



*Approved
on 6/6/18*

CARVER CONSERVATION COMMISSION MINUTES OF MAY 16, 2018 MEETING

Present: Chairman Jim Nauen, Jean Paul "JP" Faherty, 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 7:02 P.M.

REORGANIZATION

Jim Nauen will relinquish the Chair for the voting procedures. Savery Moore made a Motion that we nominate Jim Nauen for position of Chair, seconded by Tim Dempsey. Voted 4-0-1.

Tim Dempsey made a Motion that an opening be created for the position of Vice-Chair, voted and passed 4-0-0. Tim Dempsey nominated Savery Moore as Vice-Chair, seconded by Alan Germain. Voted and passed 5-0-0.

APPOINTMENTS

BUSINESS:

- Septic Repair-87 Crystal Lake Drive – Septic upgrade. Board members went and did a site visit. No filings were required. The system is actually on the property.
- Tree cutting request -3B Braddock Way – Michael Carraba called Brooke. He said a couple of trees were hanging over from a storm. Brooke did a site visit. There were 3 birch saplings, about 6" in diameter. He said he would have someone come cut the tops off but will not pull the stumps.

COC REQUESTS:

- 182 Plymouth Street-Jeff Olson-DEP# SE 126-69 – A site visit was done today. There was nothing seen to oppose the COC. Brooke will deliver it to the lawyer tomorrow, siting ongoing conditions. Savery Moore made a Motion to approve the COC request with the conditions as outlined by Brooke, Tim Dempsey

seconded, voted and passed 5-0-0. Commission members signed 2 copies; one for the closing.

EXTENSION REQUEST:

- Carver-Marion-Wareham Regional Refuse-118 Federal Road. After a site visit today, it was agreed that additional information is needed, so this will be continued. Brooke emailed the engineer to set up a site visit.

MINUTES:

- To be read and approved for May 2, 2018. Alan Germain made a Motion to approve the minutes as amended, seconded by Savery Moore, voted and passed unanimously 5-0-0.

NEW HEARINGS

SOUTH MEADOW ROAD-DEP#SE563

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, May 16, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent (NOI); submitted by the Applicant, Eugene Cobb; for the proposed construction of a driveway, utilities and grading within the 100-foot buffer to a bordering vegetated wetland. A portion of the proposed work is within the 65-foot buffer protected under the Carver Wetlands Protection By-law and will require a variance under the By-law. The project is located off South Meadow Road, Carver, MA, Map 110, Lot A-A. All interested parties are invited to attend.

Brian Grady from GAF Engineering is here to discuss the plan on behalf of Mr. Cobb. He would like to construct a home for himself at this location. The Board did a site visit today and everything seems to be in order. Savery Moore reiterated that the driveway will be gravel, matching the bog road; this will be stipulated in the Order of Conditions. Alan Germain said if a cement pad was poured by the garage, it would be fine because it is outside the 65' zone. Savery Moore made a Motion to close the Hearing, seconded by Tim Dempsey, voted and passed unanimously 5-0-0.

Conditions would be the driveway issue, erosion control and the markers/posts along the area.

Savery Moore made a Motion to approve the variance to allow the gravel driveway, seconded by Tim Dempsey, voted and passed unanimously 5-0-0.

Alan Germain made a Motion to issue the Order of Condition, seconded by Savery Moore, voted and passed unanimously 5-0-0.

CONTINUED HEARINGS

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. *Applicant requested this be continued to meeting on June 6, 2018.* The number of continuances allowed were discussed. If he asks for another continuance, Brooke will ask the applicant to come in and explain why another continuance is requested.

0 CENTER STREET-DEP# SE126-561 (Continued to May 16, 2018)

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 the 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.

Evan Watson from Prime Engineering, Josh Farkas representing Borrego, Dean Smith from Borrego were present. Mr. Watson gave a recap of the project. They are also going before the Planning Board. Tonight they would like to discuss how they plan on complying with the rules of Carver and the Wetlands Protection Act. He then reviewed the revised plans. They added the replication area - a section on the north side of the bog to replicate 100 square feet, rather than the 27 square feet that will be disturbed by the

project. He also submitted a letter, dated May 10, 2018, which tries to address some of the comments from the Commission as well as to compare this site to another site that has been permitted and constructed within the Town of Carver. He is doing this to show an example of a project that is performing the way they want this project to perform. He then reviewed the report with the Board. Alan Germain, through the Chair, stated that the variance for the other project, has nothing to do with this project. Mr. Nauen explained that he is reviewing the Paduch Bog because he wants the same variance for this project. Tim Dempsey explained that they went to view the Paduch bog and there is a 1' square where the structure, near the posts, everything is dead. The owner is hoping it will come back. Mr. Watson said his intent is not to say "you gave this approval in the past so you need to again;" he said they are expecting the same treatment by the DEP; who said every case will be viewed on an individual case-by-case situation. He also explained that they will be spacing the panels farther apart, smaller area, less impervious area overall on their project.

Savery Moore wanted to address the statement about the similarities and DEP approval. He read DEP policy rulings, specifically that photovoltaic installations are highly discouraged. He feels this area is gray and would like to get a more black-and-white statement from the DEP so they can come up with more detailed information for exactly what they need. He feels the Board needs to know what is allowable and not allowable. He believes this project is going against the recent DEP rulings.

Tim Dempsey added that the Paduch Bog was done 4-5 years ago. He said when they recently visited the site, there are a lot of bare areas with nothing growing. Savery Moore mentioned that Mr. Paduch was out of town and his irrigation failed last year. He invited the Board to come back in July. Mr. Farkas said Borrego didn't install that project so he can't speak to the project and he mentioned Mr. Silva told him re-growing vines takes several years; he feels it takes time to bring the bog back. Alan Germain said this was a living bog when the solar panels were added. Nothing was re-germinated. Jim Nauen mentioned that none of the Commission members are that experienced and maybe they need to bring in an expert. He didn't feel the bog looked that bad, but hoped it was in better shape than it is at this time. Mr. Farkas stated he met with the DEP informally and they felt confident enough to pursue this project. Jim Nauen would like to hold off on this until they revisit the Paduch Bog in July. Tim Dempsey and Alan Germain disagree. Mr. Farkas asked that an Order of Condition, as he doesn't know about hanging this project up on how another project evolves. Jim Nauen suggested they consider withdrawing without prejudice so the Board can see what happens in July. Savery Moore feels this is not a good idea and wants a vote yay or nay on this Hearing. He would like the appeal process to go to the DEP so they can provide more clarity. Mr. Watson explained the two different permits they are requesting and the appeal process that would entail with the DEP. Jim Nauen asked Brooke for her opinion. She said that if the variance isn't issued, they may appeal to Superior Court. Jim Nauen asked if anyone from the public would like to speak. Mr. Richard Ward asked if he could speak to a solar project, not necessarily this specific project. Mr. Nauen asked if he could wait until this Hearing is over. Mark Townsend said he wanted to reiterate what he said at the last Hearing. He feels this is an inappropriate place for it. Nancy Gonsalves also spoke that

she is opposed to solar arrays placed in wetlands as there is not enough known as to what damage could be done in the future. Alan Germain made a Motion to close the Hearing, seconded by Tim Dempsey, voted and passed unanimously 5-0-0.

Alan Germain made a Motion to approve the application as proposed, seconded by Tim Dempsey, voted and denied 0-3-2, with Jim Nauen and JP Flaherty abstaining.

Mr. Watson asked for clarification that it was a denial for both NOI and variance and Jim Nauen said yes.

Mr. Townsend asked if this comes back, would abutters be notified? Yes, it would be a new Hearing. Would they be notified about the DEP Hearing? Brooke doesn't think so.

Mr. Ward asked to address the Board with regard to solar. He has a cranberry/solar farm. His concern is that people in the public need a review of where the cranberry industry stands. The prices have been so depressed over the past five years, that they cannot grow cranberries and do not get enough income to warrant it. He explained the cranberry crop is very acidic. He has 5 acres of solar and 11.5 acres of cranberries. The income from solar will help with his taxes and his bills, to the point where he can keep growing cranberries. If he wasn't able to do solar, he would be using his retirement to live. He said Quebec produces more cranberries now than Massachusetts. He feels there are several other cranberry growers in the similar situation. He wants to keep the rural feel of the town. The Chair thanked Mr. Ward for his input.

The discussion about solar and cranberry bogs continued with a couple of members of the public, with relation to the future of the town. The Board asked if there are growers who would come to a regular meeting. Mr. Ward will work on this and have them contact Jim Nauen. If there is enough interest, a meeting could be held at one of the schools.

Savery Moore made a Motion to adjourn at 8:45 p.m., seconded by Tim Dempsey voted and passed 5-0-0.

Next meeting will be on June 6, 2018.

Respectfully submitted,

Marianne MacLeod,
Recording Secretary

EXHIBITS:

- A. Sign-in sheet

CONSERVATION COMMISSION

16-May-18

ATTENDANCE SIGN IN SHEET

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