



*approved
2/21/18*

CARVER CONSERVATION COMMISSION MINUTES OF FEBRUARY 7, 2018 MEETING

Present: Chairman Jim Nauen, Tim Dempsey and Savery Moore were present. Also present: Brooke Monroe, Environmental Scientist, Agent, and Marianne MacLeod, Recording Secretary.

Mr. Nauen opened the meeting at 7:00 P.M.

APPOINTMENTS:

- Jeffrey Merritt – 14 Andrew's Point Road - Project Changes. Brooke brought the Board up to speed on this project. Mr. Merritt and Mr. Bazzinotti came before the Board again. They reviewed the problems that came up at the last meeting. He gave the Board a hand-out with explanation and pictures. They are contemplating changing the plans and wanted to discuss this with the Board. The pictures he supplied showed several issues with the current foundation. They shared their proposals that have been updated, including moving the leaching field and septic tank outside the 100' buffer zone and demo the existing house and rebuild it or move it outside the 65' buffer zone.

Tim Dempsey asked what they would do with the area where the old foundation was. Mr. Merritt explained that they would use the material from the new foundation and put it where the old foundation was. Tim Dempsey – you'll move the old foundation entirely? Yes.

Savery Moore asked if the deck would be removed. He said they would take the house outside the 65' and the deck would probably sit within the 65' buffer zone.

Savery Moore asked what are the plans for landscaping the area where the current house would be removed from. Mr. Merritt said he hasn't gotten that far but there are options – keep it natural, as it is now, or use plantings.

Tim Dempsey said he would like to accept the plan in its generality, except for the final plans and plans within the 65', and Savery Moore agreed but added to have the plantings and good bracing for the deck. Jim Nauen told them to go ahead with their revised plans and the Hearing will be continued until they have their new plans. The Board agreed to continue the hearing.

BUSINESS:

- Septic Repair – 50 Bunny’s Road. Brooke went out and looked at it. Everything was fine.
- Update on Site Walk of January 31, 2018 with DEP re: Appeal of 0 Purchase Street Decision – Floating Solar. – No update on this project.
- 40 South Main Street – they want install an invisible fence. It will be away from the pond. Brooke shared a plan.
- 92-B South Main Street – Inspect Septic Repair. Brooke visited the site and told the Board that this project is all set.

COC REQUESTS:

None.

MINUTES:

- To be read and approved for January 24, 2018. Savery Moore made a Motion to approve the minutes of January 24, 2018 as written, seconded by Tim Dempsey, voted and passed unanimously 3-0-0.

CONTINUED HEARINGS

14 ANDREW’S POINT ROAD – DEP# SE126-554

NOI

Notice is hereby given, in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and the Carver Wetlands Protection Bylaw, that a public hearing will be held at 7:45 p.m. on Wednesday, January 17, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent for Jeffrey Merritt and Joseph Bazzinotti to elevate the existing single family dwelling; install a new foundation under the dwelling; and upgrade the existing septic system. The proposed work will be conducted within the 100 and 65-foot buffer zone to Sampson’s Pond. A variance is requested to allow the work within the 65-foot buffer protected under the Carver Wetlands Protection By-law. The project is located at 14 Andrew’s Point Road, Carver, MA, Map 1, Lot 8. All interested parties are invited to attend. Copies of all plans, filings, and pertinent documents are available at the Conservation Commission Office. This Hearing has been continued.

0 ROCHESTER ROAD – DEP# SE126-555

NOI

Notice is hereby given, in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and the Carver Wetlands Protection Bylaw, that a public hearing will be held at 8:00 p.m. on Wednesday, January 17, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted by Edaville Land Holdings LLC; for the proposed construction of a 490kW ground mounted solar array to be used to power the existing commercial operation (Edaville Family Theme Park). The proposed array is to be installed on an existing, abandoned cranberry bog and will require a variance from the Carver Wetlands Protection Bylaw. Two areas; totaling

approximately 6,300 square feet; will be replicated to mitigate for the alteration of wetland resulting from the solar array. The project is located at 0 Rochester Road, Carver MA, Map 86, Parcel 13, Carver, MA. All interested parties are invited to attend. Copies of all plans, filings, and pertinent documents are available at the Conservation Commission Office.

Arthur Borden came before the Board with a Solar Consultant, Mr. Kevin Black from 60 HZAC LLC. He described the plans that he brought. The bog that they want to put the solar panels on were shown on the plan. DEP came back with a filing concerning the original bog road and through technical review with the Carver Fire Department and EMS, they have taken out the long access road completely and there are now two access roads. This eliminated over 5,000 square feet of fill. They've decided to leave the replication of the other bog on site and will transplant some vines from other bogs on the property. This would allow Edaville to come off the grid and be self-sustaining. Connecting lines are already in place at the park.

Tim Dempsey asked if they are planning on putting passive solar on wetlands? Yes. The rack system will be set up approximately 5' above the bog and the arrays are set 18' apart. Tim Dempsey asked if they need a farm permit in order to sell cranberry vines. Jim Nauen stated that if they are going to activate the bog, they will have to get a farm permit. Mr. Borden gave the Board updated plans which they reviewed.

Savery Moore asked the two proposed fire access roads – what kind of material would they be? Construction RAP (reprocessed asphalt).

Savery Moore asked is it impervious? No, similar to the parking lot at Edaville. Savery Moore asked if water goes through it? Yes.

Savery Moore then asked – the thought is to harvest the vines for sale. If they are removed, would they be replaced the following year? They would develop a plan for that. They would only take out a select few to sell in the gift shop. He would defer to the wetland scientist and will get an answer.

Savery Moore also asked – are there going to have to be any tree cutting along the side to allow sunlight to reach the panels that are on the southeastern edge of the array? They are close to 70' away from the closest panel and they are not proposing to cut any trees down.

Savery Moore asked regarding the MA DEP wetlands program came out with new guidelines last year, says placement of photovoltaic systems within wetland resource areas is highly discouraged. Mr. Borden said when the DEP issued a file number, they reviewed everything and that policy was in place several months before their filing. Brooke confirmed that this was true.

Savery Moore then asked, on the southwest corner of the drawing at the edge of the existing older bog, there is an existing flume that goes under the road, Pine Street, does that feed another bog? Yes it most likely finds its way to the bog reservoir.

Savery Moore asked has anything been said to the bog owner regarding possible changes in the water that are flowing into his bog, i.e., water temperature, nutrients, etc. Mr. Borden will ask them to speak with that abutter.

Jim Nauen asked who the owner is? Mr. Borden thinks it is in a trust now – Heikkila Bog. Brooke asked if any of the bogs are active? No, they are being let go.

Savery Moore asked if this solar array is replacing the original plan for the bog across from the train platform? Yes, he is not doing that any longer. This is a better location.

Brooke asked if they were subject to the storm water regulations. Did you have to do any calculations? Mr. Borden said no, he wasn't aware of that.

Tim Dempsey asked if the parking lot would drain into this bog? No. All water is kept on the parking lot site.

Nancy Gonsalves, an abutter, had some questions. She lives at 40 Rochester Road. She is concerned that it is inside wetlands and wants to know if they are being filled in? Jim Nauen explained that the only replication is the small amount of area where the posts sit on. The wetlands continue to function as wetlands. She asked if there is any type of border around this? Are only the panels going in the field. Tim Dempsey explained there is a fence going around it. She asked how high will the fence be? Will this affect the abutters' property value? It shouldn't. Will any trees be cut down? No. Brooke explained that the Planning Board will discuss the fencing.

Tim Dempsey asked how high the fence will be? 6' chain link fence. Ms. Gonsalves has concerns that it may not be aesthetically visual for the abutters? Is there somewhere else on the property where it won't be affecting abutters? She asked if this will affect the water table? Savery Moore explained this doesn't divert water anywhere else and shouldn't affect the water table. Mr. Borden explained there is a drain at Eda Avenue which deflects water and will continue to do that.

Tim Dempsey explained he is not a proponent of passive solar on wetlands. Jim Nauen explained that there is a project currently in Carver that has worked out well and it is not a hazard and there is no negative outcome. Jim Nauen explained this will go before DEP and they will take their position on it as well. Savery Moore doesn't feel comfortable voting on this tonight until they get an answer regarding the vines. Tim Dempsey says a farm plan may be needed and no one is sure about this yet. Mr. Borden believes the bogs are picked actively. There is an agreement with AD Makepeace. Mr. Borden will inquire about this and let the Board know.

Savery Moore made a Motion to continue this Hearing to the next meeting, February 21, 2018, seconded by Tim Dempsey, voted and passed unanimously 3-0-0.

4-A WENHAM ROAD – DEP# SE126-556

NOI

Notice is hereby given, in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and the Carver Wetlands Protection Bylaw, that a public hearing will be held at 8:15 p.m. on Wednesday, January 17, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted by JFK Realty Trust; for the construction of a single family dwelling, with associated subsurface sewage disposal system, driveway, utilities and grading within the 65 and 100-foot buffer zone to wetland resource area bordering vegetated wetland. The applicant is requesting a variance from the Carver Wetlands Protection Bylaw, Section 9.2.1.3 (3), for the activities (i.e. well installation and construction of a deck, with structural footings and stairs) within the 65-foot buffer protected under the By-law. The project is located at 4-A Wenham Road, Carver MA, Map 107, Lot 1-4. All interested parties are invited to attend. Copies of all plans, filings, and pertinent documents are available at the Conservation Commission Office

Jamie Bissonnette and Richard Serkey, Esq. came before the Board. Mr. Bissonnette recapped the plans given at the last meeting. They revised the plans and tightened things up on site to make it a more suitable project that they feel the Board would approve of.

Jim Nauen noted that no attempt was made to move the house out of the 100' line. Mr. Serkey explained the previous plan required a variance because part of the structure was within the 65' buffer zone. This plan has no structure in the 65' buffer zone. Jim Nauen explained the wetlands bylaw that no person shall fill, dredge, alter or build upon or within 100 feet. Mr. Serkey explained that if they were building a structure within 65' of the wetland they would need a variance. They need permission in that they are moving earth and acting within 100'. They are asking for permission and they need the Board's permission. What he is saying is that they do not need a variance. Savery Moore explained the entire structure has been built in the 100'. Mr. Bissonnette explained there can be stabilization used. Mr. Dempsey said he is concerned that if they cut down the trees and remove the roots, the entire slope would go away. Mr. Bissonnette said they would use aggressive planting on it. Jim Nauen said if they can show a site using this process, that is 5-10 years old that is stable, then he may change his mind. Mr. Serkey gave an example of a structure within the wetlands in a project that was approved in 2016. The location was 6 Purchase Street. Mr. Serkey gave another example at 13 Woodhaven Street, the house is well within the 100' buffer, which was done in 2012. Mr. Serkey asked if the Board members were concerned about the 35' or 100'. They all expressed that their concern is with the entire project. Mr. Serkey said he'd like to come back with an example that the well can be done without the concerns expressed by the Board. Mr. Serkey asked Mr. Bissonnette what could be done to protect the wetlands during construction? Savery Moore also explained that it is not just during construction. Mr. Bissonnette said they are proposing to have 45' to the closest point of clearing, allowing a 45'+ buffer to the wetland area. They are proposing double

hay bales. They will research and have everything stabilized and will bring examples using jute.

Savery Moore explained he is concerned that in the Bylaws, it also says alter or build upon. Savery Moore read the definition of altering in the bylaws. As he gave each example, and the petitions answered yes to each example, Mr. Moore explained that this is a lot of altering. He is also concerned about setting a precedent. Mr. Serkey replied that they are putting the designer's pen in the Board's hand and will do whatever it takes to make sure that the interest that the Board is here to protect, is protected. He feels there must be a way to protect the wetlands without saying no. With regards to after construction, he doesn't have a problem with periodic certification with the Commission to be sure the conditions are still in place. That can be recorded as a covenant through the title. Savery Moore asked if there is a garage under the house? If yes, is there a back egress? No.

Mr. Serkey said they would like to continue the Hearing and come back with changes/updates with conditions and covenants to show compliance with the plan into the future.

Tim Dempsey made a Motion to close the Hearing on Lot 4A Wenham Road' however Savery Moore and Jim Nauen would like to continue the Hearing. Savery Moore made a Motion to continue the Hearing to February 21, 2018, seconded by Tim Dempsey, voted and passed unanimously, 3-0-0.

NEW HEARINGS

None.

Savery Moore made a Motion to adjourn at 8:40 p.m., seconded by Tim Dempsey, voted and passed unanimously 3-0-0.

Next meeting will be on February 21, 2018.

Respectfully submitted,

Marianne MacLeod,
Recording Secretary