



Approved
11-9-21

CARVER PLANNING BOARD MINUTES OF SEPTEMBER 14, 2021 MEETING

Present: Chairman Bruce Maki, Ellen Sordillo, John Gaskey, Cornelius Shea, Kevin Robinson,
Also Present, Richard Dionne and Jim Walsh.

Mr. Maki opened the meeting at 7:01 P.M. with the Pledge of Allegiance.

PUBLIC HEARINGS

223 MEADOW STREET – Ironwood Renewable

Application requesting a special permit and site plan review to allow the construction of a large-scale ground mounted solar photovoltaic installation.

Hamilton Carrier (Ironwood Renewables), Greg Dixon (Krebs and Lansing Consulting Engineers), Dale Knapp (BRI), and Attorney Phil Macchi representing Ironwood Renewable. Project located near Middleboro line and the 24.1 acres total – total disturbance is 11.1 acres and 9.8 acres within the fence. The site conditions are primarily forest and overgrown brush (included uncared for land). Roughly 41% of the site will be used for the solar farm. The utility poles will now be moved underground (rather than the 6 poles). Lot has 150-feet of frontage and the fence will be roughly 400 feet from Meadow Street. Met with Conservation and are not within their jurisdiction. Only waiver being requested in in regards to a setback. Mr. Maki asked if the fire department has looked at this and it was confirmed that they met with them twice. The biggest concern was the battery being used and needs to provide the specs of the battery to the fire department once they have it confirmed. Access was considered sufficient according to the fire department and Jim confirmed there were two letters on file (from Feb and August of 2021). Mr. Maki asked about the fencing and Greg Dixon said it is an agricultural style fence (such as the type that keeps cattle in – it is a wire fence). Dale Knapp further explained that this fits better into the landscape of the area (also helps blend into the area). C1.02 of the plans provided a better visual of the fencing. Andy Gleines, the Town's Engineering consultant spoke on the project and the recommended conditions of the project. There are plans and detailed comments and said they were "minor enough" that the board could make a vote today and the comments could be addressed after (saying that the comments do not drastically change the project). There were some concerns from the board about site clearing in the past. Mr. Shea asked if the access road was an existing road – and it was determined it was not. Mr. Shea noted that it appears that it is on the abutters property but he wasn't entirely certain. He said the equipment is *right* on the property line. It was also pointed out that they only acquired 3 of the 6 waivers and there was

some conversation about what Legal Counsel requires versus what was required on the last approval. Mr. Maki advised getting the advice of Town Counsel on this matter. Andy said he thinks there is an exemption for interconnection equipment within the 50-foot buffer. Mr. Maki said the roadway edge would have to be marked out before any equipment would have to be installed, it would have to be reflected on the as-built. Greg Dixon and Dale Knapp said these plans are for permit review and Eversource would be involved and they would comply with the rules. Mr. Maki asked the representatives to explain what the vaults looked like. Craig explained they are 7 ½ by 13 feet – they don't make a lot of noise and they have their own shut off and equipment they also noted are trying to put as much equipment below grade, as requested. They wouldn't be flush with the ground (8-12 inches above grade). Phil Macchi said he would like to meet with Town Counsel if he could, in regards to the waivers. Mr. Shea notes that proponents only have three (3) of the six (6) required waivers in regards to setbacks. He refers to section 3580.25.1 allowing 50-foot setbacks providing standard setbacks and all screening requirements are waived in writing by all direct abutters in a residential/agricultural zoning district. An affidavit signed by all owners of record of all direct abutters within a residential/agricultural zoning district must be on file with the zoning board. He noted a previously approved project had a 600-foot set back from the next nearest abutters allowing for reduced screening. He requested waivers from all direct abutters. Mr. Shea further discussed his concern about Town Counsel reinterpreting the by-laws. A discussion broke further regarding Town Counsel among Mr. Maki and Mr. Gaskey. Dale Knapp pointed out that they are abiding by all of the by-laws. Mr. Gaskey had a concern about the existing driveway and the abutters property – he suggested moving the driveway a bit to get that entrance way off the other driveway. Greg Dixon said they were following the existing path but they could shift it towards the access of the field. Mr. Robinson said he has an issue with clearing, although he can appreciate, we are doing it for solar. He referenced a replanting fund and Jim said he wasn't sure of an actual fund but they could potentially donate to a foundation that plants trees.

The conversation regarding waivers for the 200-foot setbacks continued and the interpretation of the by-laws was discussed. Mr. Maki gave the project representatives a chance to decide if they wanted it to go to vote tonight or if they wanted to try to get the waivers of the abutters before letting this go.

Motion to close the public hearing for Ironwood Renewable at 223 Meadow Street made by Mr. Robinson, seconded by Mr. Shea, approved unanimously, 5-0-0.

Motion to approve the special permit and site plan review order of conditions, as read by Jim made by Mr. Robinson, seconded by Ms. Sordillo, approved 3-2-0. A special permit requires 4/5 to pass. Mr. Gaskey stated he would have no problem re-voting if these waivers were obtained. Phil Macchi suggested that one of the "nay" votes make a motion to re-vote with a condition to obtain the waivers. Mr. Shea thinks the appropriate way to handle this is to file an appeal with ZBA. Mr. Maki asked Mr. Gaskey if he would re-vote to put a condition in to approve the project – Mr. Dionne interjected that the representatives were given the option if they wanted a vote and they took it. Ultimately, they will have to make an appeal with ZBA.

MIRIAM GORI – Hobby/Commercial Kennel

Continued until September 28.

JCM Carver Acquisitions LLC – Special Permit

Continued until September 28.

MINOR MODIFICATIONS

96 FOREST STREET – EJCP LLC

No one appeared for the meeting.

Motion to continue minor modification of 96 Forest Street, Eric Pontiff to September 28 made by Mr. Robinson, seconded by Mr. Gaskey. Approved unanimously 5-0-0.

PRELIMINARY SUBDIVISION PLAN

Wareham Street – AD Makepeace Co. Inc

Proposed two (2) lot subdivision located off Wareham Street, Sam Iamele representing project. Comments from Technical Review meeting (last night) so they have not yet been addressed but they appear to be minor. Andy discussed some of the concerns such as grading and waivers. He said the waivers being requested were reasonable and went into some detail about what those waivers mean. Andy would also like to see the proposed grading for the road. Sam said they have plenty of frontage on Wareham Street and could consider moving the roadway and adjusting the grading if needed. Andy further discussed the grading. Mr. Shea said he thinks it's important to maintain some of the hills or semblance of, considering all the storms we've had. Mr. Maki said he doesn't have any problems with it. Mr. Maki clarified that tonight, the approval is for the private road and its grading. Further down the road the applicant will need to. For the record, Jim read letters from the Board of Health and Brook Monroe of Conservation. Sam said he has a ANRAD planned (in response to Brook's concern). There was a conversation about whether or not an approval could be made prior to Conservation's approval, which led to a conversation about the applicant filing for an extension. The applicant requested having the approval and getting the order of conditions with the definitive plans. Mr. Maki asked where Sam came up with the contours of the property and said a survey of the land would have to be done. Sam agreed and Mr. Maki continued by saying this was an approximation and was happy with what we had.

Motion to approve the preliminary subdivision located off Wareham Street for AD Makepeace with the conditions as noted and waivers made by Mr. Shea, seconded by Ms. Sordillo.

Approved unanimously 5-0-0.

REQUEST FOR LOT RELEASE

Jack Williams – Lot Release (Lot 9) Gilbert Estates

Amount of work remaining is approximately \$57,000 (paving, sidewalk, raising of catch basins). Andy said there was a site inspection of April 2020 and have not done a follow up since. Have looked at sub-contractor estimates and the value of looks sufficient for work remaining. Mr. Shea asked if there were some issues regarding Conservation but it appears this was a different location. The board discussed where the public access was for the public use land behind lot 8. It is located via an easement next to lot 8's driveway.

Motion to release lot 9 of Gilbert Estates to Jack Williams made by Mr. Robinson, seconded by Ms. Sordillo, approved unanimously 5-0-0.

OTHER BUSINESS

Member notes:

None

Solar Project Pilot Taxes

Not available tonight

Meeting Minutes of August 31, 2021:

Mr. Shea made a motion to approve minutes as written, seconded by Mr. Gaskey. Approved 5-0-0.

Motion to Adjourn made by Mr. Shea, seconded by Mr. Robinson, approved unanimously 5-0-0.

Minutes submitted by Ashley Swartz.