



approved 2/11/2020

Town of Carver, Office of Planning and Community Development

Planning Board Meeting Minutes, January 28, 2020, Carver Town Hall, Meeting Room #1. This meeting was videotaped a by Cable Cast Area 58.

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 7:00 PM, followed by the pledge of allegiance.

ANR:

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

The plans now include the Locus

Motion to endorse the Form A for 366 Tremont Street: Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous (4-0)

Approval of Rear Lot:

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

Sarah Stearns, Beals and Thomas –

This is a public meeting and not a Public Hearing. Stacey was here at the last meeting. The property is made up of 160 acres of agricultural land with 60' of frontage on Fuller Street. We have reviewed Section 2340 of the Zoning by-Law and feel it meets the definition of rear lots. One of the points of clarification is access vs. frontage. The by-Law is a little vague; we are taking a conservative approach. Fuller Street access has been used for a long time; the preference is to use this access. Forest Street does not provide the best access although it is possible to do so. We used 16' wide road (FD guidelines); it could be done but the abutters would probably not like this. Jesse Boyle did review the access from Fuller Street, with no issue. I did request his review of Forest Street as well; he did provide feedback.

Mr. Walsh – You have a memo from Bob Francis the Building Commissioner and a letter from Jesse Boyle in your packets. Over the last 10 days, myself, Bob and Mr. Maki have met and discussed this. A structure requires direct access; a building requires that, with road frontage. Mr. Sinclair – Sarah, you did what I was looking for. You are showing that access can be made from Forest Street. Therefore, you now meet the requirements. Ms. Bogart – The by-Law says access needs to be where the frontage is? What you are proposing doesn't meet that. Perhaps the by-law needs to be

reviewed by ZBA. Mr. Maki – There is not a building being put on the project so it meets the qualifications for a solar project. I have discussed with Jim that we need to look at and possibly change some of the by-Laws for solar projects. Ms. Stearns – We would go to ZBA if we could not find a permitting path. After meeting with the ZBA, it was agreed that this is a much better option. We still have an open and pending case with them depending on the results here. Mr. Hoffman clarified the language in the memo from Bob Francis page 2, regarding frontage. Ms. Stearns – This is a section of the by-law that should be looked at. The frontage on this project will remain as it is today. Mr. Maki – The Building Commissioner feels as though a solar project may not need frontage; we will need to review the by-Laws for possible changes. This project will not have a building; just solar. There will not be daily traffic, etc. Mr. Sinclair – What we need to ask ourselves is, do we think the property in question is a rear lot? This has been clarified for me tonight. Under the by-Law they meet all the requirement of a rear lot. If we make that determination that it is a rear lot; they will come before us later with a plan as to where the access will be.

Motion to define the Forest Street location (Map 50, Lot 8), as a rear lot, determined by this Board: Mr. Sinclair

Second: Mr. Hoffman

Approved: 3-1 (Ms. Bogart)

Public Hearings (continued):

- 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 – They are trying to schedule a meeting with abutters; they requested a continuance to February 11, 2020.

Motion to continue the Public Hearing for Borrego Solar for 19C Ward Street 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.

Sarah Stearns, Beals and Thomas; Hank Ouimet and Tom Melehan, Renewable Energy Development Partners

Ms. Stearns – This is our third hearing. I provided revised plans based on Fuss & O'Neil's review, comments from the Board and comments from abutters. These revised plans were distributed to the Board. The applicant has put a lot of effort and time to achieving 100 percent screening. The changes that have been made are:

- o Added additional plantings
- o Added berms
- o The end of the canal canopy by 42-48 Bow Street has been removed from the proposed project

We have a final review memo from Fuss & O'Neil with no additional issues. Carver Fire Department had issued a memo earlier. Jesse sent a second memo with no access issues. His only comment was to remove some overgrown brush. 48 Bow Street resident – We were requested to tag the trees, which was done the following day in addition to tagging the end of the canal. Mr. Melehan – The abutter seemed happy with our proposal; we did add a berm, with plantings. Mr. Walsh – I did send an email to Mr. Goldstein and he did respond that he is satisfied with your proposal. Mr. Ouimet – The understory will also come back and provide even more screening. Mr. Hoffman – There is a berm on Bunny's Road area as well? Mr. Ouimet – Yes, but in addition, we are doing plantings in front of the fence. Ms. Stearns – The applicant has looked at this from every single angle and has incorporated multiple elements. Mr. Ouimet – We feel we are fully compliant. Mr. Walsh – In the last letter from Fuss & O'Neil, it mentioned a possible waiver for the overhead wire. It may not be necessary, but you want that in place just in case. Ms. Bogart – Thank you for going to #48 and marking those things; I was able to get back out there. On the landscape berm, are you planting trees or plants? The abutter would like something on that berm. Mr. Ouimet – We were planning on vegetated plantings but we can work with the homeowner. Mr. Melehan – That was actually on the last plan but it isn't on this set. Mr. Ouimet – We want the neighbors to be happy and are happy to work with them. Ms. Bogart – We can add it to the conditions that the applicant will work with the abutter to add effective plantings so that it would still look forested. Mr. Maki – Final landscaping will be reviewed by the abutter at #48 Bow Street and the applicant and submitted to the Planning Board. Mr. Walsh will work on the language for this condition. Ms. Bogart – Do we have a condition that Bunny's Road will be 100% screened? Mr. Ouimet – What we have presented to you shows that, so there is no need to condition this.

No questions from the audience.

Motion to close the Public Hearing for Renewable Energy Development Partners, LLC, 0 Pond Street: Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous (4-0)

Mr. Walsh read the conditions to the Board. There was a total of 13 conditions, including one new one that was added tonight.

There are some updates so he will update this document and provide to the Board Member to sign on another date.

The newest condition (#13) reads as follows:

The applicant will work with abutter at 48 Bow Street, to finalize landscaping/screening plan and submit to the PD for approval, prior to issuance of COC from the Electrical Inspector.

Ms. Bogart clarified a couple of typos on this document.

Ms. Stearns noted that the plan set dated 1/23/2020 are the final copies.

Mr. Walsh – The site line sheets are dated 1/24/2020

Motion to approve the solar project for Renewable Energy Development Partners, LLC, 0 Pond Street, with conditions : Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous (5-0)

Mr. Maki – I appreciate all that you put into this; you did a very thorough job. Mr. Sinclair – Just a note that there are significant changes in the electrical code for 2020; Mr. Ouimet noted that he was aware.

- 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 Snapit 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 – Mr. Perry offered a solution that would require Mr. Shanahan to revise the plans. Mr. Hoffman – I believe they will need to talk to Conservation. Mr. Walsh – I don't know if they have done that yet.

Motion to continue the Public Hearing for Clean Energy Co, to February 11, 2020 at 7:00 PM: Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous (4-0)

Other Business

Planning Board Member Notes:

- Ms. Bogart –
- Mr. Maki –
- Mr. Hoffman – Kevin is doing well; hopefully he is back soon. Will, thank you for your time on this Board.
 - A resident had a question regarding the dual-purpose solar projects that I could not answer. What if after one season, the harvest isn't good, does that change it from a dual purpose? Mr. Sinclair – In order to meet requirement, they have to be able to produce a crop. This would cause a detrimental effect on money coming in from the state. For us, they have to meet conditions. The Board could have the right to revoke a Special Permit. Mr. Hoffman – How will we know? Mr. Sinclair – They have to submit to the State, yearly. Mr. Walsh – I viewed a project recently with Brooke. Ian was there and he stated the same as what Will said. In addition to state regulations, the financiers of these projects won't get paid. If the Board would like, we could have Brian Wick, Director of the Cranberry Association come in. Mr. Sinclair – We could condition a yearly report on future dual use projects. Ms. Bogart noted that when she asked about review for Gate Street the response was that the State would randomly select locations to audit.
- Mr. Sinclair – It's election time; I will not be seeking re-election.
- Ms. DiCarli –

Planning Director Notes:

Mr. Walsh – The developer of Weathervane (Patriot Pines) are proposing changes to phase II. They have affordable units as required (6), under a change in state rules; you can no longer age restrict. They would like to transfer those 6 units elsewhere as the remaining units are over 55. The applicant came in last week; they would like to meet with the Board of Selectmen on 2/25/2020 and then follow up with a presentation to the general public. When they do apply to the Planning Board, everyone will be more informed. I could talk with the Town Administrator to see if this Board could hear the presentation with the Board of Selectmen prior to your meeting on the same evening.

Zoning Amendments for Town Meeting:

- Flood Maps
- Solar By-Law – Reorg and equalization for dual use vs. conventional.
 - Access vs. strict frontage
 - Submit for advertising with PH in four weeks.
- Bylaw for in-law – less restrictive
- Transfer development rights

Ms. Bogart – We need to work on language for a new sign by-Law. I can send you something that I have drafted. Mr. Walsh – Once we get it advertised, the Planning Board will open it in a Public Hearing.

Mr. Maki – Transfer of development rights – we talked about someone from SRPEDD coming in to discuss. Mr. Walsh – I can do that and schedule for an upcoming meeting; first meeting in March. Mr. Maki – That would be good.

Minutes of January 14, 2020

Discussion – January 14, 2020

Motion to approve the minutes of January 14, 2020, as amended: Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous (4-0)

Next Meeting date:

Our next meeting will be on February 11, 2020 at 7:00 PM

Adjournment:

Motion made to adjourn at 8:36 PM: Mr. Sinclair

Second: Mr. Hoffman

Approved: Unanimous (4-0)