



*approved
2/6/19*

CARVER CONSERVATION COMMISSION MINUTES OF JANUARY 16, 2019 MEETING

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

Jim Nauen opened the meeting at 7:01 p.m.

APPOINTMENTS/DISCUSSIONS

Informal discussion of DEP Solar policies-Joe Shanahan – He represents Clean Energy Collective. He has been involved in projects here in Carver. He reviewed some recent projects using solar; DEP came out with new guidance, which recognizes the need to help the cranberry growers with possible solar farms as supplemental income. He wants to know how the Commission feels about the new guidance at the local level and also, the guidelines are tied to the new SMART program, which is an incentive program. He wants to know 1) how the Commission feels about doing projects on a wetland bog and 2) if the developer doesn't care about the "adder" would you consider an array with the traditional height. Mr. Nauen explained that there have been a number of changes that have taken place since the Paduch project. He said they are looking to continue the practice, but he doesn't think low panels are acceptable – probably closer to the 8' listed in the new standards. They would also be spaced out wider. Mr. Germain explained that the Town is working on bylaws for dual-use solar. He feels it is a process/report card that is coming out very slowly, due to the unknown impact. Mr. Moore said he has a couple of things to talk about. He agreed with Mr. Germain that dual-use allows for this type of solar. He would want to see for the length of the solar panels being utilized over the bog – he would want a guarantee from the property owner that the vines would be cared for a nurtured, whether they sell them or not and if the vines die – the solar goes away. Bogs are interconnected, so if someone wanted to put solar on their wetland bog and the person who was downstream, and the next and the next, now there are 3 streams from bogs that are not doing what they naturally would do. He feels this would open up a Pandora's box – and it affects drinking water, not just the bogs. Mr. Dempsey said he would adhere with DEP and follow their guidelines. He is not in favor of installing anything on a wetlands bog.

Discussion on potential violation-14-17 Wareham Street. No one appeared before the Commission. Brooke explained she received a complaint and she went by to look. She sent out a letter requesting the property owner to come to the meeting. She didn't receive the green card back yet. The Building Commission has also had complaints about this location. Mr. Germain suggested the Chairman take a ride by. Brooke said they could issue an enforcement order if they are indeed in violation.

BUSINESS:

None.

COC REQUESTS:

None.

MINUTES:

To be read and approved for December 19, 2019 – Mr. Moore made a Motion to accept the minutes as written, seconded by Mr. Dempsey, voted and passed unanimously 4-0-0.

NEW HEARINGS

196 TREMONT STREET

NOI SE#126-576

Notice is hereby given, in accordance with the provisions of the Massachusetts Wetland Protection Act and Carver Wetlands Protection Bylaw, that a public hearing will be held at 7:15pm on Wednesday, January 16, 2019 in Meeting Room 1 at Carver Town Hall to hear the Notice of Intent; submitted by Borrego Solar Systems, Inc. for the construction of a ±4mW ground mounted solar and energy storage facility. The proposed facility is located in previously disturbed Bordering Land Subject to Flooding (BLSF), the 100-foot and local 65-foot buffer zone to BLSF and Bank associated with an active cranberry bog, requiring a variance under the Carver Wetlands Protection Bylaw. The proposed project is located at 196 Tremont Street (Assessor's Map 125, Lot 3) and 0 Off Cranberry Road (Assessor's Map 125, Lot 9-C) in Carver, MA. All interested parties are invited to attend. A copy of the plan is on file at the Conservation Department and may be reviewed during normal business hours.

Sarah Stearns, Fields & Thomas and Zac Farkes, Borrego are here tonight. She showed the location of the project on the plans. It is on AD Makepeace land. There are no trees or vegetation. It is a very flat site. There are some piles of loam from the mining project. The array would be on the upland adjacent to the bogs and not directly on the bogs. Tonight they are proposing a bit of work in the buffer zone to the existing bog. It is a wetland bog. It is for work within the '65 buffer zone as well as the 100' buffer zone. There is also a buffer zone to the flood zone. They are requesting a variance for work within the 65' zone. It is largely creating use for the emergency access road. They plan to use a chain link fence with a 6" gap at the bottom. They will use erosion control.

There is also a canal that connects this system with the upstream bogs. That canal will be untouched. There is no proposed tree clearing. She reviewed the color-coded plan in detail. The edge of the road, edge of the panels and the road would be in the buffer zone.

Mr. Dempsey asked about the culvert pipe that runs under the road – his concern is the amount of traffic and weight going over the culvert pipe – can the pipe take the weight of the trucks going over it. He is concerned it will be crushed and will not allow the flow of water. He would like this to be addressed with the land owner and see if the pipe needs to be replaced; a new one installed/engineered for what will be necessary. Ms. Stearns said she spoke with AD Makepeace representatives and the owner of upstream bog, they have sent a survey crew to locate it and it will be added to a revised set of plans on record. It is extremely important for this landowner as it is critical for the bogs. She added that Makepeace uses the road right now and it is heavily used by large trucks. It may be used less without the sand and gravel project going on any longer. Mr. Germain feels this wouldn't be an issue. This road will become the emergency access road and it is in everyone's best interest to make sure this is stabilized. Also, she is proposing underground conduit and that Borrego is aware that any issues would need to be addressed immediately.

Mr. Moore stated he noticed on the solar array, rows 6-22 are further away from the east fence than the balance of the panels. Is there a reason for this? Mr. Farkes explained there needs to be a certain set-back from the fence to the array. The racks are built by Borrego and they cannot break electric code rules. Mr. Moore asked if there's a possibility to shift the panels a bit to get fewer in the 65' buffer zone. Mr. Farkes said they shifted the fence 5' as well. Ms. Stearns showed also on the plan that they've added some turn-around areas for emergency vehicles. The inverter and battery storage was also moved to the middle of the project. Mr. Dempsey wanted to note that the reflection of the panels will not be facing Tremont Street. The slopes going up towards the homes will be vegetated. Mr. Dempsey asked if there is anything going under the panels? There is existing topsoil and they will seed as well. Mr. Dempsey asked why are you seeding underneath the array? Won't this be a maintenance problem in the future? Mr. Farkes said they usually do this on all projects. They will come in once or twice a year and mow. They will use low-growing species. Mr. Moore asked if they mix pollinators with the grass seed? They are careful due to the bogs.

Mr. Nauen read statements from the neighboring residents of the Myles Standish development. Most of them will be addressed by the Planning Board.

Mr. Germain stated the Saturday/Sunday most likely won't happen. The back-up alarm is a safety issue that if they are removed, it would be a fine. Once the project is complete, there will be no vehicles on the site except maintenance trucks a couple of times a year. Mr. Nauen felt there may be a half workday on Saturday. Standard truck operations are 7:00-4:00 and a half day on Saturday. Mr. Farkes said they are not asking for any special work hours.

Ms. Brenda Johnson, 28 Pine Ridge Way, asked when are the residents/abutters supposed to get notified/certified mail. Brooke said you have to be 100' from the project. Ms. Stearns explained the permit application requires abutters within 100' from the property line or limit of work, be notified of the Hearing. They were following two different sets of regulations regarding notification. Ms. Johnson said she got 100' from the edge of the property. Planning and Conservation have different regulations. Some people got two notices for this project.

Tom Menshe, One Pine Ridge Way, asked why isn't the Commission concerned with a natural barrier on solar projects? Mr. Nauen said the Paduch bog was the first one built in the town, before any bylaws were in place. He explained it doesn't really need screening because there are no homes close by.

Mr. Germain is not in favor of closing the Hearing before seeing the changed plans, due to the fact that it may set a precedent and there will be other projects in the future. Ms. Stearns said they will go before the Planning Board next week and they'll have revised plans for that. The next Hearing is February 6th. All members of the Commission agree with this. Mr. Farkes is happy to go along with the Commission.

Mr. Germain made a Motion to continue this Hearing to February 6, 2019, seconded by Mr. Moore, voted and passed 3-1-0.

0 SOUTH MEADOW ROAD

AMENDED OOC 126-553

Notice is hereby given, in accordance with the provisions of the Massachusetts Wetland Protection Act and Carver Wetlands Protection Bylaw, that a public hearing will be held at 7:30pm on Wednesday, January 16, 2019 in Meeting Room 1 at Carver Town Hall to hear the request to amend an Order of Conditions (DEP File#126-553) for work within the 100-foot buffer zone to resource areas.

Patriot Pines, the proposed age 55+ townhouse project, is located at 0 South Meadow Road (Assessors Map 112 Parcel 1-5) in Carver, MA. All interested parties are invited to attend. A copy of the plan is on file at the Conservation Department and may be reviewed during normal business hours.

Ms. Stearns from Beals & Thomas presented before the Commission. This project was permitted in December 2018 for 19 single family lots. This project has been redesigned. They started back at square one. DHP Realty bought the land from AD Makepeace and permitted the housing development. They then decided that a 55+ condo development would be a better fit for the community, and it would be more financially feasible for him. They have gone before the Planning Board and were recently issued a decision on the project. They request an amendment to the existing Order of Conditions. This site was predominantly uplands. There are two irrigation ponds at the golf course next door and the AD Makepeace bogs off Wade Street. Very little has changed in the way of Conservation Commission jurisdiction areas, hence the request for an amendment. She

brought an aerial picture of the area of development. There will be a larger tract of open space preserved. This design works better for the neighborhood. Emergency access by Wade Street is still required by the Fire Department. Abutters have been notified.

Mr. Moore made a Motion to close the Hearing, seconded by Mr. Germain, voted and passed unanimously 4-0-0.

Mr. Moore made a Motion to approve the amended Order of Conditions, seconded by Mr. Dempsey, voted and passed unanimously 4-0-0.

CONTINUED HEARINGS

LOT 9B HOLMES STREET

NOI SE#126-575

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, December 19, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted on behalf of JLK Realty Development, LLC; for the construction of a single family dwelling, with associated subsurface sewage disposal system, driveway, utilities and grading. A portion of the dwelling is proposed within the 100-foot buffer zone to wetland resource area bordering vegetated wetland (cranberry bog) and grading is proposed within the 65-foot buffer.

The Applicant is requesting a variance from the Carver Wetlands Protection Bylaw, Section 9.2.1.3 (3), for the activity within the 65-foot buffer protected under the By-law, and a variance under Section 9.2.1.3 (4) for the construction of a residential dwelling within 100 feet of a cranberry bog.

The project is located at Lot 9B Holmes Street, Carver, MA; Map 65, Part of Lot 9-1 . All interested parties are invited to attend.

Mr. Bissonnette, Bissonnette Consulting Engineers came before the Commission on behalf of the builder. They have gotten rid of the whole garage. The only thing between the 65' & 100' buffer zoness is some grading. Brooke handed out an email from Jamie Emerson, the builder, sent to her, outlining the changes to the project. Mr. Moore said there will be an Order of Conditions including posts at the 65' buffer, the property owner also needs to be aware there is no mowing/landscaping, it has to come back natural, within the 65'. Mr. Moore asked if this was taken out of 61A and Mr. Bissonnette said yes. The easement remains with nothing changed there. There should be posts placed on the adjoining lot as well 5 on Lot B. However, there is no filing on Lot A, so the Commission cannot require posts for Lot A. Also no mowing beyond the 65' buffer and no fertilizer after the 100' before the 65' buffer zones.

Mr. Moore made a Motion to close the Hearing, seconded by Mr. Dempsey, voted and passed unanimously 4-0-0.

Mr. Germain made a Motion to approve the amended Order of Conditions as-drawn for Lot 9B Holmes Street, with the following conditions: 5 posts identifying the wetlands at the 65' buffer zone, equally spaced, the ability to mow between 100' & 65' zone but with no fertilizer because of the slope and to let the 65' to 0' area grow back naturally, seconded by Mr. Moore, voted and passed unanimously 4-0-0.

12 POND VIEW WAY CONTINUED TO FEBRUARY 20, 2019 NOI SE#126-572

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, December 19, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted on behalf of Cranberry Realty Development, Inc.; for the construction of a new single family dwelling (to replace the existing dwelling), with associated subsurface sewage disposal system, driveway, utilities and grading. The proposed septic system and a portion of the existing and proposed dwelling are within the 100-foot buffer zone to wetland resource area Fresh Meadow Pond and a portion of the existing and proposed dwelling are within the 65-foot buffer of Fresh Meadow Pond. A variance; under Section 9.2.1.3 (3) of the Carver Wetlands Protection By-law: is required for the activity within the 65-foot buffer protected under the By-law

The project is located at 12 Pond View Way, Carver, MA; Map 109, Part of Lot 9-0-R. All interested parties are invited to attend.

Mr. Moore made a Motion to adjourn, seconded by Mr. Dempsey, voted and passed unanimously 4-0-0.

Respectfully submitted,

Marianne MacLeod
Recording Secretary