



Approved 5/14/19

# Town of Carver, Office of Planning and Community Development

Planning Board Meeting Minutes, March 12, 2019, Carver Town Hall, Meeting Room #1. This meeting was videotaped for cable cast area 58, channel 15.

Attendees: Bruce Maki, Chairman; James Hoffman, Member; Jen Bogart, Member; Kevin Robinson, Member; Cara Dahill, Alternate Member

Also Present: Stephen Cole, Planning Director

Absent: William Sinclair, Member

Bruce Maki, Chairman, opened the meeting at 7:02 PM, followed by the pledge of allegiance.

Mr. Cole - I would like to recommend we take #2 out of order.

Public Hearing -- (continued):

- On the application of David Mulcahy, 1929 Development, LLC of Kingston, requesting a Special Permit and Site Plan Review pursuant to Sections 2230 and 3100 of the Carver Zoning by-Law, for property located at 157 North Main Street, on Assessors Map 24 - Lot 4A, Carver, MA

*Motion to continue the public hearing for David Mulcahy, 157 North Main Street to March 26, 2019 at 7:00: Ms. Bogart*

*Second: Mr. Hoffman*

*Approved: Unanimous (4-0)*

- On the application of Cranberry Point Energy Storage LLC, requesting a Special Permit and Site Plan Review pursuant to Sections 2230 of the Carver Zoning by-Law, located at 31R Main Street in Carver, MA (Assessors Map 61 10-0-R and 7-0-R) to allow a 150 megawatt battery storage facility in a Residential / Agricultural District.

Representing Cranberry Point Energy Storage, LLC

Mr. Serkey, Attorney

Giovanni Bertolino

Gary Garfield

Planning Board Meeting, March 12, 2019

Alex Frankel

Mr. Cole distributed the most recent information. This map represents the operating energy storage. At the last meeting, Ms. Bogart inquired as to the largest facilities; this is one of the largest lithium ion storage facility in the world. This packet also includes the final memo from Fuss & O'Neil.

Mr. Serkey – Our goal tonight would be to have the public hearing closed. With the hope of a vote at your next meeting. We've used the time between the last meeting and this constructively. We have responded to the questions asked. We are here now; to answer any further questions you may have.

Mr. Maki – At our last meeting, Ms. Bogart and some other members had questions. I will review them with you now.

- Type of lighting – 15 or 20 feet. Is there a lighting plan?

Mr. Maki – This isn't a parking lot; I am not sure it is necessary. I am interested if these lights will be on all night or only if there is an emergency? Mr. Frankel – There are certain standards required by Eversource. There is specific equipment that Eversource will manage and is at their discretion. Mr. Frankel referred to the area that just south of the substation. Those lights would be on, based on their requirements. Mr. Maki – They have to have them? Mr. Frankel – I am saying they have a requirement but I am not sure of their requirement. Mr. Bertolino – No light for the rest unless maintenance being performed. Ms. Bogart – My concern was the houses on Atwood. Mr. Maki – Generally we are only concerned with lighting spill onto other property; not necessarily what they can see off in the distance. Ms. Bogart – I am not sure if you can direct the lighting? Mr. Maki – We could condition it to specify light spillage area. Mr. Bertolino – If there are lights on all the time in substation and the remaining that are only on during maintenance are they all to be shaded? Mr. Maki – I think only the ones on all the time. Mr. Bertolino – They will only be on at night, in an emergency.

- Gate mounted signs -

This is already taken care of

- Maintenance worker's response time –

The fire Department would be the early responder for any type of emergency. Ms. Bogart – My intent – was to understand where your representative would be coming from? Mr. Frankel – There will be multiple sub-contractors that will be dispatched from Andover.

- Coolant used –

Two types, Air cooled and coolant and glycol. Mr. Garfield – The Tessler units have a door on the front, when you open it there is a unit right in front and has glycol. Mr. Bertolino – This is the same as what is used in cars. Mr. Maki – Does that have any contaminant? Mr. Bertolino – It is not toxic at all; it is not flammable. This is a stationary system. Any risk would be a fire and this liquid would disappear with fire.

- Lightning strikes –

There is a lighting system to be placed at each unit. Ms. Bogart – I was wondering if additional structures would be put in. Mr. Garfield – I contacted the Tessler rep. The whole system is grounded and there are no towers. Mr. Bertolino – The only portion that might need towers would be near substation that Eversource would require for safety.

- Battery Storage / Structure – We do have some Representatives from the Fire Department tonight. There was talk about putting these in a building; the Fire Department did not like that idea; it wouldn't be safe. Ms. Bogart – I think I was misunderstood. I didn't want to put the containers in the building; just the batteries. Mr. Bertolino – It is possible to do and sometimes cost effective. The building is more impactful. From a fire risk, the containers that are proposed, provide a separation and makes it easier to contain the fire.
- Further battery storage sites – Mr. Maki – The importance of this site include being adjacent to power station and power lines. Something this large couldn't happen anywhere else in Carver. Mr. Frankel – I think you will see projects of this size happen in the state but certainly not another one in Carver. In the future you will see them regionally. Ms. Bogart – Can a smaller facility come in? Mr. Frankel – I think it is very unlikely. The economics will not work. Ms. Bogart – So it could happen in the future.
- Support Apparatus –  
We had a solar project in a landfill. At the time we needed some equipment. Mr. Germaine, Deputy Chief – Regarding The North Main Street Project, it is not normal for us to ask for equipment. Our regulations couldn't make that project work. The Town Administrator, The Fire Chief and the applicant all met to discuss how to move forward. There was some monetary value used to purchase a smaller vehicle to get into the area. This project is different and meets all our requirements. The big concern was with water. Within 1300 feet, there is a water source that hold 5.2 million gallons of water. This lessens the concern. Ms. Bogart – You are saying the Town doesn't need any additional apparatus? Mr. Germaine – There was never a conversation that we needed any apparatus to meet requirements. Mr. Robinson – That water source – If you had to use it, would it replenish itself? Mr. Germaine – Yes.
- Connection to transmission lines –  
Mr. Garfield – In the initial set of plans, we had 50' located in the Northwest corner, we have shifted it to the south to take advantage of the trees and shielding.
- Computer model rendering –  
Mr. Maki – This is not in our regulations but you indicate that you can come up with something. Mr. Garfield – This typically gives the Board the feel for what a strip mall would look like. With this project, the viewpoint is significantly far away and the topography undulates. It will be interpretive. Maybe as a condition, after we cut the trees, which will give you a better idea. Doing this rendering would take about 6 weeks. Mr. Maki – This is new to me. Civil Engineering companies don't have the software to do this. Ms. Bogart requested it; how does everyone else feel?
- The screening for residents –  
Mr. Maki – Route 58 will be screened with a berm and electrical substation in the front. In the rear it is wooded. On the northern side, there was a bunch of trees flagged for cutting. Mr. Garfield - Some are still going to stand along the edge (from North South easement, on the west side, some will stay – On the north

side, all 30 feet of trees will be removed). It may be more desirable to screen at the residents. Mr. Maki – How high is the fence? Mr. Garfield – Chain-link somewhere between 6-8'. Mr. Maki – Different residents request different things. We have had different solutions (i.e. colored fence, slats, etc.). Mr. Garfield – Let's see if we have a problem first. If we do, we can have that conversation to see what would work for them. Ms. Bogart – If we don't condition a screening plan, we should reach out to the neighbor on Atwood. I did speak with him and looked at the property. He indicated he did not get any correspondence on this. He said that he would care if it changed. Mr. Garfield – There were two neighbors at the first hearing we had; my point is that if a screening plan is necessary, I'd rather work with an individual that has a problem. Mr. Robinson – Is there a way that we could add language that allows for options? Ms. Kwessell – How far do you cast that net? This person is not within 300 feet. I have seen conditions that the applicant had to come up with a screening plan. How do you enforce it? It's very subjective if someone is happy or not. Ms. Bogart – We aren't talking a massive subdivision. It's important that this man, on Atwood, is contacted as he is the most visually impacted. Mr. Hoffman – Are we opening ourselves up by addressing a non-direct abutter? Ms. Bogart – I think it's important to work with the residents. Ms. Kwessell – What does "work with" mean? Ms. Bogart – We do that with Solar projects. Ms. Kwessell – That is different – it's not in this by-Law – if we are looking for screening, we can condition that. Mr. Hoffman – Can we add "provide screening on this property"? Ms. Kwessell – You can only require them to require screening on their own property. Mr. Hoffman – So the land between the owner and the proposed project, who owns it? Mr. Frankel – It's an easement owned by the utility company. Mr. Maki – In other solar projects, if we couldn't screen the whole facility, we would go to the individuals houses. I would think this only affects the couple of houses on the cul-de-sac. We won't know how it will affect them until those trees come down. Could we condition it so that if there are complaints we could talk to them? Mr. Serkey – Language "applicant shall in good faith and due diligence meet with the affected residence on the cul-de-sac that abut the easement." Mr. Maki – We could condition it and talk to those people; Re-assess after the trees are cut. Mr. Frankel – The good faith language that Mr. Serkey mentioned, we are okay with that. There is a 345KB tower that is closer to this property and is taller than anything in the area. Ms. Bogart – I just want to be able to take any input from these residents. Ms. Kwessell – Once you close the hearing, you can't take any input. Mr. Garfield – We are willing to work with those homeowners; we do not want to drag out this hearing any longer. We could add condition to approval. Ms. Kwessell – This good faith language has no backbone at all. I am concerned with "good faith" and "due diligence" language. Part of your job, as members of this Board, is to look down the road. Mr. Maki – We don't even know how much of an impact this will have on this resident. Would it be a bad thing if we did not close until the next meeting with conditions and did it all at the same time? This would afford us time to talk with the residents. Mr. Milanoski – You can't enforce the contractor to do anything outside the current by-Law. What I've heard from the applicant is that they are willing to work with the residents. I would suggest that if maybe they were willing to add more money to the tree replanting fund it would leave us funds available if there is an issue in the future. Mr. Frankel – We would be amenable to that solution.

- Tree replanting program -

There is going to be a donation for the trees taken down. Mr. Garfield – We talked with our surveyor who advised us at 10%. We counted about 545 trees with 426 in the area of work and rounded that number up to 500. That would mean replacing 50 trees at. Ms. Kwessell – Is that in kind replacement? Mr. Garfield – No, we are starting at an inch and a half. Mr. Garfield – It depends on the type of replacement. The lower cost is probably due to the quote I got from the company on Main Street. Mr. Frankel – Given the estimate of replanting, we are suggesting adding \$10K to help with any visual impact of the project. Mr. Milanoski – Logistics - This is a donation and can't be conditioned. I will work with Board of Selectmen to choose what is needed and the time needed. Ms. Bogart – Can you guarantee that the \$10K will go to that neighborhood? Mr. Milanoski – That \$10K is not just for that neighborhood. I would work with the DPW and the neighborhood to determine need. Mr. Milanoski – Is that \$10K in addition to? Mr. Frankel – With regards to any type of donation, the language will be reviewed by our legal department. Mr. Milanoski – To say \$10K is going to one house; I can't. We won't know until the trees are removed. This will be the responsibility of the Operations and Maintenance Department. Ms. Bogart – I want a guarantee that the \$10K will be for that neighborhood. Mr. Milanoski – You can't do that. Mr. Hoffman – So we have one pot of money \$38K? Mr. Milanoski – Yes, one pot. We would commit to plant an appropriate number of trees, if needed. Ms. Kwessell – It could be dangerous to commit to specific property as there may be changes when the trees come down.

- \$15 mil – \$22 mil -

That's a lot of money. The gap is due to the technology. Mr. Milanoski – This tax issue is in the jurisdiction of the Board of Selectmen. This is an expensive project and there will be tax revenue for the Town. Nothing has been negotiated yet.

- Technology – We are down to two types. Mr. Bertolino – We have a long development timeline; We have to secure contractors. We don't expect this project to be completed until 2022/2023. Every year there are improvements; we won't know what it will look like at that time. Tessler might buy the batteries from other vendors but we know for sure it will be lithium ion battery. If we were to choose a different solution than Tessler, there would be differences. However, things like noise would be within limits. Ms. Bogart – Would it change how the fire department responds? Mr. Garfield – We get to a certain point and develop a plan with the fire department. Where we are at this point leaves us with 3 scenarios –

1. These are outdoor batteries; every one stays outside;
2. We could have what looks like a shipping container, we don't want to send in fire fighters and would need a different plan. We are not at that point yet;
3. The third is a building but doesn't apply as that is not what we are doing. Mr. Garfield – The fire department has the ultimate authority to approve the plan.

Mr. Bertolino – A container will not be accessible for a person to get inside. Ms. Kwessell – The state fire code would override any condition this Board would put in. Mr. Robinson – Our fire department will be trained with no additional cost to the town? Ms. Kwessell – Yes. Mr. Frankel – We have retained a company that is available to the fire department.

- PR Campaign – Mr. Maki – I don't see a PR campaign for this type of thing. Ms. Bogart – This is an exciting project; I see state news doing a story, maybe even national; they could highlight the town. Mr.

Frankel – There has been mention of this being the largest facility. By the time this is complete, it will not be the largest facility. Mr. Bertolino – In the US, the largest in planning is south of San Francisco which will be complete in 2021 and will be 4X s larger than this project. We do work closely with the community and would take the opportunity to highlight the community as well. Mr. Garfield – In my response, it was based on MASS DOT. Our company put some time and thought on how to showcase those projects. That really jump started the solar work; the Secretary of Transportation wanted them highlighted.

Mr. Maki opened it up to the public – No questions heard.

Ms. Bogart – I am looking for clarity on the tax revenue; I believe this is part of our purview. Mr. Maki – I just mentioned it to show the public the benefit of the project; this is not part of our purview. Ms. Bogart – I am going by the special permit.

*Motion close the public hearing for Cranberry Point Energy Storage, Main Street, with conditions: Mr. Robinson*

*Second: Mr. Hoffman*

*Approved: Unanimous (4-0)*

Mr. Maki thanked the applicant and members of the fire department for coming tonight.

#### Public Hearing:

- On the application of RPBP, LLC requesting approval of a Definitive Subdivision Plan pursuant to the Carver Rules and Regulations Governing and Subdivision of Land for Property located on “Spring Street”, on Assessors Map 32, Parcels 3,5-E, 5-AN, 6-EN, 6-DN, 6-CN, 6-BN and 6-A in Carver, MA showing 6 proposed lots associated with 10 mixed use office/storage buildings and 9 storage buildings located in the Spring Street Innovation Zoning District.

Mr. Cole - Mr. David Willet is here tonight and is a direct abutter. He has some thoughts on conditions tonight. This project was first discussed about a year ago. We are intending to have the TRC before our next meeting. My expectations are to hear about the merits of the projects tonight.

Representing RPBP, LLC, Brad McKenzie, Peter Opachinski

We had a few meetings last spring. The layout/configuration hasn't changed; 28 acres in Carver and 23 acres in Plympton. Mr. Opachinski purchased this property in October of 2018. We prepared an 81X plan to consolidate all those properties (1 in Carver and 1 in Plympton). There is an ongoing mining site. This is primarily mature woodland. The project is 6 lots, road is about 1,220 feet, intended use is light industrial. We will be filing with the Conservation Commission, as well. We did get feed back from Deputy Boyle re: secondary access. We can obtain the entire volume of storm water with onsite drainage; utilities are all

underground. Roadway is 50' in width. We are seeking a waiver to not install sidewalks and to not excavate observation pits. In some cases, it is a 40 foot cut. Once the project is down, close to grade, we would do additional exploration.

Mr. Maki - Mr. Cole – The preliminary was conducted last July from Mr. Hemenway. I am hoping to get the TRC convened within the next week. Memos will be available to the Board this week. We will also be scheduling a site visit. Mr. Robinson – I would like to take a site walk. Mr. Maki – I don't think anyone has gone on a site walk yet. Mr. Cole – I did a site walk about a year ago.

Any questions from the audience?

David Willet – 157 High Street. I am very happy with the Board meeting tonight. My only concern is how to integrate a "light industrial" in that area, without affecting property values. I am also concerned with storm water management and water quality. We need some sort of maintenance agreement. I would like to see a lighting plan. I am also concerned about noise. I am looking for a plan that is aesthetically pleasing, with sidewalks. High Street is an extremely busy road. I want the Board to take a look at the site. Mr. Maki – We will take a look at those things when we do our site walk.

*Motion to continue public hearing for RPBP, LLC to March 26, 2019 at 7:00 PM: Mr. Hoffman*

*Second: Ms. Bogart*

*Approved: Unanimous (4-0)*

A site walk is scheduled for Thursday, March 21 at 4:00 PM - Mr. Hoffman will schedule another time. Meet at the paved entrance, office trailer (32 Spring Street).

*Motion to conduct a site visit at 32 Spring Street on March 21, 2019 at 4:00 PM: Ms. Bogart*

*Second: Mr. Robinson*

*Approved: Unanimous (4-0)*

#### Other Business:

#### *Planning Board Member Notes:*

- Mr. Hoffman – We are running the Kane Strong Golf Outing on May 18. Anyone looking to donate can contact me.

- Mr. Maki –
- Ms. Bogart –
- Mr. Robinson –

*Planning Director Notes:*

Nothing tonight

*Minutes – January 8, 2019 and January 22, 2019 and February 26, 2019*

*January 8, 2019*

*Motion to approve the minutes from January 8, 2019, as amended: Mr. Hoffman*

*Second: Ms. Bogart*

*Approved: Unanimous (4-0)*

*January 22, 2109*

*Motion to approve the minutes from January 22, 2019, as written: Mr. Robinson*

*Second: Mr. Hoffman*

*Approved: Unanimous (4-0)*

*February 26, 2019*

*Motion to table the minutes from February 26, 2019: Ms. Bogart*

*Second: Mr. Robinson*

*Approved: Unanimous (4-0)*

*Next Meeting date:*

The next meeting has been scheduled for March 26, 2019 at 7:00 PM.

*Adjournment:*

*Motion made to adjourn at 9:07 PM: Mr. Robinson*

*Second: Mr. Hoffman*

*Approved: Unanimous (4-0)*