maki – Jim? Mr. Walsh – Let's wait until Andy's comments. Mr. Maki – At the next meeting we will be able to approve the conditions.

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

Ms. Stearns – Neither Adam or I will be able to be here at the next meeting. Would it be possible to ask for a vote with conditions tonight? A Board member will also be missing. Mr. Walsh – I would rather have the whole package together to vote on. Mr. Maki – We will vote at the next meeting. We will have 4 members at the next meeting. Do you want to put it off to the next meeting (10/22)? Mr. Schumacher – We would like to have a full Board.

*Motion to continue the meeting to October 22 at 7:00 for a Special Permit and Site Plan Review for 0 or 60 Rochester Road: Mr. Sinclair  
Second: Mr. Hoffman  
Approved: Unanimous (5-0)*

- 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.

Mr. Sinclair – I will abstain as I am a direct abutter.

Mr. Walsh – In the packet you have a Fuss & O'Neil Memo and a Carver Fire Department Letter dated 9/10/19. There is also a letter from Duxbury Construction.

7:15 PM - Mr. Robinson arrived.

Bob Crowell and Chris Leamy from Duxbury Construction and David Iovanna petitioner –

Mr. Crowell presented the plan to the Board. We are proposing two buildings, with 11 units. There is no increase in runoff, off the site or on the site. We have a handicapped spot, with ramp to access buildings. Mr. Iovanna – We are putting up two buildings for tradesman. Each unit is 1200 sq. ft. Mr. Robinson clarified the location of the buildings. How much is cleared? Mr. Iovanna – pretty much the entire lot. We have a landscaping plan including trees along the front. Mr. Maki – Letter from Sean Martin; have you addressed his concerns? Mr. Leamy – We have not completed all of the items as we got them this morning. We have some issues that we can't conform to but have pretty strong arguments. We can detail them now. Mr. Maki – We can discuss that tonight but we will probably want to do a site visit as well.

- o 20' landscaping buffer can't be done due to 50' box truck access would be too limited
- o 8' trees would be challenging. Height differences will effectively screen.

Mr. Maki – I am concerned about screening due to being in a neighborhood area. I am also concerned about noise. This will be worked out by Fuss & O'Neil. Anything else from the Board? Mr. Robinson – I do understand that you are putting in a berm but I don't want to leave that wide open. We need to discuss height, etc. Mr. Leamy – We have encircled the entire lot minus that small area where trucks would be coming in. We are ready to change screening. Mr. Walsh – Does the Board want to grant waivers (#5 on Fuss & O'Neil Letter, #6 type of plants, #7 – 10' landscape areas, relief of loading area screening/ not clear on the plans). Fuss & O'Neil wants guidance from you. Mr. Maki – I would say that we want sufficient screening. Mr. Leamy – We did a response this evening. Mr. Maki – We will still need a site walk. Mr. Crowell – When is the next meeting? Mr. Maki – October 8. Ms. Bogart – In the 8/26/19 memo from planning – Tank size? Was it addressed? Mr. Leamy – That was actually a typo. Ms. Bogart – 33 people for septic plan with only 22 parking spaces? Mr. Leamy – When you piece it out with zoning regulations, this is what we get. We have done the 33 across the board. Ms. Bogart – will pavement be marked accordingly for direction? Mr. Leamy – Yes, everything will have an arrow/one way signs. Ms. Bogart – Fuss & O'Neil Letter – I want more information on light/noise as there was already concern expressed from a neighbor. Mr. Iovanna – The lady that was here a couple of months ago; she was worried about warehouse style with trucks in and out all the time. That is not my vision, this will be tradesmen coming in the morning to load up and leave. It won't be a high traffic area. Mr. Leamy – We did a rough traffic calculation with worst case scenario. Mr. Iovanna – The doors are all ground level overhead doors; not something for an 18 wheeler to come in on a regular basis. Ms. Bogart – What about the lighting? Mr. Leamy – There is a proposal in your packet for lighting. We might have to work with Fuss & O'Neil a little more. Mr. Walsh – How do the units get access, inside or outside? Roll up doors are in the middle with doors on the side. Mr. Walsh – How wide is the middle aisle? Mr. Crowell – 30 Feet.

Mr. Maki – Any questions from the public?

Judy Richards – 5 Lillian Way

Hours of operation? Gate to keep kids out? Mr. Iovanna – We can address that; we want that building to be secure. Ms. Richards – The entrance is where on Lillian Way? Mr. Iovanna – Across from the medical building entrance but closer to Route 58. Ms. Richards – Where is the septic going to be? We all have well water. Will there be any mechanics working out of there? Mr. Crowell – No we won't be having an auto mechanic. Mr. Leamy – The septic is very small (about the size of a single family home, leeching). Ms. Richards – Who decides who / what goes in there? Mr. Iovanna – We have to follow the tradesman guidelines in town.

Mr. Robinson – How come you didn't run the main off of route 58? Mr. Iovanna – We talked to the DPW, there was an issue of space between the buildings; we would have had to sacrifice the size of the buildings.

Mr. Maki – Let's schedule a site walk. Could you mark out the building corners and the entrance way into the lot. Could you flag/mark the pavement? At that point we could set a site walk. Our next meeting is 10/8/19.

A site walk was scheduled for 9/30/19 at 9:00 AM. Mr. Hoffman will schedule something separate.

*Motion to Continue the Public Hearing for Bayberry Dunes, LLC to October 8, 2019 at 7:00 PM: Mr. Robinson*

*Second: Mr. Hoffman*

*Approved: 3-0-1 (Mr. Sinclair)*

*7:56 PM – Mr. Maki - We will continue this meeting with the Carver Police Station*

- 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 19C Ward Street (Assessor's Map 120, Lots 6 and 6-1) in Carver, Ma, to allow the construction of a 2.5MW(DC) ground mounted solar and energy storage facility in accordance with the by-Law in a Residential/Agricultural District.

*Motion to continue the application for Borrego Solar Systems to October 22, 2019 at 7:00 PM: Mr. Sinclair*

*Second: Mr. Hoffman*

*Approved: Unanimous (5-0)*

## Other Business

### *Planning Board Member Notes:*

- Ms. Bogart –
- Mr. Robinson –
- Mr. Maki –
- Mr. Hoffman – What we saw tonight regarding the Tremont Street project was a good example of people working together and talking things out to come up with a solution.



- Mr. Sinclair -

*Planning Director Notes:*

Mr. Walsh -

- It was very gratifying that NextSun and the property owners agreed to making change.
- I have a couple of plans that were approved a while back but I am missing some signatures. Mr. Walsh passed documents to members.
- On Thursday we are having a presentation / Technical Review on Complete Streets with staff for comments. We will then present to the Select Board.
- We also have a meeting on MVP Grant on Thursday. Fuss & O'Neil identified some grant opportunities coming up. We will discuss what grants to move forward on.

*Minutes of September 10, 2019*

*Motion to approve the minutes of September 10, 2019, as written: Mr. Hoffman*

*Second: Ms. Bogart*

*Approved: 4-0-1 – Mr. Sinclair*

*Jen noted that August 27 meeting minutes need to be added to the next meeting for vote.*

*Next Meeting date:*

Our next meeting will be on October 8, 2019 at 7:00 PM

*Adjournment:*

*Motion made to adjourn at 10:15 PM: Mr. Hoffman*

*Second: Mr. Sinclair*

*Approved: Unanimous (5-0)*