



*Approved  
1/22/2020*

## CARVER CONSERVATION COMMISSION MINUTES OF DECEMBER 4, 2019 MEETING

Present: Chairman Jim Nauen, Vice-Chairman, Savery Moore, Alan Germain, Dan Badger, Tim Dempsey, Brooke Monroe, Environmental Scientist, Agent, and Marianne MacLeod, Recording Secretary.

Mr. Nauen opened the meeting at 7:00 p.m.

### **APPOINTMENTS/DISCUSSIONS:**

None.

Mr. Dempsey requested permission to address the Commission. He shared his concerns regarding an issue discussed at a prior meeting regarding refuse going into a body of water. He would like to impress upon members to go to school and learn about the laws concerning wetlands. He is concerned that members need to be educated and know what they're talking about.

### **BUSINESS:**

Sign OOC for James Breech Way (approved 11/6/19). Brooke has the Order for members to sign from the last meeting.

Tail Water recovery pond-Edgewood Bogs. Brooke shared an update of the project. She received a copy of the farm plan and shared them with members. There is no NOI required.

88 South Main St.-Modification to approved work DEPSE#126-577. Brooke shared a letter from GAF for the wall and it explains how they're going to be doing the wall. Nothing is changed.

## **COC REQUEST**

Park Avenue DEPSE#126-348

Brooke explained this is for an old filing, for groundwater remediation at Raven Brook Landfill. It is 100' from some of the bogs. They need to close out the old file. The system has been abandoned. Mr. Moore made a Motion to approve the COC request, seconded by Mr. Dempsey, voted and passed unanimously 5-0-0.

## **MINUTES:**

To be read and approved for November 6, 2019. Mr. Germain made a Motion to approve the minutes as written, seconded by Mr. Moore, voted and passed 4-0-1, with Mr. Dempsey abstaining because he wasn't present at this meeting.

## **NEW HEARINGS**

22 LAKEVIEW STREET-BENNIES-DEP#SE126-592

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, December 4, 2019 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted on behalf of Rebecca and Mark Bennie; to replace a 32-foot post rail fence; repair a 25-foot timber wall; install a 3 x 80-foot wire fence; install a 90-foot electrical wire, with 4 posts and lights; and remove 4 trees to be replaced with 13 arborvitae shrubs. The work will occur within the 65- and 100-foot buffer zones to Sampson Pond. The project is located at 22 Lakeview Street, Carver, MA, Map 1, Parcel 1-2-0R. All interested parties are invited to attend.

Mr. and Mrs. Bennie were present before the Commission. There was a site walk today. Members do not feel the plan is adequate and they'd like to get a better plan with more detail. Brooke gave a copy of the letter from Natural Heritage, written to the Bennies, to Chairman Nauen. This pertains to the replacement of the wall at the edge of the pond, in the water. Mr. Nauen read the letter into the record.

They are replacing parts of the wall, which would require the biologist, which could be expensive. They would like to find out exactly what is required by the biologist and the scope of work. Brooke will get them a couple of names of biologists. She will touch base with the Bennie's with the information.

Mr. Moore wanted confirmation that the NOI is for the plans he has, but it also included the other plan submitted. He would like to treat each drawing as its own. He questioned the number of trees on the drawing in front of him. The 3'x'80 wire fence – what is the mesh on the wire itself. Mr. Bennie explained the bottom of the fence will be 3" off the ground. The plan doesn't show where the 32-foot post rail fence is located. 4x4 posts

with motion detector lights will illuminate the walkway. There is electrical right now all the way to the water that was installed 50 years ago. They want to re-trench it because it isn't in conduit.

Mr. Dempsey shared his concern of the height of the lighting at 6'. He is concerned about it flashing over to the abutters. It was explained that this needs to be handled by Planning Board.

Mr. Germain asked how could the fence be replaced? The fence is 2' from the water. He also asked how would you repair the fence on the other side that is not on his property? It is a post-and-rail so they could reach over it.

Mr. Nauen read a letter from an abutter, Mr. and Mrs. Merritt. This letter had many questions/concerns and some of them were answered by the Commission members. Many were addressed in the plan. The letter is being made part of the record. A better plan needs to be presented.

Brooke then shared the other plan that showed the other side of the property with members. Mr. Moore asked for clarification of arborvitaes and fruit trees. Mr. Bennie said there will be a total of 13 trees. The applicants would like to come back after finding out the cost and process regarding hiring a certified biologist.

Mr. Germain made a motion to continue the Hearing to January 22, 2020, seconded by Mr. Moore, voted and passed unanimously 5-0-0.

#### 259 MEADOW STREET-RIZZUTO

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, December 4, 2019, in Meeting Room 1 at the Carver Town Hall to hear the Request for Determination of Applicability (RDA) filed by Dennis Rizzuto; to determine: (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 the installation/construction of a 15 x 35- foot shed on an existing concrete pad. The work is within the 65- and 100-foot buffer to a ditch associated with the abutting cranberry bog. The property is located at 259 Meadow Street, Carver, MA.

This was discussed at the last meeting. Dennis Rizzuto appeared before the Commission with a more detailed plan. Mr. Moore made a Motion for a negative determination #3, seconded by Mr. Germain, voted and passed unanimously 5-0-0. He was requested to use a silt fence/wetland sock for the project, mainly at the area that slopes down.

## 0 WADE STREET-PATRIOT PINES

RDA

Notice is hereby given, in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40) (Regulations) and the Carver Wetlands Protection Bylaw (By-law), that a public hearing will be held at 7:45 p.m. on Wednesday, December 4, 2019, in Meeting Room 1 at the Carver Town Hall to hear the Request for Determination of Applicability (RDA); filed by Weathervane at Patriot Pines; to determine: "(a) whether the area depicted on the plan and or map referenced below is an area subject to jurisdiction of the Wetlands Protection Act and (d) whether the area and/or work depicted on the referenced plan is subject to the jurisdiction of any municipal wetlands ordinance or bylaw of the Town of Carver". The RDA is to determine whether the isolated wetland; created from the cranberry operation; located on the referenced property is subject to jurisdiction under the Regulations/By-law. The project is located off Wade Street, Carver, MA, Map 112, Lot 3-88A. All interested parties are invited to attend.

John Zimmer with South River Environmental appeared before the Commission. He shared a plan with members. He explained the history on the property with regards to the bogs on the property. The property is planned to be part of the Patriot Pines development. This area would be part of the open space plan. They may use this as part of the storm water retention area, to avoid further tree cutting.

Mr. Germain made a Motion to close the Hearing, seconded by Mr. Dempsey, voted and passed unanimously 5-0-0. Mr. Moore made a Motion for a negative #1 determination under the State laws and a positive #1 under the Town By-laws, seconded by Mr. Germain, voted and passed unanimously 5-0-0.

## CONTINUED HEARINGS

### 19C WARD ST.-DEP#SE126-589

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 continued hearing from Wednesday, September 18, 2019, at 7:30 pm 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 2,495.610 kW ground mounted photovoltaic solar array. The proposed array; which is an expansion of the existing solar array; is to be installed on the upland cranberry bog located on the northwesterly portion of the property. The solar array is located within the 100 and 65-foot buffers from the existing wetland cranberry bogs and will require a variance from the Carver Wetlands Protection By-law. The project is located at 19C Ward Street, Carver MA, Map 120, Lot 6-0, Carver, MA. All interested parties are invited to attend.

Dean Smith from Borrego Solar came before the Commission. He reviewed and explained changes on the plans. There are two options presented for mitigation. He reviewed both for members. Questions from members were answered by Mr. Smith.

Both plans would include one-to-one replication. There are abutters in the audience – Eugene Cobb and Matt Rhodes. One mentioned another abutter is away, and this person has water rights near the northern area. Mr. Smith answered their questions regarding exactly where the changes would be made. When the applicant decides which plan for mitigation will be used, they will come back before the Commission.

They are going back to the Planning Board next week.

Mr. Germain made a Motion to continue the Hearing to January 8, 2020, seconded by Mr. Badger, voted and passed unanimously 5-0-0.

Mr. Germain made a Motion to adjourn, seconded by Mr. Dempsey, voted and passed unanimously 5-0-0.

Respectfully submitted,

Marianne MacLeod  
Recording Secretary