



approved 1/28/20

Town of Carver, Office of Planning and Community Development

Planning Board Meeting Minutes, January 14, 2020, Carver Town Hall, Meeting Room #1.

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

Also Present: Jim Walsh, Planning Director

Absent: Kevin Robinson, Member

Bruce Maki, Chairman, opened the meeting at 7:07 PM, followed by the pledge of allegiance.

ANR:

- 366 Tremont Street (Map 128, Lot 6) Kristy and Scott Kendrick – Receipt of Plans and possible vote:

Mr. Maki – Generally, we receive them tonight and then approve at the next meeting. We could approve this tonight as someone is here with us. Maybe we can change our procedures if staff reviews the ANR prior to the meeting, we could possibly vote the same night. Mr. Sinclair – I just want to make sure that the applicant knows it could go to the next meeting. I typically don't want to okay something the same day; I like to really look at it first. I want to ensure that if staff makes the applicant fully aware that it could take up to two meetings to process.

Kristy – We want to divide our property into two parcels. Mr. Maki – You have lot 1 and lot 2; the big parcel is main property with about 2 acres, the remainder would be the new parcel.

Mr. Walsh – Mr. Sinclair noted there is no locus map on the mylar. It is part of the Form A. Mr. Maki – It is stamped by Arthur Borden. Mr. Maki – Did the Planning Director review with staff? Mr. Walsh – We did review but didn't note this. Mr. Sinclair – I think we can get revised plans from Mr. Borden before signing. Mr. Maki – We can verify if it is a requirement. If it is, Mr. Borden can pick up the mylar and update. We will decide at the next meeting. Mr. Sinclair – I recommend that staff reach out to Mr. Borden. It appears that it meets all the requirement of a Form A. Ms. Bogart – Why are you doing this? Kristy – We are considering building out back and selling our existing home.

Approval of Rear Lot:

- Forest Street (Map 50, Lot 8) -Discussion and possible vote on rear lot -

Stacey Minehan with Beals and Thomas –

Conceptual project re: potential solar project on the Johnson property. There is only 60' of frontage; The ZBA reviewed and found a more appropriate permitting path. Everyone appears to be in agreement with the rear lot proposal. Mr. Maki – Do we have the property line plans? Ms. Minehan – We do not. Mr. Maki – I looked at this with Jim, using the Assessors Map. It is difficult to visualize without those lines. Ms. Minehan – The property is 213 acres of land. The access is currently off of Fuller Street. Mr. Walsh – There is existing solar on that property. Mr. Maki – We need to determine if that 60' leg could be used as frontage? Mr. Sinclair – In 2340 – Rear Lots states that “Lot frontage should not be less than 40 feet”. Ms. Minehan – I believe that would also require vehicle (safety, etc.) access. The Forest Street frontage could be combined to meet requirement. Mr. Sinclair read the definition of “frontage”. The by-Laws say no less than 40'. Ms. Minehan – The preference would be not to access through that area. The preference is to continue using the existing paved access. This paved access involves other property owners, to which an informal agreement has been made. Mr. Maki – The 60-foot leg has wetlands as well. The by-Law states that it could be used as access. Mr. Sinclair – It has to provide adequate access for fire, police and all emergency vehicles. Mr. Maki – Does the Planning Director have any comments? Mr. Walsh – At the ZBA Hearing, Attorney Gray went into depth about the frontage requirements; he believes that frontage would have to provide access to the site. They are leaning toward not approving and suggested they come here with this first. There is another solar project on Fuller St that uses that same access but I don't know about the frontage. Mr. Sinclair – With regard to the preferred access, do they own that property? Ms. Minehan – No they do not. Mr. Sinclair – I suggest that we do some more research on this and put it on the next agenda. This will give us time to talk to Attorney Gray. Mr. Maki – If it could be shown that the 60-foot leg could become an access, then I may be more agreeable to this. You could still use the preferred access, but we would need an available alternative access. Ms. Minehan is looking for clarification for what type of access; it seems to indicate that it could be pedestrian/atv access. Mr. Walsh – I need to take another look at it. Mr. Hoffman – The existing solar project, is it different owners? Mr. Walsh – It is different project owners but not sure about property owners. Mr. Sinclair – The access for the front parcel that has the existing solar field off of Fuller Street is owned by them. Your applicant needs to have frontage. Ms. Minehan – If this is classified as a rear lot, there is still concern over ownership of access road? Mr. Sinclair – Where I stand; with the rear lot requirements, you need to have frontage. I think you meet that requirement. To have a viable site, you have to access; the 40-foot road meets fire department requirements. I think you need to revisit your access preference. Mr. Maki – This does have frontage but currently no access at that location. In order to be called frontage, there needs to be access to the property. In the past, we had issues as the lot had no frontage. The Building Inspector couldn't give a permit without that. You will need to prove that you can build something on the lot even if you don't intend to do so.

Public Hearings (continued):

- On the application of Rebekah Flaherty requesting a Special Permit pursuant to Sections 2230 of the Carver Zoning by-Law, located at 66 Holmes Street in Carver, MA (Assessor's Map 75, Lot 31-A-R) to operate a Hobby Kennel in a Residential Agricultural District.

Mr. Walsh – The staff has been unable to reach Ms. Flaherty, most recently last week. We have received no response.

Mr. Sinclair – We may want to open it to the public for comment.

No comments or questions.

Motion to Close the Public Hearing for Rebekah Flaherty, for the Special Permit at 66 Holmes Street for Rebekah Flaherty: Mr. Sinclair
Second: Ms. Bogart
Approved: Unanimous (4-0)

Motion to deny the application without prejudice for 66 Holmes Street: Mr. Sinclair
Second: Mr. Hoffman
Approved: Unanimous (4-0)

- 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 (Assessors Map 120, Lot 6 and 6-1) in Carver, MA, to allow the construction of a 2.5 MW(DC) ground mounted solar and energy storage facility in accordance with the by-law in a Residential/Agricultural District.

Mr. Walsh - The meeting to speak with abutters was rescheduled so we can continue to the next meeting.

Motion to continue the Public Hearing for Borrego Solar for 19C Ward Street to January 28, 2020 at 7:00 PM: Mr. Sinclair
Second: Mr. Hoffman
Approved: Unanimous (4-0)

- On the application of Clean Energy Co., Joe Shanahan, requesting a Special Permit and Site Plan Review pursuant to Sections 2230, 3100, 3580 and 5300 of the Carver Zoning by-Law, located at 0 Snap it Road (Assessors Map 34, Lot 2 and 5 and Map 33, Lot 9-C) in Carver, MA to allow the construction of a 2.0 MW dual use, large-scale ground mounted solar photovoltaic project proposed to be constructed and operated on and in conjunction with the existing active cranberry bogs in a Residential/Agricultural District.

Mr. Walsh – We had a meeting with Mr. Shanahan and Mr. Perry last week. They are planning on moving some of the panels; leaving one of the bog areas open. The bog road will have landscaping. Some additional panels will be relocated to the river front area. Mr. Shanahan has been in touch with Brooke Monroe to discuss this. Mr. Shanahan asked for a continuance to 2/11/2020 meeting. Mr. Hoffman – The proposed panes in front of the Perry house will be moved to the right? Mr. Walsh detailed the changes. Mr. Hoffman – What about new abutters now seeing this project? Mr. Walsh – I did send an email, as requested by your chairman, to speak to all other direct abutters. Mr. Maki – During the meeting, we discussed moving the field, plantings in the back of the bog and asked him to meet with all neighbors involved to make sure that everyone is satisfied with this.

Motion to continue the Public Hearing for Clean Energy Co, to February 11, 2020 at 7:00 PM: Mr. Sinclair
Second: Ms. Bogart
Approved: Unanimous (4-0)

- On the application of Renewable Energy Development Partners, LLC requesting a Special Permit and Site Plan Review pursuant to Sections 2230, 3100, 3580 and 5300 of the Carver Zoning by-Law, (Assessors Map 107, lots 1-4) to allow the construction of a Large Scale, ground mounted solar photovoltaic installation (LSGMPI), located at 0 Pond Street, Carver, MA. The project consists of a solar energy facility that includes two components both located on a portion of the +/-

560 acres Swan Holt Bog complex owned and operated by AD Makepeace Company. The two projects components include a +/- 3.0 MW agricultural canal solar canopy and +/- 1.4 MW dual use ground mounted array in a Residential / Agricultural District.

Mr. Maki – We did walk this site for the second time, with Jim. Jen met us later. The engineer is with us tonight. I don't think that Will has done a site walk yet. We found that most of the project is along a canal and unseen by most abutters. There is a portion that would require screening that is now being cut off for other reasons. There is a portion that is dual use for farming underneath the panels. This portion will be seen by some resident who are several hundred feet away.

Ms. Minehan, Beals and Thomas; Hank Ouimet and Tom Melehan

Ms. Minehan dispersed the plans to the Board members. Mr. Maki – The plan is to get an update and then vote at the next meeting. Ms. Minehan gave a quick overview of the project. There are two dual use sections in this project. The revisions are in red (eliminated solar panels). Mr. Walsh requested a review of the Goldstein property in relation to the project. Mr. Ouimet reviewed the plan near the Goldstein property. Ms. Minehan went over screening for the Bow Street area. Mr. Hoffman – Where is the berm going to be? Mr. Ouimet – The berm and fence will be at the edge of the array. The lot line on Bunny's Road will receive supplemental plantings. Our intent is that the berm and the fence completely screen the project but we didn't want to leave the abutter looking at a fence. In relation to the Bow Street screening, we will be removing some white pines and leaving the undergrowth. Ms. Minehan – We will use native species with some fast-growing species.

Ms. DiCarli – Will the solar panel be built above the canal? Mr. Ouimet – It will be built above the canal. The canopy will be elevated above the canal. Ms. DiCarli – Will you be using glass or aluminum and is there concern with glass breaking? Mr. Ouimet – The panels themselves are inert and there is a low risk of breakage. There's little risk of shattering and falling into the canal. Ms. Bogart – The proposed screening – will it provide 100% screening before arrays are active? Ms. Minehan – For Bow Street, with the eliminated panels, and the Bunny's Road area, there should be full screening. Mr. Ouimet – The fence is the screening; the vegetation screens the fence. Ms. Bogart – Can you mark the trees that will be cut down; the abutter was interested in that information. Is it possible to mark where the last panel will be with a height reference (marker or pole) so they can see the actual impact? Mr. Ouimet – We can mark the last panel but with the trees, we aren't there yet. We could notify the Board/abutters when we are ready. Ms. Bogart – It is fairly visible from their property so I want to make sure that any changes will provide adequate screening. Mr. Walsh – The panels being removed could come back as a separate project if title issues are solved? Mr. Ouimet – First, we have to solve the title issues but, yes, it could come back as a whole new project and subject to new approval. Ms. Bogart – Do you have the cross section for 48? Mr. Ouimet – We eliminated what the cross section was looking at. We have #50 which has the same topography. Ms. Bogart – So you can mark the very end of that? Mr. Ouimet – Yes, we can do that. Ms. Bogart – Could you let Jim know when that is done? Mr. Ouimet – Yes.

Mr. Goldstein – Do these panels emit any sound? Mr. Ouimet – Not the panels themselves. The inverters have cooling fans in them and will make a humming sound. You would probably not hear them if you are more than 50' away from them.

Mr. Maki – You will mark the end of the canal area project and mark the trees prior to the next meeting. Let Jim know when that is done. We will look at it again at our next meeting. Mr. Ouimet – We received comments from Fuss & O'Neil and have addressed all concerns. We are waiting to hear back from them. Mr. Walsh – Please provide the updated plans with changes presented tonight. Mr. Maki – Can we have a decision drafted by the next meeting? Mr. Walsh – Yes.

Motion to continue the Public Hearing for Renewable Energy Development Partners, LLC, 0 Pond Street, Carver to January 28, 2020 at 7:00 PM: Mr. Hoffman
Second: Ms. Bogart
Approved: Unanimous (4-0)

Mr. Walsh noted that there is crop information in the members packets.

- On the application of M.T. McMahon requesting a Special Permit pursuant to Sections 2230 and 5300 of the Carver Zoning by-Law, located at 2 Fuller Street, Carver, MA (Assessor's Map 50, Lot 5-1R) to operate an online auto sales business in the General Business District.

Mr. McMahon 10 Gate Street Carver, with Kayla O'Farrell – Office Manager

Mr. Maki – Did we have some staff go out for a visit? Mr. Walsh – The Planning staff indicated that the inspector went out on the previous project and approved the project. Ms. Bogart – I did drive by to look at it. Mr. McMahon – We are doing landscaping in the spring. Mr. Sinclair – My initial concern was with the amount of work that you did recently. You have a couple of storage containers. I was here when we approved the initial approval and I don't recall those being on there. Ms. O'Farrell provided a copy to Mr. Sinclair. Mr. Sinclair reviewed the plan and it was included in the plan. Mr. McMahon – We will be fencing them in this spring. Mr. Sinclair – Where are you putting these used cars? Ms. O'Farrell – They would be blended in on the employee lot. Mr. Sinclair – Will you be storing vehicles that are not being sold? Mr. McMahon – No we will not. Mr. Sinclair – Will you be servicing those vehicles? Mr. McMahon – Just as the fleet.

Motion to close the Public Hearing for M.T. McMahon, 2 Fuller Street: Mr. Sinclair
Second: Mr. Hoffman
Approved: Unanimous (4-0)

Conditions were read for the record.

1. Prior to the issuance of a building permit, a true copy of recorded decision as registered at the Registry of Deed shall be provided to the Board.
2. The applicant shall not be marketing more than two automobiles at one time
3. The applicant shall designate and mark two parking spaces to be used
4. The applicant shall not advertise, have any signage or place any decals on the vehicles that are for sale.

Motion to approve the Special Permit for MT McMahon and Sons, 2 Fuller Street, with conditions: Mr. Sinclair
Second: Mr. Hoffman
Approved: Unanimous (4-0)

Other Business

Planning Board Member Notes:

- Ms. Bogart –
- Mr. Maki –
- Mr. Hoffman – Just want to wish Mr. Robinson a speedy recovery
- Mr. Sinclair –

Planning Director Notes:

Nothing tonight

Minutes of November 26, 2019 & December 10, 2019

Discussion – November 26, 2019

Motion to approve the minutes of November 26, 2019, as amended: Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous (4-0)

Discussion – December 10, 2019

Motion to approve the minutes of December 10, 2019, as amended: Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous (4-0)

Next Meeting date:

Our next meeting will be on January 28, 2020 at 7:00 PM

Adjournment:

Motion made to adjourn at 8:43 PM: Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous (4-0)