



A. Violation Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Enforcement Order is issued by:

Carver
 Conservation Commission (Issuing Authority)

October 6, 2021
 Date

To:

Pinegate Renewables, LLC
 Name of Violator
138 Robert Street, Asheville, NC 28801
 Address

1. Location of Violation:

0, 340/342 Tremont Street and 0, OR 60 Rochester Road
 Property Owner (if different)

Street Address

Carver
 City/Town

02330
 Zip Code

Map 127, Lots 10,12,21 and Map 92, Lots14, 15,16, 17,20, 22

Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Installation of timber piles to support the solar panels. The timber piles were not approved in the Orders of Conditions issued by the Carver Conservation Commission for either Project. The piles are larger in diameter than the original approved piles, creating more square footage of impact and the timber piles are treated/preserved with a potentially carcinogenic contaminant.

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



B. Findings (cont.)

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

The timber piles were not approved under the OOC's. 7/24/2019 and 8/12/2019
 Name Dated

DEPSE# 126-584 and DEPSE# 126-586
 File Number Condition number(s)

The Order of Conditions expired on (date): OOC's are valid
 Date

The activity violates provisions of the Certificate of Compliance.

The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

Other (specify):

C. Order

The issuing authority hereby orders the following (check all that apply):

- The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.
- Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.
- A restoration plan shall be filed with the issuing authority on or before _____ Date

for the following:

N/A

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



C. Order (cont.)

Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date

for the following:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

No further work shall be conducted until after October 20, 2021; at which time the Applicant shall provide information at the public hearing on October 20, 2021; relative to the potential environmental impacts (groundwater, drinking water wells, soil contamination, etc.) from the timber piles. Said information shall be submitted by an qualified individual versed in environmental impact studies.

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Brooke Monroe

Name

508-866-3482

Phone Number

Hours vary; please call to make an appointment.

Hours/Days Available

Issued by:

Brooke Monroe, Carver Conservation Agent for the Carver Conservation Commission (EO voted on at the 10/06/2021 public hearing (voted 4-1)).

Conservation Commission signatures required on following page.

