



Approved
12/19/18

CARVER CONSERVATION COMMISSION MINUTES OF NOVEMBER 14, 2018 MEETING

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

Jim Nauen opened the meeting at 7:03 p.m.

APPOINTMENTS/DISCUSSIONS

By-Law changes to minimize Invasive Species. Brooke shared information with regards to the by-laws. Brooke and Savery Moore discussed some possible changes. Brooke handed out suggested changes from Savery. Savery Moore explained there is an Invasive Species Task Force, which would give the Conservation Commission an opportunity to change the by-laws. This topic will be put on the next Agenda for further discussion.

BUSINESS:

None.

COC REQUESTS:

12 Pondview Way- DEP#SE126-400

This is a new filing and the old filing needs to be closed out.

MINUTES:

To be read and approved for October 24, 2018. Alan Germain made a Motion to accept the minutes as amended by a typo that Brooke found, seconded by Savery Moore, voted and passed unanimously 3-0-0.

NEW HEARINGS

276 FEDERAL ROAD

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 November 14, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted by Borrego Solar Systems, Inc.; for the Phase II construction of an existing ground mounted solar facility. The proposed 7mW solar facility is located outside the 100-foot and 65-foot buffer zone from the wetland resource areas; however, portions of the site improvement work will be within the 65-foot buffer; requiring a variance under the Carver Wetlands Protection Bylaw; and will be within resource area bordering land subject to flooding. The project is located at 276 Federal Road, Carver, MA, Map 131, Lot 2-1. All interested parties are invited to attend.

Sarah Stearns from Beals and Thomas and Zac Farkes from Borrego Solar presented before the Commission. Ms. Stearns reviewed the project and the plans. This would be adjacent to a project completed in 2015. There was a site walk today. There are no residences/abutters nearby.

Savery Moore made a Motion to close the Hearing, seconded by Alan Germain, voted and passed unanimously 3-0-0. Savery Moore made a Motion to approve the Variance for the solar array at 276 Federal Road, seconded by Alan Germain, voted and passed unanimously 3-0-0. Savery Moore made a Motion to allow the solar array at 276 Federal Road, seconded by Alan Germain, voted and passed unanimously.

0 WAREHAM STREET

NOI

Notice is hereby given, in accordance with the Carver Wetlands Protection Bylaw that a public hearing will be held at 7:30 p.m. on Wednesday November 14, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted by Borrego Solar Systems, Inc.; for the construction of a 12.5 mW ground mounted solar facility. The proposed facility is located outside the 100-foot and 65-foot buffer zone from the wetland resource areas; however, portions of the site improvement work will be within the 65-foot buffer; requiring a variance under the Carver Wetlands Protection By-law. The proposed improvements will also be within resource area bordering land subject to flooding; the riverfront area; and within the 100-foot buffer zone to resource area bordering vegetated wetland. The project is located at 0 Wareham Street, Carver, MA, Map 134, Lot 4-2. All interested parties are invited to attend.

Sarah Stearns from Beals and Thomas and Zac Farkes from Borrego Solar presented before the Commission. Ms. Stearns reviewed the project and the plans. There was a site walk today. There are no residences/abutters nearby.

Savery Moore made a Motion to close the Hearing on 0 Wareham Street aka 0 Hammond Street, seconded by Alan Germain, voted and passed unanimously 3-0-0.

Savery Moore made a Motion to grant the Variance for 0 Wareham Street aka 0 Hammond Street, seconded by Alan Germain, voted and passed unanimously 3-0-0.

Savery Moore made a Motion to allow the OOC for 0 Wareham Street aka 0 Hammond Street, seconded by Alan Germain, voted and passed unanimously 3-0-0.

Alan Germain made a Motion to adjourn the meeting, seconded by Savery Moore, voted and passed unanimously.

Next meeting will be on December 12, 2018.

Respectfully submitted,

Marianne MacLeod,
Recording Secretary

EXHIBITS:

- A. Sign-in sheet
- B. Proposed By-Law Changes

14-Nov-18
ATTENDANCE SIGN IN SHEET

S:\ConsCom\SIGN IN SHEET - Hearings.1.xls\Sheet1

(Under 9.2.1.2 – Purpose)

p. Invasive species

9.2.1.3 Statement of Jurisdiction

(1) Except as permitted by the Commission through the issuance of a variance as defined in Section V of this By-law and the issuance of a permit as defined by Section II of this By-law, no person shall remove, fill, dredge, alter or build upon or within 100 feet of: any wetland, marsh, meadow, bog or swamp; any bank; any lands bordering on any lake, river, pond, stream or creek; or any land under said waters; or any land subject to flooding or inundation by groundwater or surface water; or the 100 year flood plain

(2) Except as permitted by the Commission through the issuance of a variance as defined in Section V of this By-law and the issuance of a permit as defined by Section II of this By-law, no person shall remove, fill, dredge, alter, or build upon or within 200 feet on each side of perennial rivers and streams.

(3) Except as permitted by the Commission through the issuance of a hardship variance as defined in Section V of this By-law and the issuance of a permit as defined by Section II of this By-law, no person shall make any changes to the natural characteristics of the landscape upon or within 65 feet of: any wetland, marsh, meadow, bog or swamp; any bank; any lands bordering on any lake, river, pond, stream or creek; or any land under said waters; or any land subject to flooding or inundation by groundwater or surface water.

(4) Except as permitted by the Commission through the issuance of a variance as defined by Section V of this By-law and the issuance of a permit as defined by Section II of this By-law, no person shall build any residential dwelling within 100 feet of a cranberry bog unless the residence and the bog are on the same parcel of land under singular ownership.

(5) Except as permitted by the Commission due to a real danger to a structure as provided by this By-law, no person shall remove any tree or upon or within 100 feet of any wetland, marsh, meadow, bog or swamp; any bank; any lands bordering on any lake, river, pond, stream or creek; or any land under said waters; or any land subject to flooding or inundation by groundwater or surface water. Owners of structures built after the enactment of these bylaws must adhere to a ten-year waiting period from the date of their COO before they can claim a tree is a danger to their structure.

(9.2.1.4)

5 – Emergency preventive maintenance when a potential danger exists

(9.2.3.3)

3 – 100' setback lines in green, 65' setback lines in orange

(DEFINITION)

Alter-

Alter means to change the condition of any area subject to protection by this Bylaw. Examples of alterations include, but are not limited to, the following:

- Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any kind;
- Changing of pre-existing drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;
- Drainage or other disturbance of water level or water table;
- Placing of fill, or removal of materials, which would alter elevations;
- Driving of piles, erection or repair of buildings, walls, or structures of any kind;
- Placing of obstructions or permanent objects or structures in water;
- Destruction of plant life, including the cutting of trees, shrubs, flowers or grasses;
- Introduction of non-native grasses, shrubs, trees or other plantings;
- Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water;
- Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater;
- Use of chemicals for plant or pest control.

Hardship –

A condition wherein the Applicant would suffer a financial burden, would be placed in danger, or has proven that all other possible solutions have proved undoable. The Applicant cannot have developed plans for a parcel which automatically creates a hardship scenario.