



approved
9/27/17

Cranberry Land USA

Carver Conservation Commission

Meeting Minutes for August 16, 2017, Room 1, 7:00 PM

Attendees: Jim Nauen, Chair; Tim Dempsey; Jennifer Vaillancourt; Savery Moore

Absent: Alex Lovejoy

Also Present: Brooke Monroe, Environmental Scientist

Meeting was called to order by Mr. Nauen at 7:04PM

Appointments:

Kyle Rizzuto – Troop 48 Eagle Scout Project – Permission to clear a trail on the Cole Property.

Mr. Rizzuto, Eagle Candidate - My plan is to clear the overgrowth in the trail/path areas at the Cole Property. I am also going to install two benches and a couple of bat houses. Mr. Rizzuto presented a visual plan to the board members. Ms. Monroe - will you secure the benches? Mr. Rizzuto - Yes. Plans were made to inform the board when they would be working on it so that members could come down. Mr. Nauen noted the damage on the path from motorized vehicles and indicated that it would be nice to make it a little less accessible. These trails were designed as walking trails. It was established that Mr. Rizzuto could use some of the fallen trees during the process. Mr. Rizzuto – Any unused logs, could they be donated? Mr. Nauen – Yes, any unused oak could be donated. Mr. Rizzuto – There is a locked gate blocking the entrance; could I possibly get the code to that box to gain access? Ms. Monroe will provide a key to Mr. Rizzuto.

Nate Ryan – Troop 48 Eagle Scout Project – Southworth Memorial Site

Mr. Ryan – My project is Julian M. Southworth Memorial Site on Wareham St. I plan to move the memorial rock and placing benches, which will be bolted down and include some patio stone. I also plan on removing the dead pine trees and replacing them. Mr. Nauen – That's good and we could replace them with something more hardy. Mr. Ryan – Could we donate the wood. Mr. Nauen – We may have to have the DPW remove that and chip it. Mr. Moore - If there is any oak, it could be donated to anyone that wanted it.

Minutes:

Minutes were reviewed by members.

June 21, 2017 -

Discussion:

*Motion to approve minutes of June 21, 2017, as written: Mr. Moore
Second: Ms. Vaillancourt
Approved: (3-0-1 - Mr. Dempsey abstained)*

May 17, 2017

Discussion:

*Motion to approve minutes of May 17, 2017, as written: Mr. Moore
Second: Ms. Vaillancourt
Approved: (3-0-1 - Mr. Dempsey abstained)*

July 31, 2017 -

Discussion:

*Motion to approve minutes of July 31, 2017, as amended: Mr. Dempsey
Second: Ms. Vaillancourt
Approved: (3-0-1 - Mr. Dempsey abstained)*

Business:

30-32 Bow Street – DEP # SE126-541 – Request to amend plan.

Julie and Mark Walker – Property owners presented their plans to amend an updated site plan that changes the footprint which is about 2' wider and moved back some. It still meets existing requirements. The dwelling still sits behind the 65' buffer zone. The board reviewed plans. No issues presented by the board. The garage drive was on the original drawing but not on the new one. Julie - The actual garage drive is now only on the left side.

*Motion to accept the amended plan: Mr. Moore
Second: Mr. Dempsey
Approved: Unanimous (4-0)*

COC Requests:

- South Meadow Road – A.D. Makepeace – COC under bylaw for excavation of dumped material.

Sarah Stearns – This is a formality to close out the permit. The work was actually completed in 2014. There was no planting; it was allowed to re-vegetate. The photo's you have are what it looks like today. We submitted a letter with the LSP signoff so that it can be closed out. Mr. Dempsey – Is this land changing hands? Ms. Stearns – No, not at this time.

*Motion to approve COC for South Meadow Road: Mr. Moore
Second: Mr. Dempsey
Approved: Unanimous (4-0)*

- 18 Pond Street – DEP # SE126-480 & DEP # SE126-536

The board did a site visit today. SE126-536 is for the sun room and deck.

*Motion to approve COC, SE126- 480, for 18 Pond Street: Mr. Moore
Second: Mr. Dempsey
Approved: Unanimous (4-0)*

*Motion to approve COC, SE126-536, for 18 Pond Street: Mr. Moore
Second: Mr. Dempsey
Approved: Unanimous (4-0)*

- 33 Walker Road – DEP # SE126-99.

The board did a site visit today.

*Motion to approve COC, SE126-99, for 33 Walker Road: Mr. Dempsey
Second: Ms. Vaillancourt
Approved: Unanimous (4-0)*

Discussion:

- 20 West Street – Agricultural Maintenance
 - Cleaning out ditch; so sprinkler heads didn't clog/malfunction. He is replacing them with impact ones which need to be removed in the fall.
- Wareham Street – Slocum Gibbs – Possible solar project.
 - Ian ward will file notice of intent. That will be a small project and is scheduled for 9/20/17 meeting.

New Hearings:

Route 44 MASS DOT

RDA

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, July 12, 2017, in Meeting Room 1 at the Carver Town Hall to hear the Request for Determination of Applicability (NOI) filed by Massachusetts Department of Transportation (Mass DOT) to determine: (a) whether an area depicted on plan (s) and/or map (s) referenced is an area subject to jurisdiction of the Wetlands Protection Act; (c) whether the work depicted on the referenced plan (s) is subject to the Wetlands Protection Act and (d) whether the area and/or work depicted on referenced plan (s) is subject to the jurisdiction of any municipal wetlands ordinance or bylaw of the Town of Carver. The Request is for proposed work consisting of tree trimming associated with the Route 44 roadway resurfacing from the Carver/Middleboro Town line east to the Carver/Plympton Town line. All interested parties are invited to attend. All interested parties are invited to attend. Copies of all plans, filings, and pertinent documents are available at the Conservation Commission Office.

MASS DOT – We will be resurfacing the roadway first as well as a 6' buffer. We intend to go up to a 20' buffer area in some areas. This will just be managing the overgrowth. Mr. Nauen - We've been trying to have some boulders placed out by the solar array on the right side by the Cole Property. MASS DOT – I can bring that back to my people. Do the people that operate the solar array need

access? Mr. Nauen - They can come in from Pleasant Street as well. MASS DOT - If it's within our right of way it shouldn't be a problem. If not, it may be an issue. Mr. Nauen - Someone from the board can meet you there to take a look at it. Someone from the board will contact you tomorrow.

Motion to issue a negative determination for Route 44 tree clearing and resurfacing by the MASS

DOT: Mr. Moore

Second: Mr. Dempsey

Approved: Unanimous (4-0)

7 Wade Street

RDA

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, June 7, 2017, in Meeting Room 1 at the Carver Town Hall to hear the Request for Determination of Applicability (RDA) filed by Michael Azzara to determine: (a) whether the areas depicted on plan (s) and/or map (s) referenced are areas subject to jurisdiction of the Wetlands Protection Act; (c) whether the proposed work (construction of a shed) is subject to the Wetlands Protection Act and (d) whether the area and/or work depicted on referenced plan (s) is subject to the jurisdiction of any municipal wetlands ordinance or bylaw of the Town of Carver. The project is located at 7 Wade Street, Carver, MA, Map 112, Lot 3-86A-R. All interested parties are invited to attend. Copies of all plans, filings, and pertinent documents are available at the Conservation Commission Office.

Michael Azzara - Property owner of 7 Wade Street. Ms. Monroe - This is an RDA for a shed. When visiting this afternoon, we noticed other work being done. We need to decide what to do. Mr. Dempsey - We need to stabilize and put in erosion protection. Mr. Azzara - The brush was used as a stabilizer. Mr. Dempsey - There are a few issues with trees cut down, well within the buffer. Mr. Azzara - They were in the way of removing the dead trees. Mr. Dempsey - The trees will have to be replicated. You have a pipe coming out from the pool. You can not back wash chemicals into the wetlands. You will need a drywell on the pool side of the fence so when you do the wash it washes into the drywell. Mr. Azzara - I wasn't aware it was a wetland. Mr. Nauen - You will need to make provisions to utilize a drywell. Mr. Dempsey - Yes, and you shouldn't need to discharge it. Ms. Monroe - We can still issue an RDA for the shed and then deal with other issues after the fact. Joe Webby has all site plans and can do the notice of intent.

Mr. Dempsey - I would advise you to note the following items. These could be included in your notice of intent.

- Tree replication (you could use low shrubs; some type of upland species - Trees aren't necessary)
- Dry Well
- Silt fence
- Stabilize ground behind the fence

Mr. Azzara - I have upgraded most everything. Mr. Dempsey - Anything outside the 100' is not our concern. Ms. Vaillancourt - Anything within that 100' goes through this board. Mr. Dempsey - We don't speak with the contractor; we will speak with the owner of the property.

*Motion to approve negative determination for the shed at 7 Wade Street: Mr. Dempsey
Second: Mr. Moore
Approved: Unanimous (4-0)*

3-4 Park Avenue – DEP # SE126-547

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, August 16, 2017, in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent (NOI); submitted by Route 44 Development LLC; for site preparation activities proposed at 3-4 Park Avenue. The site preparation activities; which involve the import and placement of soils to level the site; are part of the second phase of the project to address historic and environmental issues on the property and prepare the site for future development. The proposed work will occur within the 65- and 100-foot buffer zone to wetland resource area bordering vegetated wetland. The project will require a variance under the Carver Wetlands Protection By-law for the work within the 65-foot buffer. The project is located at 3-4 Park Avenue, Map 20, Lot 2, Carver MA. All interested parties are invited to attend. Copies of all plans, filings, and pertinent documents are available at the Conservation Commission Office.

Bruce Haskel, Langdon Environmental – We are looking to remediate some past site uses. Figure 1:1 is in the notice of intent and is dead center in the middle of the site – 3 acres in size. We need to remove this. There is a large wood log pile on the site and is remnant of a wood recycling / mulch business. We have done test pits on the site and did not find anything of issue. We also need to raise the grade of the site to a 2 % slope. This is a 127- acre site. Average 6' over entire site. This is a policy from MASS DEP, Comm -1501; there is a detailed fill management system for this. Random tests are done once per month. It is a new process for DEP to regulate clean soils. This is not the final design of this facility. When the actual development gets selected, the topo will change; there'll be parking areas, etc. This is just to bring the main site up to an appropriate level. We are going to put in erosion controls; all work is within buffer zone. There will be three storm water basins which are designed to retain the 100 - year storm. We may do a demolish on a metal garage building. All the storm water will be directed to those three basins. Early next month we could invite you all to come out when next site walk is done.

Audience:

Jim Cole – my family owns the cranberry bog and wetlands. In regards to the swales and protections. Will they run into our bog or reservoir? Mr. Haskel – No, they will not. The swale is designed to avoid those properties. Mr. Cole – We had a couple storms back in 1987 and 1991, with 8" rain in a day. What are they basing the 100 - year storm on? Mr. Haskel – I am not sure. If the basins did fill, it would back up onto our site, not yours. We will take care to make sure that happens. Mr. Cole – I would like to come on the next site walk, as well. Ms. Monroe asked Mr. Cole to sign in so that he could be notified. Mr. Dempsey – What type of erosion control are you using? Ms. Monroe – It is on the detail report.

*Motion to close hearing for 3-4 Park Avenue: Ms. Vaillancourt
Second: Mr. Moore
Approved: Unanimous (4-0)*

*Motion to issue the notice of intent DEP # SE126-547 for 3-4 Park Avenue: Mr. Dempsey
Second: Ms. Vaillancourt
Approved: Unanimous (4-0)*

28 South Main Street – DEP # SE126-549

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, August 16, 2017 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent, submitted by Patrick and Lisa Higgins, for the construction of an elevated boardwalk/bridge to access the beach at Sampson's Pond. The project will result in the alteration of approximately 40 square feet of resource area bordering vegetated wetland (abandoned bog) located on the property. The project will require a variance from the Carver Wetlands Protection Bylaw for the work within the resource area. The project is located at 28 South Main Street, Carver MA, Map 2, Lot 2- 15-1D-R South Main Street, Carver, MA. All interested parties are invited to attend. Copies of all plans, filings, and pertinent documents are available at the Conservation Commission Office.

Patrick Higgins, property owner, joined the board for discussion.

The board reviewed this today. A letter from the Shaw family provided no objection. Mr. Nauen – We feel that a 4' width would be sufficient. Mr. Higgins – I need the 6' to enable mowing within the dyke. Mr. Higgins - I will be using 3/4" spacing. Mr. Dempsey – If he's doing 3/4" spacing we don't have to worry about the vegetation beneath. Where is the replication? Ms. Monroe – They didn't actually propose it. Mr. Higgins – I believe the square footage is much less than the 40'. Mr. Dempsey - I suggest a 4' width with 3/4" spacing. The replication would cause more damage than it is worth. Mr. Moore – This plan doesn't have the 65' indicated. And there is no indication of the cranberry bog. Mr. Dempsey - The drawing should include the 65' on it and we have to put down "no touch". This means that there can be no mowing in that area, without a variance. Mr. Nauen – We will continue this. We need an updated map from Webby. Reschedule for third week in September. We need the information from Heritage first.

*Motion for a continuance to 9/20/17 for 28 South Main Street – DEP # SE126-549: Mr. Moore
Second: Ms. Vaillancourt
Approved: Unanimous (4-0)*

42 Fuller Street – DEP # SE126-548

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, August 16, 2017 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent for the proposed construction of a 2.4 Mega Watt Ground Mounted Solar Farm located to be located on the existing cranberry bogs located on the property. A portion of the proposed work is located within the 100- foot buffer zone and the 65- foot buffer zone to Fuller Street Pond and associated bordering vegetated wetlands and existing cranberry bogs on the property and will require a variance from the Carver Wetlands Protection Bylaw and the entire project falls within Priority and Estimated Habitat for rare wildlife species as mapped by the Massachusetts Natural Heritage and Endangered Species Program. The project is located at 42 Fuller Street, Carver MA, Map 50, Lot 1 &

10B, Carver, MA. All interested parties are invited to attend. Copies of all plans, filings, and pertinent documents are available at the Conservation Commission Office.

Joseph Shanahan, Clean Energy Collective -

Of the 54 Acres, we are developing 18% coverage with no disturbance between 65' buffer. We have about 283 solar arrays only 18 will be within 100' buffer. This is a very passive use. The electricity will be community shared first.

Griffin Beaudoin, Atlantic Design and Engineers -

Access to property is existing part gravel/part paved access. The majority of work along this road way is to get about 7 utility poles up. There is a portion in the fenced area that will be within the 65' but nothing is going in there, it is just a fence. Erosion control will be done in areas along the roadway. The solar array is contained within the cranberry bogs and will entirely be within the 65' buffer. There will be no run off. We have procedures in place to protect against sediment. Nothing will be draining to the wetland.

Ms. Monroe - When the DEP issued file number she mentioned there was not storm water plan. She feels they are necessary. You should contact her to discuss that. Mr. Dempsey - When was the aerial taken? Mr. Beaudoin - I believe 2015/16 (google earth). Mr. Dempsey - Over by the pond, do those trees still exist? Mr. Beaudoin - I believe they do.

Neighbors - Abutters - Linda Reppucci - Presented board with list of concerns. Ms. Reppucci - The first I heard of this was when I received my letter. There is so much construction going on now, on Fuller Street - 50 tractor trailers a day. We are trying to get 20 mph signs. Rock drilling, etc. Very loud. Ms. Monroe - You should express your concern to the planning board as well.

Ms. Vaillancourt - How long for this project to be complete? Mr. Shanahan - At most 3 months. Limited traffic; delivery of product and that's it.

Mr. Moore - What happens to the bogs beneath the solar array? Mr. Shanahan - They will go dormant. Mr. Dempsey - During construction can you run a water truck occasionally to help with dust? Mr. Shanahan - Yes, I'd be happy to do that.

*Motion to continue NOI for 42 Fuller St until 9/20/17: Mr. Moore
Second: Mr. Dempsey
Approved: Unanimous (4-0)*

Continued Hearings:

42 Fuller Street

RDA

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, June 21, 2017 in Meeting Room 1 at the Carver Town Hall to hear the Request for Determination of Applicability (Request) filed by Joe Shanahan - Clean Energy Collective, to determine: (a) whether an area depicted on Plan(s) and/or Map(s) referenced in an area subject to jurisdiction of the Wetlands Protection Act, and (d) whether the area and/or work depicted on referenced Plan(s) is subject to the jurisdiction of any municipal wetlands ordinance or bylaw of the Town of Carver. The Request is for a determination as to the upland designation of six (6) cranberry

bogs located on the referenced property. The project is located at 42 Fuller Street, Carver MA, Map 30, Lot 10-B. All interested parties are invited to attend. Copies of all plans, filings, and pertinent documents are available at the Conservation Commission Office.

Mr. Joe Shanahan, Clean Energy Collective – Mr. Holmes determined that it is upland; This commission contracted Mr. Peter Fletcher, Soil Scientist, who presented his finding.

Mr. Fletcher -

My job was to determine if the 6 bogs on the site were upland or wetland. Reviewed reference materials including a USGS topographic map.

Upland cranberry bog is one that was constructed within a former wetland area and has a separation

The area in question a woodland, hilly area with sands and gravel. Aerial photos were reviewed back to 1990's; which suggest vegetation removal (the land appeared light in color). Pictures from 2005-2009, 2014-2016 also showed cultivated cranberry bogs in growth. The official geology map showed a large area of sands and gravels. DEP WETLANDS map (prior to bogs being developed) showed upland area. Soil survey map showed sands and gravel. Updated national resources report – mapped as tihonet soil.

I went out to the site and met with Ms. Monroe. We walked the site. The bogs are connected through water control. There was a water control structure to the west of the site that has a culvert that empties into the reservoir. USGS topo map shows a connection with that bog system to the Fuller Street pond as well as to the south. Soil investigations – 2 test pits, in each bog, were dug. Of the 12 test pits, 9 of them had no indicators that indicated long periods of soil absorption. They placed loam material and a layer of coarse sand on top of that. This is the growing medium for the cranberries. In the 5th bog there was redoxing, morphic features as well as in bog 6. Only in bog 5 was there some water in the test pit. All bogs are at a similar elevation. On the edge of bog 4, I used a rock bar and broke through compact layer into natural sediments. I found a water table at 52". This is an upland bog.

*Move to close hearing: Mr. Dempsey
Second: Mr. Moore
Approved: Unanimous (4-0)*

*Motion to approve negative determination for RDA for 42 Fuller Street: Mr. Moore
Second: Mr. Dempsey
Approved: Unanimous (4-0)*

Adjournment:

*Motion to adjourn at 9:39 PM: Mr. Moore
Second: Ms. Vaillancourt
Approved: Unanimous (4-0)*

Respectfully Submitted,

*Susan Hannon
Recording Secretary*