



*approved
5/2/18*

CARVER CONSERVATION COMMISSION MINUTES OF APRIL 18, 2018 MEETING

Present: Chairman Jim Nauen, Tim Dempsey, Alan Germain, 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:

None.

BUSINESS:

None.

COC REQUESTS:

131 South Main Street - DEP#SE126-436 – Jay & Leta Johnson –The Board did a site visit today. Everything is fine. Alan Germain made a Motion to issue a COC, seconded by Savery Moore, voted and passed unanimously 4-0-0.

MINUTES:

To be read and approved for April 11, 2018. Savery Moore made a Motion to approve minutes as written, seconded by Tim Dempsey, voted and passed unanimously 4-0-0.

NEW HEARINGS

O CENTER STREET-DEP# SE126-561

NOI

Notice is hereby given, in accordance with the Carver Wetlands Protection Bylaw that a public hearing will be held at 7:15 p.m. on Wednesday April 18, 2018 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 ground mounted, solar photovoltaic

array on a 2 acre active cranberry bog and within the 100 buffer zone of other cranberry bogs on the property. The proposed work is within resource area bordering vegetated wetland (BVW) and within the 65-foot no disturb buffer and will require a variance under the By-law. The existing cranberry bog will continue operation as a cranberry bog and vines will be mowed and sold on an annual or bi-annual basis. A Stormwater Management Plan has also been submitted for the project. The project is located at 0 Rear Center Street, Carver, MA, Map 70, Lot 1. All interested parties are invited to attend.

Richard Rheume from Prime Engineering came before the Board and was joined by two representatives from Borrego Solar, Josh Farkes and Dean Smith. He explained the planned project. They want to place the panels on a series of posts and racks. They want to continue to farm the bog for the vines, which would be harvested every two years. Once the field is constructed, there would be infrequent visits by someone to check the panels. Jim Nauen asked if this is an upland bog? Mr. Rheume said that it is a wetland bog. Mr. Smith explained the piles are an h-beam driven into the ground. The cross section area of each post is only 2.96". The total disturbed area will be less than 10 square feet. He said that they will replicate the land and add the replication design to the plan. The Board did a site visit today. Savery Moore asked what the reason is behind not continuing to have it as a functioning bog? Mr. Rheume said it will still be a functioning bog for the purpose of raising vines instead of berries. Growers are having difficulty because of the low cost the berries are generating. Tim Dempsey asked if it will be every other year for harvesting? Mr. Rheume said they would harvest half a bog each year or go every two years for the whole bog. Savery Moore also asked what is the spacing between the rows of panels? Mr. Smith said between 12 to 15 feet. Tim Dempsey would like that to be documented on revised drawings. Savery Moore is concerned the front edge of the panels are only 3' from the ground. He feels that doesn't allow a lot of light in the front. Mr. Rheume explained the panels usually lean 25 degrees. Josh Farkes explained that on the last page of the drawings submitted it shows the height of 3 feet; their standard practice is 30" and they are 6" higher than normal, in an effort to keep the height above the dike of the bog in the case of a massive flood. Mr. Farkes said they can look to raise it higher. The landowner would prefer not to. Savery Moore asked what the plan for construction is. They would use mats or plywood on the bogs for protection. Bobcats would most likely be used to drive the beams into the ground. Alan Germain asked if the array power generated was being sold back in to the grid? Mr. Farkes said yes, no power will be used on-site and that down the road it will more than likely become a community site with power available to residents. Savery Moore asked how many kHz. Mr. Farkes said 750. He also asked how many feet between the abutters' property and solar panels? Mr. Farkes said there is 200 feet. Savery Moore asked what are the plans to shield the view from abutters? Mr. Rheume said they will discuss this with abutters and the Planning Board regarding screening. They want to plant cypress in the abutters' back yards, right on the property line.

Abutter Participation

Mark Townsend, 10 Harvest View Way is an abutter and he has concerns of the water quality in the area and contaminants from the solar panel affecting their wells. He thinks

it's an issue because of the fact it's a wetland bog. He said the landowner clear-cut the property and now they can see the bogs. Tim Dempsey responded to Mr. Townsend by stating that the solar array is 200' away from the property.

John Callahan, 14 Harvest View Way wanted to speak because his property is right behind the bog. He said before the clear cutting, the natural foliage blocked the view of the bog. He was told it could be moved to 600', instead of 200', if there is a problem with screening. This is Planning Board information. Alan Germain asked if they've met with the Planning Board yet? Mr. Farkes said they met with them informally yesterday and they are scheduled to meet in May. They need a variance for the 65' buffer zone. Mr. Callahan is also concerned he will lose property value.

Alan Germain stated that he doesn't like solar in a wetland bog.

Chuck Howard, 68 Center Street, has the road into the bogs next to his property. He was never notified about the Hearing. He asked what is stopping the landowner from putting additional solar panels on the rest of the bogs. Tim Dempsey explained the Board cannot project "what if's". Once the project is complete, there will only be a couple times of years that someone goes there. He asked if the power lines will be underground? The answer is yes. Jim Nauen explained there will be 3 poles on the road. Josh Farkes showed on the drawing where the poles will be placed. Mr. Howard said there is a vernal pool located in the area and Jim Nauen explained that it needs to be certified as a vernal pool. He said they are working on that. Mr. Farkes shared a letter from the Fish & Game Department stating that it is not a protected wildlife area. Mr. Howard also asked if the vines grow slower or faster without sun? Jim Nauen explained they will grow; it's the berries that need the sun. If the vines are harvested, it will stay in productive wetlands status.

Louis Spencer, 80 Center Street, who owns lots 2 & 2A. He asked about a reserve put aside in case of contamination. Who would be responsible for that? The property owner or the solar system company? The Bond would take care of this and is from the solar company. Tim Dempsey said that this is a Planning Board question. Mr. Spencer then asked who is responsible to be sure the property owner keeps harvesting the vines? Who would insure compliance? Jim Nauen explained it could be the Assessor's office, or it could be the Agricultural Commission, like they police other farmers. Brooke Monroe explained a condition from the Conservation Commission could be put in that the landowner sends documentation stating that he is continuing harvesting. Mr. Spencer also asked why the vines have more value than the berries? Savery Moore explained the vines have some value and in combination with the power, would be more valuable than just the berries.

Alan Germain wanted Mr. Howard to know that he is on the mailing list and he should have received a certified letter.

Mrs. Townsend asked why they weren't notified of tonight's Hearing. Mr. Rheume said that it is an error on their part for Mr. Howard not receiving notification. He explained if

they know when the Hearing is going to be, they will include that information; otherwise, they just send out a letter stating that a Hearing will be coming up. Jim Nauen explained that the letter should give the Hearing date and time, as there are two weeks before the Hearing.

Mr. Townsend said he received information on the initial notice if you wanted a copy of the plans you could ask for them.

Tim Dempsey said he doesn't see any wetland line on the south side. He feels the drawings are incomplete. Jim Nauen explained that Carver requires colored lines on plans. It was determined that the bog itself was a wetland, therefore making the drawings incorrect.

Due to the large number of questions, the Board would like to continue the Hearing to the next meeting on May 2nd.

Mr. Rheume wanted to respond to some of the abutters' concerns and share that these are glass panels and they don't leach chemicals. It is galvanized steel on the beams and the transformers have biodegradable liquids in them.

Mr. Smith stated that the panels are sealed modules. There has been extensive testing for leaching. The materials do not leach out of the crushed modules. They can provide reports and safety data sheets on the equipment. At the time of decommissioning of the systems there are salvageable materials in the modules. These panels will be recycled at end of life. There is data monitoring continuously so if something was damaged they would know about it and the modules would be replaced very shortly after due to the impact on the system.

Savery Moore made a motion to continue the Hearing until May 2nd, seconded by Tim Dempsey, voted and passed unanimously 4-0-0.

LOT 4B WENHAM ROAD-DEP#126-562

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, April 18, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent (NOI); submitted by the Applicant, JLK Realty & Development LLC; for the proposed construction of a single family dwelling, with associated driveway, septic system, grading and utilities within the 100-foot buffer to a bordering vegetated wetland. The proposed well is within the 65-foot buffer protected under the Carver Wetlands Protection By-law and will require a variance under the Bylaw. The project is located at Lot 4B Wenham Road, Carver, MA, Map 107, Lot is part of Lot 1-4. All interested parties are invited to attend.

Bob Forbes from Zenith Consulting Engineers came before the Board. They were denied for a previous project so they reconfigured the lot lines with the abutting property, which this owner stills owns. He showed 2 plans – the previous one and the current one, showing the revised plans. They have now pushed the house out more and there is nothing proposed in the 65' set back. Less than half the house is in the 100' buffer. Essentially the entire driveway is outside the 100' buffer. The well will still require the temporary disturbance. They did narrow the width to get to that area. They will use double-staked hay bales for the erosion control barrier. Savery Moore said he believes this is a great solution. His concern is, and it really doesn't affect the approval of the structure, is the protection of the 65' no-touch zone going down the hill. This includes the trees as well as the undercover. They will request wetlands protection signs be installed as an order of condition. This will be done at the 65' buffer zone. At the last Hearing, there was talk of having inspections. Savery Moore thinks this is a good idea to make sure the bottom of the hill doesn't become a playground and the flora of the embankment stays as healthy as it can be. Mr. Forbes said there is no objection to that. This could be written into the deed or rental agreement. Brooke said maybe a covenant could go with the deed.

Tim Dempsey said he would like a COC prior to the final occupancy permit.

Alan Germain made a Motion to close the hearing, seconded by Savery Moore, voted and passed unanimously 4-0-0. The Board reviewed the Order of Conditions that will be included.

Savery Moore made a Motion to approve the variance for Lot 4B Wenham Road, seconded by Tim Dempsey, voted and passed unanimously 4-0-0.

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.

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.

Savery Moore made a Motion to adjourn at 8:43 p.m., seconded by Alan Germain, voted and passed unanimously 4-0-0.

Next meeting will be on May 2, 2018.

Respectfully submitted,

Marianne MacLeod,
Recording Secretary