

**CITY OF BEVERLY
PUBLIC MEETING MINUTES**

BOARD OR COMMISSION: Beverly Planning Board
DATE: April 21, 2021
LOCATION: Remotely held through Google Hangouts Meet
MEMBERS PRESENT: Chairperson Ellen Hutchinson, Vice-Chair Alexander Craft, Sarah Bartley, Ellen Flannery, Wayne Miller, Brendan Sweeney, Andrea Toulouse
MEMBERS ABSENT: Derek Beckwith, Rodney Sinclair
OTHERS PRESENT: Assistant Planning Director Emily Hutchings
RECORDER: Sarah Scott-Nelson

Call to Order

Hutchinson calls the meeting to order at 7:02 p.m. and reads a prepared statement introducing the meeting, the authority to hold a remote meeting, public access and public participation, and meeting ground rules. Hutchinson takes roll call attendance.

Supporting materials that have been provided to members of this body are available from the Planning Department. The public is encouraged to follow along using the posted agenda.

Subdivision Approval Not Required Plans

6 Woodland Road – Hyland J. Homes LLC

Thomas Alexander, representing the applicant, explains the two lots, noting frontage and access, as well as the nearby hydrant and sewage access.

Craft: Moves that the Planning Board endorse the Subdivision Approval Not Required Plan for 6 Woodland Road finding the plan meets the requirements for an SANR Plan: that it fronts on one of the three required types of ways, the lots meet the minimum frontage requirements for the zoning district, and vital access to the lots does exist. Seconded by Flannery. Hutchinson takes a roll call vote. The motion carries 7-0.

38 Standley Street – Waring School Inc. (to be heard with Item 2; cont.)

OSRD Waiver Request – 38 Standley Street – Waring School Inc. (cont.)

The Board reviews the facts of the application and previous discussion at prior meetings and review what was seen at the site visit. Hutchings notes the new information included in the staff report, and that the Open Space and Recreation Committee (OSRC) has submitted a letter recommending against the approval of this OSRD Waiver. Hutchinson asks Miller about the discussion at the OSRC meeting on the subject, and Miller reports that the OSRC did not see any benefit to the City from waiving the OSRD requirements.

Flannery asks Bob Griffin, representing the applicant, if it is possible to show how an alternate open space parcel might be established. Griffin notes that any open space parcel would be wetlands, and argues that there is no development opportunity for any additional parcel. Bartley asks if there is anything the Board could do to support an alternative layout, versus the site layout that has been proposed. Griffin notes that zoning restricts multifamily homes (so a duplex or triplex would not be considered), but the applicant could entertain a shared driveway. Hutchings notes that OSRD Ordinance was designed to facilitate more creative plans that, among other things, may protect natural resources and reduce impervious surface, utilizing tools such as a shared driveway. When asked whether OSRD plans also protect historic resources, Hutchings notes that the existing OSRD Ordinance does not refer to the protection of historic resources, although the Historic Preservation Plan recommends updating ordinances to include references to historic resources and increase protection. Hutchings states that she included information on the existing historic resources on the site due to the review of historic features at the site visit, and states that any proposed demolition of historic buildings would have to be reviewed by the Historic Districts Commission under the Demolition Delay Ordinance.

The Board discusses the application and Hutchinson asks Board members to review perspectives and potential concerns regarding the proposal. Miller and Sweeney state their concerns with approving the waiver, particularly considering the OSRC's recommendation. Hearing no further discussion, Hutchinson asks for a motion.

Craft: Moves that the Planning Board grant the OSRD waiver request for 38 Standley Street, Waring School Inc. based on the applicability of Ordinance section 300-54.B.3.d, stating the facts that no more than two new building lots would be created, the owner and his or her successor in title, through deed restriction, will relinquish all rights of future division that will create additional building lots together or in conjunction with land outside the tract; the applicant has provided an acceptable plan, identifying and delineating primary and secondary conservation areas, potentially buildable areas, and proposed house locations; and the applicant has satisfied that Planning Board that siting of new houses and associated site improvements, including stormwater management, conform to the purposes and intent of the OSRD ordinance. Seconded by Flannery. Hutchinson takes a roll call vote. The motion fails 3-4. (Craft, Flannery, and Toulouse voting for; and Bartley, Miller, Sweeney, and Hutchinson voting against.)

Endorsement and 81-X Certificate for a Definitive Subdivision Plan – 133 & 143 Brimbal Avenue – Griffin Engineering Group, LLC

Bob Griffin, representing the applicant, explains the plan which had come to the Board in 2016, and was approved with several waivers. Griffin clarifies that the waivers have been removed to be in full compliance with the subdivision requirements.

Flannery: Moves to certify the previous Definitive Subdivision Plan approval 133 & 143 Brimbal Avenue to include the 81X Certificate. Seconded by Craft. Hutchinson takes a roll call vote. The motion carries 6-0-1. (Miller abstains.)

Flannery: Moves to endorse the Definitive Subdivision Plan approval 133 & 143 Brimbal Avenue as submitted. Seconded by Craft. Hutchinson takes a roll call vote. The motion carries 6-0-1. (Miller abstains.)

Request to Extend Expiration Date of Special Permit #115-07 – 95 Sam Fonzo Drive – The Coastal Group, LLC

Hutchings states that this request has been withdrawn, and no action is required by the Board.

Recess for Public Hearing

Flannery: Moves to recess for public hearing. Seconded by Miller. Hutchinson takes a roll call vote. The motion carries 7-0.

Public Hearing: Solar Installations on Municipal Property (cont.)

a. Special Permit #176-21 & Site Plan Review# 147-21 – 4 McPherson Drive, proposed solar canopy over existing parking lot- Kearsarge Beverly, LLC c/o Dan Voss

b. Special Permit #177-21 & Site Plan Review# 148-21 – 10 & 11 Pond Street, proposed solar canopy over existing parking lot – Kearsarge Beverly, LLC c/o Dan Voss

c. Special Permit #179-21 & Site Plan Review #149-21 – 502 Cabot Street, proposed solar canopy over existing parking lot – Kearsarge Beverly, LLC c/o Dan Voss

d. Special Permit #178-21 & Site Plan Review #150-21 – 100 Sohier Road, proposed solar canopy over existing parking lot – Kearsarge Beverly, LLC c/o Dan Voss

Mayor Cahill introduces the project, referencing the time spent developing the project with Kearsarge Energy. Dan Voss, representing Kearsarge Energy, provides an overview of the project, reviewing the four sites: 502 Cabot Street (the Beverly Middle School), 100 Sohier Road (the Beverly High School), 10 & 11 Pond Street (a public parking lot), and 4 McPherson Drive (a public parking lot at a public park). Chris Ryan with Meridian Associates, land surveyor for the project, reports on more specifics around permitting.

Regarding the Middle School (502 Cabot Street) site, Hutchinson asks about whether there are safety concerns regarding the battery units. Ryan reviews how the batteries are contained and protected. Mayor Cahill notes that fire safety has been a big discussion throughout the project, and that the Fire Department has provided input regarding the placement of the battery units. Craft asks about whether landscaping has been considered around the battery unit at the Middle School site. Voss reviews the location of the battery unit, behind the school bus parking area, and Hutchings shows an aerial view of the parcel and the existing landscaping around the area that would buffer the battery from adjacent homes.

Chris Ryan details the plans for each of the solar array specific to the four sites, including stormwater considerations, and the structure and size of the columns. Ryan explains the height

and square footage of the respective projects. Craft asks about the location of the battery unit at the High School (100 Sohier Road) site, and whether any grading will be needed for the proposed alternative location if the primary proposed location is insufficient. Ryan confirms the existing level grade of the area, and notes that the battery will sit on a concrete pad. Ryan continues to review the canopy structures and what relief will be needed for height and landscaping, and in some cases, setbacks.

Hutchinson asks about the increased square footage of the High School site, and about next steps for the project. Ryan states that the solar energy system at the High School site, not including the parking canopy (only the system that will replace the existing panels) will have an area of approximately 25,000 square feet. Voss states that the next step is the geotechnical survey which will allow finalization of construction details, although the layout is anticipated to remain the same. Craft asks whether parking spaces will be lost at the High School due to the layout of the parking canopy on the site. Voss states that, due to the types of footings to be used and the ability to space the footings and foundations, no parking spaces will be lost.

Hutchinson asks why a maximum height of 30 feet is being requested, rather than 20 feet. Voss reviews the anticipated heights of the systems, and states that the 30 feet is to allow a degree of latitude, which would only be needed at specific sites due to topography, to ensure access. Voss states that the goal is to minimize height in order to minimize cost. Hutchinson asks if the projects will create any increased noise. Voss states that the inverters on the solar systems include small fans that would blend into the background noise during the day and not run at night. The battery systems would have air conditioning units that would meet any noise requirements, no more significant than a standard air conditioning unit.

Hutchinson asks if there are any other questions or comments from members of the Board. Miller acknowledges members of the Clean Energy Advisory Committee and Sustainability Director Erina Keefe. Miller states his enthusiasm at the rejuvenation of the Greenergy Park, which is one of (if not the) oldest solar energy systems in the country. Miller emphasizes that this project supports Beverly's 2050 goals for clean energy, and the City will not meet those goals without projects such as these. Regarding the requested relief, Miller states that he would categorize the relief needed as minor in nature. Miller asks if Ms. Keefe has any comments on the project.

Keefe confirms the importance of the project in terms of clean energy creation and offsetting emissions. Keefe comments that Kearsarge has been a responsive partner throughout the process.

Hutchinson asks Hutchings if City departments or boards and commissions have provided any letters on the matter. Hutchings notes that there is one letter from the Health Director, which provides a set of conditions which would be monitored and enforced by the Health Department. The Planning Department has received confirmation emails from Engineering Department, Fire Department, and the Conservation Agent which express no concerns about the project at this point, and that they will continue to participate in the project as appropriate.

Hutchinson asks if there are members of the public who would like to speak, per the public hearing.

Fred Hopps, 15 Walcott Street, states he is the founder and a member of the Clean Energy Advisory Committee, and Chairman of Solar Now. Hopps notes the local resolution to meet clean energy goals, which this project supports. Hopps notes that he highly recommends this project for supporting the City's clean energy goals and for its respect for Dr. Coleman's original work on the Greenergy Park at the High School.

Julia Long, 17 Pine Road, Chair of the Clean Energy Advisory Committee, also speaks in favor of the project, and emphasizes her appreciation on behalf of the Committee.

Sweeney asks for confirmation that residents and abutters of the project at 10 & 11 Pond Street received notification of the project and of the hearing, and asks whether the City received any comments or concerns. Hutchings confirms that notification to abutting property owners occurs as part of the Site Plan Review and Special Permit process. Hutchings states that one abutter called requesting more information, and that the abutter had no concerns upon hearing the details of the project. Bartley concurs that that the solar installations are a good project.

Flannery: Moves to close the hearing. Seconded by Bartley. Hutchinson takes a roll call vote. The motion carries 7-0.

Craft: Moves that the Planning Board grant the following:

- Special Permit #176-21 for 4 McPherson Drive, pursuant to Section 300-135G, to waive all landscape buffer requirements and to allow a maximum height of 30 feet where 20 feet is permitted;
- Special Permit #177-21 for 10 & 11 Pond Street, pursuant to Section 300-135G, to waive all landscape buffer requirements, to allow a maximum height of 30 feet where 20 feet is permitted, and to waive setback requirements;
- Special Permit #179-21 for 502 Cabot Street, pursuant to Section 300-135G, to waive all landscape buffer requirements and to allow a maximum height of 30 feet where 20 feet is permitted; and
- Special Permit #178-21 for 100 Sohier Road, pursuant to Section 300-135G, to waive all landscape buffer requirements, to allow a maximum height of 30 feet where 20 feet is permitted, and to waive setback requirements.

Making the finding in consideration of these special permits pursuant to Section 300-91 of the Beverly Zoning Ordinance that:

- These specific sites are appropriate locations for the proposed use, the character of the adjoining uses will not be adversely affected.
- No factual evidence is found that property values in the districts will be adversely affected by such use.
- No undue traffic and no nuisance or unreasonable hazard will result and adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use.
- There are no valid objections from abutting property owners based on demonstrable fact.

- Adequate or appropriate city services are or will be available for the proposed use.

And considering the criteria from Section 30-135G subsection 2 of the Beverly Zoning Ordinance that

- The solar energy systems serves as a canopy for a parking lot or serves as another similar use; and
- The applicant has provided a description of the solar energy systems, the technical, economic, and other reasons for the proposed location and design to be prepared and signed by a registered professional engineer.

Seconded by Flannery. Hutchinson takes a roll call vote. The motion carries 7-0.

Craft: Moves to approve Site Plan Review Application #147-21 pursuant to Beverly Zoning Ordinance Section 300-135 to construct a large scale, ground-mounted Solar Energy System in the IG Zoning District at the 4 McPherson Drive location; Site Plan Review #148-21 pursuant to Beverly Zoning Ordinance Section 300-135 to construct a large scale, ground-mounted Solar Energy System in the CC zoning district at the 10 & 11 Pond Street location; Site Plan Review #149-21 pursuant to Beverly Zoning Ordinance Section 300-135 to construct a large scale, ground-mounted Solar Energy System at the R-10 Zoning District at the 502 Cabot Street location; and Site Plan Review #150-21 pursuant to Beverly Zoning Ordinance Section 300-135 to construct a large scale, ground-mounted Solar Energy System at the R-10 Zoning District at the 100 Sohier Road location. The following comment letters have been provided to the Planning Department from the Board of Health and that all standard set of conditions are included within. Seconded by Flannery. Hutchinson takes a roll call vote. The motion carries 7-0.

Approval of Minutes: March 30, 2021

The Board reviews the minutes for the March 30, 2021 meeting and offers minor, non-substantive edits.

Flannery: Moves that the revised minutes from the March 30, 2021 meeting be approved. Seconded by Sweeney. Hutchinson takes a roll call vote. The motion carries 7-0.

Other / New business †

Hutchinson notes that Councilor Ames submitted a letter explaining a rodent issue in the West Dane Street and Mulberry Street area, which she has requested be read into the record.

Hutchinson reads the letter into the record, and the Board agrees to add the item to the agenda for the May 25, 2021 meeting for further discussion.

Adjournment

Flannery: Moves to adjourn at 9:15 p.m. Seconded by Craft. Hutchinson takes a roll call vote. The motion carries 7-0.

The next regular meeting of the Planning Board will take place on May 5, 2021 held remotely via Google Meet.