



approved
11/6/19

CARVER CONSERVATION COMMISSION MINUTES OF OCTOBER 16, 2019 MEETING

Present: Chairman Jim Nauen, Vice-Chairman, Savery Moore, Tim Dempsey, Alan Germain, Dan Badger, Brooke Monroe, Environmental Scientist, Agent, and Marianne MacLeod, Recording Secretary.

Mr. Nauen opened the meeting at 7:00 p.m.

APPOINTMENTS/DISCUSSIONS:

Michael Doyle-Student interested in Environmental issues. He did not show to tonight's meeting.

Discussion on By-laws – This will be discussed at a separate meeting. Mr. Germain made a Motion to have the meeting on November 6th at 6:30 p.m., before the regular meeting, seconded by Mr. Moore, voted and passed unanimously 5-0-0.

BUSINESS:

Pine Ridge unauthorized activity/request.

Brooke explained what this was about. There was a site visit and meeting with two residents, who requested to cut back some shrubs. Trustees Brenda Johnson and Trish Shropshire, came before the Commission. Mr. Moore shared pictures he had taken with them, showing what has been done near the pond. Ms. Johnson said she was expecting a letter outlining what needs to be done as a result of the last meeting they attended; however, they never received information. Mr. Dempsey said that there are members of the association that are not listening to the Conservation Commission and each time a site visit is done, there are more things being done in violation. He requests that the Board issue an enforcement order with a fine. Mr. Moore would like to suggest before going to that length, there seems to be some vagueness to what is expected and they are looking for direction. He suggests providing the direction, such as measuring off from the two trees and explain exactly what needs to be done. The two residents that met at today's site visit didn't seem to know what they could and couldn't do. Mr. Nauen feels a number of the residents are trying to do the right thing. Mr. Badger shared one difference he found from his first to second visit; there is very distinct widening of the beach, being

dredged out by no less than 5', widened and he wanted to point this out. Material from the channel that was cleared out is piled up. He asked that the Commission be very specific. There will be another site visit, to include measuring and putting together a drawing. They will go on November 6th. Mr. Germain asked that he would like to hear from both of the trustees as to what is the next step if this doesn't get done. Ms. Johnson said she is willing to monitor on a weekly or bi-weekly basis. Mr. Badger pointed out that there may be an issue with how the trustees are disseminating information to the Association members and suggested an email or letter go out to all members to streamline the communication. Ms. Johnson said any communication goes to all Association members.

Mr. Nauen also reminded them that the posts need to be replaced because they're rotted and a 4'x4' pressure-treated post 2 ½ feet out of the ground is needed and the members will mark the locations where they should be placed at the next site visit. Mr. Moore suggested putting the signs on trees that are on the property as an option for placement.

Activities at 22 Lakeview Street-Rebecca & Mark Bennie

John Fink from Simms & Simms is representing the property owners. He asked the abutters what chemicals were used by the exterminator. The Merritts stated that only traps were used. Mr. Dempsey explained what the issue concerning the Commission is how close the compost area is in relation to the 100' buffer zone. Mr. Nauen explained that the Commission would like to have this compost area moved back away from the water line. Mr. Fink stated that when he visited there was no odor. Mr. Moore & Mr. Dempsey said they were there today and there was a lot of odor. Mr. Fink said that the area is flat; however, Mr. Moore and Mr. Dempsey disagree. The property owner will be undergoing medical treatment and they have asked that this be done in the spring. Mr. Germain shared the Right to Farm By-law; explaining specifically that you cannot hide behind the Right to Farm by-law. Mr. Fink said that 10-04 C-sub H states that compost can be within the 100' buffer zone. The members reviewed this law. Mr. Nauen would like to bring this before Town Counsel due to many questions the members have. Mr. Germain made a Motion to table this until Town Counsel has reviewed this. Mr. Fink offered to speak with town counsel; however the members would rather have it discussed in a public hearing. Mr. Nauen explained that this will need to be brought to the Town Administrator and then go to the Town Counsel. Mr. Dempsey would like to ask for a certified wetlands specialist that knows the codes; the Commission will defer to Town Counsel. The Merritts will leave everything to the discretion of the Commission. Mr. Merritt asked if the Order still stands. The answer is Yes it will stay. Mr. Moore asked if a survey could be done. The property owners have one. Ms. Bennie said it is part of the previous permit work. It was done by Mr. Webby. Brooke will check the old file.

Mr. Germain made a Motion to table this pending review of this entire issue by town counsel, through the town administrator's office, seconded by Mr. Badger, voted and passed 4-0-1 with Mr. Dempsey abstaining from the vote.

COC REQUEST

Weston Bros. Cranberry-Tremont St. DEP#SE126-395

Mr. Germain made a Motion to approve the COC, seconded by Mr. Moore, voted and passed unanimously 5-0-0.

MINUTES:

To be read and approved for October 2, 2019. Mr. Germain made a Motion to approve the minutes as written, seconded by Mr. Moore, voted and passed unanimously 5-0-0.

CONTINUED HEARINGS

19C WARD ST. DEP#SE126-589

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 7:30 p.m. on Wednesday, September 18, 2019 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted by Borrego Solar Systems, Inc.; for the proposed construction of a 2,495.610 kW ground mounted photovoltaic solar array. The proposed array; which is an expansion of the existing solar array; is to be installed on the upland cranberry bog located on the northwesterly portion of the property. The solar array is located within the 100 and 65-foot buffers from the existing wetland cranberry bogs and will require a variance from the Carver Wetlands Protection By-law. The project is located at 19C Ward Street, Carver MA, Map 120, Lot 6-0, Carver, MA. All interested parties are invited to attend.

Continued to November 6, 2019

5 JAMES BREECH WAY DEP#SE126-590

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 7:15 p.m. on Wednesday, October 2, 2019 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted by Clean Energy Company; for the proposed construction of a dual use 2.0 MW AC ground mounted solar photovoltaic array. The solar array will be mounted on the existing cranberry bogs, in conjunction with the active agricultural use of the bogs. The proposed solar array is within the wetland resource area bordering vegetated wetland, bordering land subject to flooding and riverfront area. The project will require a variance from the Carver Wetlands Protection Bylaw for the work. The project is located at 5 James Breech Way, Carver MA, Map 34/Map 33, Parcel 2, 5 and 9-C, Carver, MA. All interested parties are invited to attend.

Continued to November 6, 2019

Ms. Donna Forand came to tonight's meeting to apologize for her behavior last meeting.
Mr. Nauen thanked her for coming.

Mr. Germain made a Motion to adjourn, seconded by Mr. Moore, voted and passed
unanimously 5-0-0.

Respectfully submitted,

Marianne MacLeod
Recording Secretary