Community Land & **Water Coalition DECEMBER 2023**



RSS 3

Dear Friends. This newsletter will update you on our activities and the **growing grassroots campaign** of groups and

individuals working to protect, preserve and steward our land and water resources. Check out the

calendar below and online to find out about upcoming meetings, hearings and public comment opportunities. Learn how to voice your concern to the municipal bodies making decisions impacting our drinking water and communities by watching our educational video on Community Planning for

We recently launched our website and report, Sand Wars In Cranberry Country: An Investigation into the money, politics and corruption behind sand mining and its silent environmental crisis in **Southeastern Massachusetts**. It is a public collaboration based on years of research, hundreds of and harming communities. Watch the video on our YouTube Channel.

Calendar & Updates

Listed below and on our website calendar. WAREHAM Fearing Hill, Wareham MA 3, LLC. Solar and Battery Energy Storage Systems (BESS) The <u>project</u> will clear cut at least 27 acres of upland forest. The "Don't Kill Fearing Hill" grassroots campaign is fighting the project. The Wareham Conservation Commission denied the company's wetland permit application a year ago, in November 2022. The solar developer appealed to the MassDEP. The appeal is pending. In the meantime, the Massachusetts Historical Commission required an archeological survey. The public is demanding complete transparency and challenging "business as usual" by MHC. To date, the MHC has operated behind closed doors, routinely issuing "no impact" findings for solar and sand mining projects. Attend the next Planning Board meeting on January 22, 2024. A.D. Makepeace's 3 Solar Battery Energy Storage Systems (BESS) and Sand Mining Projects

extensions. On November 1, 2023, the Conservation Commission granted those two projects a one year extension on their wetlands permits. **Attend the next <u>Planning Board meeting</u> on Monday, December**

11, 2023, 6:00 pm Watch the video about why this land should be saved.

Long Road Energy LLC Solar and Sand Mining, 0 Route 25

CARVER

fire and explosion, say experts.

NEW MINING PERMIT! A.D. Makepeace Cranberry Co.

stalled for various regulatory and legal reasons. Permits issued by Wareham in 2020 and 2021 for 27 Charge Pond and 150 Tihonet have expired; Makepeace and the solar developer are seeking permit

This solar project will clear cut 21 acres of forest. The Wareham Planning Board vetoed the project. Part of the proposed solar project is located on an open pit mine created by a commercial sand and gravel operation that claimed to be cranberry agriculture. The mining operation is shown below and documented in <u>Sand Wars</u>. The solar project details are <u>here</u>. 370 County Road LLC (Texas corporation) Solar and Battery Energy Storage Systems (BESS)

Squirrel Island Road "Hidden Trails" - Sarajon Realty, John Churchill, JC Engineering This is a proposed residential development abutting a 30-acre abandoned gravel pit pond and mining site, on a forested parcel mapped as Critical Natural Landscape laced with streams and wetlands. The project information is here. The public demanded a hazardous waste investigation: watch the <u>Planning Board public hearing</u>, at minute 1:08, to hear a local resident speak about the site's

Sarajon's wetlands permit application is under review by the Conservation Commission's peer reviewer.

public concern. Project lawyer Peter Teitelbaum was involved in an incident in 2021 where the Wareham

A Chapter 21E site assessment for pollution contamination is underway by the applicant as a result of

Town Clerk submitted a <u>doctored document and affidavit</u> during a lawsuit brought by local residents

challenging an A.D. Makepeace Cranberry Co. mining and solar project. The doctored document would

have benefitted Makepeace in the lawsuit. The clerk was forced to withdraw the inaccurate document.

Teitelbaum was a Select Board member at the time. He was also the only Select Board member to vote

<u>against an audit</u> of the sand and gravel fees missing from the town. **Attend the next Conservation**

dangerous conditions and the health issues experienced by former workers exposed to sand dust.

residents group and Save the Pine Barrens appealed to support the Wareham Conservation Commission's denial of the Order of Conditions. The legal appeal is pending.

TAKE ACTION! Cranberry Point Battery Storage Facility (150 megawatt BESS)

company's proposal for 7 more acres of deforestation and mining at 46 Federal Road, Carver. Makepeace claims that mining 1.5 million cubic yards (about \$10 million worth) of sand and gravel is "necessary to make the berries redder." Makepeace has mined at least 50 acres on this site alone, and hundreds of acres across the region. See a <u>new drone video</u> of Makepeace and its affiliate, Read Custom Soils, running aggregate mining operations at the site. More information: watch the overview video here • expert evidence here **NEW MINING PERMIT! E.J. Pontiff Cranberry Co.** CLWC filed a legal appeal of a wetlands permit issued by the <u>Carver Conservation Commission</u> for the

operation. Attend the public hearing on Jan. 4, 2024 at 6:30 p.m. live at the Plympton Town House. Urge the Plympton ZBA to reject SLT's appeal! Send your comments to the townclerk@plympton.org and attend the public hearing!

TAKE ACTION! Plymouth Municipal Airport Expansion

Town of Plympton <u>SLT Construction</u>, <u>Spring Street Mining Site</u>

PLYMPTON

Other SLT mining site news: In July, 2023, MassDEP rejected SLT's solid waste "Recycling Composting" and Conversion" (RCC) permit. MassDEP directed SLT to comply with the Massachusetts Environmental Policy Act (MEPA) before MassDEP will issue the RCC permit. SLT Construction appears to be one of the companies at the center of the **Office of Inspector General's** ongoing investigation of the sand and gravel industry in Southeastern Massachusetts, according to a Carver official. Local residents and CLWC <u>continue to pursue legal avenues</u> to stop the environmental destruction of the

NEW permit application: SLT Construction, operator of the 19-acre commercial mine on Route 44

and Spring Street, is asking the ZBA to overturn the Plympton Building Inspector's decision that SLT's

demolition debris "recycling" operation is not allowed on its Plympton land abutting the mining

In the last 18 months, the Plymouth Zoning Board of Appeals (ZBA), Planning Board and **Conservation Commission** have all made egregious and legally flawed decisions in issuing permits for this project. Read more on "Bylaws or Why Laws" and below.

• **Secret Water Deal.** In August, 2023, the <u>Attorney General slammed</u> the ZBA and Select Board for

Sign the <u>letter petition here</u> to state and federal agencies to demand a **complete environmental study of**

Claremont Plymouth, LLC residential development, Colony Place: A Secret Water Deal, and a Dense

the proposed expansion of the Plymouth Municipal Airport. Comments are due January 8, 2023.

Open Meeting Law violations, for meeting behind closed doors to make a secret deal with Claremont to waive fees in exchange for a band aid for the failing water system. **Three voters filed** a lawsuit to void that vote.

Town is asking a court to impose a bond on the elderly residents, to cover the developers costs of the appeals. This is outrageous! A court hearing is scheduled for January 29 at 2 p.m. - open to

Chiltonville.org

Image below courtesy of Chiltonville.org

the public! Show up and show your support for Plymouth's elderly residents! • Planning Board Permits. Again, another town board "do over" for Claremont. In Fall 2023, the Planning Board issued an illegal decision claiming to approve Claremont's request for a stormwater management system for the proposed development. Elderly residents sued to

overturn that decision. This is what happened with the illegal ZBA decision - only when residents

sued did the ZBA admit its decision was illegal and did it over (it is still illegal). The Planning Board

wetlands permit to alter the pond and wetlands on the proposed site. **CLWC has appealed this** decision to the MassDEP. Plymouth Wastewater Treatment Facility (located in Camelot Park off Long Pond Road) The Town proposes to increase the discharge of wastewater by 300% to the Plymouth Carver Sole Source Aquifer and Eel River System. On Dec. 1, 2023, four groups submitted comments to the Massachusetts Environmental Policy Act (MEPA) office on the Town's environmental study. The groups say the Town

should assess the alternative of reusing the wastewater and conserving water. More more on

Kerry Vaughn Plumbing & Heating Trout Hatchery 💽

Conservation Commission agreeing with Makepeace's mapping of wetlands on the site. <u>CLWC has</u> challenged that mapping. The appeal also asks for an investigation of possible illegal filling and **alteration of wetlands next to Deer Pond.** Makepeace has been conducting mining and cranberry activities in this area. Red Brook is part of A.D. Makepeace's overall plan to get out of its unprofitable cranberry business and

gravel mining at Red Brook here.

Mining Operation West of Red Brook

Public Money to A.D. Makepeace Co.

presentation on January 10, 2024.

Environmental Concern in 2014.

Read our blog here. This is clearly an earth removal

scheme to get at 1.15 million cubic yards of sand,

not cranberry agriculture. This project involves

NEW MINING PERMIT! Plympton Sand & Gravel, Indian Pond

Kingston Board of Selectmen, December 19, 6 pm, Kingston Town House.

KINGSTON

A.D. Makepeace - ADM Agawam Development - Red Brook, South Plymouth

and gravel mining industry. The OIG investigates public fraud. to circle the globe 1.3 times. **Plymouth Conservation Commission, Big West Pond Violations**

Inspector issued a building permit. Residents and abutters are fighting the project with a "No Solar on Bogs" campaign. • A.D. Makepeace Cranberry Co. and Renewable Energy Development Partners (REDP, former Makepeace executives) proposing 2 miles of solar on a cranberry bog canal at the global

Is this cranberry agriculture? Does Plymouth want to see hundreds of acres of cranberry bogs covered

• A.D. Makepeace and BE RE LLC Dual Use Solar on cranberry bog, Water Course Road. The

Conservation Commission granted the solar company a 2 year permit extension. The Building

several acres of deforestation in a Water Resource Overlay District, on the shores of a glacial pond, in an archaeologically sensitive area where evidence of stone tool production was found. The site should be preserved as open space by the Towns of Kingston and Plympton, not destroyed. Photo right: sand and gravel mine, Southeastern Massachusetts **HALIFAX**

On November 14, 2023, almost 30 people testified at the Joint Committee on Municipalities and Regional Government hearing on <u>Senate 1319/House 2082</u> An Act regarding municipal zoning powers, <u>a bill to</u> <u>empower municipal zoning for solar siting.</u> This bill updates our state's laws to address today's challenges with siting large industrial solar and BESS. TAKE ACTION: Ask your state representative and senator to

quality in the Wareham River? How much of the nitrogen is from these activities – and not from septic

CONNECT WITH US! Communitylandandwater.org Our <u>mission</u> is to preserve, protect and steward land and water resources in Southeastern Massachusetts. We are losing them fast.

Conservation. Sign petitions for a moratorium on sand mining, a more robust environmental study of the Plymouth Airport Expansion, and state legislation to preserve municipal powers to regulate large **industrial solar**. Get in touch with us by email, phone or social media! <u>Join our network!</u>

eyewitness reports, **drone surveillance and thousands of public records.** Find out more about the companies and town officials behind the sand mining that's contaminating our drinking water aquifer Read more about the **four new commercial sand mining permit applications under the ruse of cranberry agriculture** that our network is fighting in Carver, Kingston and Halifax. Thank you! From the CLWC team Below, a map of over 110 mining sites in Southeastern Mass identified in Sand Wars in Cranberry County

For these three solar projects, the AD Makepeace Company will destroy a total of about 176 acres of rare Pine Barrens forest and mine about one million cubic yards of sand on iconic Tihonet Pond in Wareham. The three projects, 27 Charge Pond Road, 150 Tihonet Road, and a third one at 140 Tihonet Road, are

Makepeace <u>claims</u> the mining for the 140 Tihonet Road project is "cranberry agriculture." A.D. Makepeace

owns and operates Read Custom Soils in Carver, a large aggregate sand and gravel mining and sales

facility. Makepeace appears to be at the center of the state Office of the Inspector General's (OIG)

investigation of the sand and gravel mining industry. The OIG investigates public fraud.

For this solar project, at least 10 acres of forest will be clear-cut, with additional alteration of wetland resources. The Planning Board project info is here. Attend the next Planning Board meeting on Dec. 11, 2023.

Commission meeting on January 3, 2024. BE RE LLC-Rocky Maple Cranberry Co. Dual Use and BESS in Riverfront of the Weweantic River The Wareham Conservation Commission denied a wetlands permit for this 7.3 megawatt project in 2021. The <u>solar company sued</u>, MassDEP agreed with the solar company, and the public appealed. A ten

<u>Sign the Carver Concerned Citizen's Petition</u> for a Special Town Meeting to improve the bylaw to protect

residents from the <u>Cranberry Point Battery</u> storage project! (Carver voters only) **One of world's largest**

CLWC filed a legal appeal of a wetlands permit issued by the <u>Carver Conservation Commission</u> for the

lithium ion battery storage facilities, at 150 Megawatts, is proposed in the Town center. Risks include

company's proposal for 21 more acres of deforestation and mining at 104 Tremont Street, Carver. Pontiff claims that mining 1.5 million cubic yards of sand (over \$10 million worth) is necessary for **cranberry bogs.** Between 2006 and approximately 2022, the former owner, **Federal Furnace Cranberry** Co., Gary Weston of Carver, and G. Lopes Construction mined about 2.7 million cubic yards of sand across 102 acres of the approximately 760 acre site. The site appears to be one of the operations at the center of the state OIG's investigation of the sand and gravel mining industry. Carver Earth Removal Committee (ERC) Meeting: December 20, 2023 7 p.m., Carver Town Hall. Check for the agenda here. The Select Board has appointed 2 more cranberry growers to the ERC. Now the ERC is stacked with industry representatives. **The fox guarding the hen house!**

mining operation and to protect residents. **PLYMOUTH**

Residential Development that Violates Zoning, Wetlands and Stormwater Laws.

• **Zoning Board of Appeals Permits.** The ZBA issued a permit in early 2022, and after residents sued to undo the illegal decision, the ZBA did over the permit and issued another illegal decision.

Plymouth is retaliating against these elderly residents in the neighborhood, who are

Several elderly residents living nearby exercised their right to appeal to court. **Now, the Town of**

exercising their Constitutional First Amendment rights to challenge these decisions. The

realized it made an illegal decision and now it is re-doing it. Attend the Plymouth Planning Board, Dec. 13, 2023 at 7 p.m. to urge the Board to vote NO on the stormwater amendment and to protect our wetlands and groundwater aquifer. • **Conservation Commission permit.** The Commission <u>refused to require Claremont</u> to get a

300% Increase Waste Water Ground Discharge in Camelot Park

In November, 2023 CLWC filed a **legal appeal of a wetlands "resource delineation"** (called an "RDA" or

"ANRAD" under the wetlands law) issued by the Plymouth Conservation Commission for a <u>road around</u>

<u>Deer Pond in Makepeace's Red Brook development</u>. The "resource delineation" is a decision by the

expand its residential and commercial development. Makepeace is eastern Massachusetts largest

Development (TMUD). Read more about the TMUD bait and switch here. Red Brook is being developed

promises by Makepeace. Makepeace has not followed through on public promises for "smart growth," or

A.D. Makepeace - Zoning Board of Appeals Permit for 217-Acre Mining Commercial Sand and Gravel

The ZBA issued a permit for a massive mining operation under the ruse of cranberry agriculture. The

mining is not exempt from the wetlands laws. CLWC challenged the project and the ZBA admitted the

the Conservation Commission's refusal to require a wetland permit for the mining operation. An

permit was expired and Makepeace had not donated the required 300 acres to the Town. CLWC appealed

under its own environmental impact plan with the state, and under a 2008 Plymouth Planning Board

permit that gave Makepeace variances and exceptions from the Town's zoning laws in exchange for

open space preservation, and instead has pivoted to industrial sand mining and dense residential

complexes. The public is asking, "Where's the Land & Where's the Sand?" See Makepeace's sand and

landowner with about 12,000 acres. About 6,500 acres are covered by the Tihonet Mixed Use

administrative hearing on the <u>wetlands impacts</u> will be held in Boston on Dec. 14. A.D. Makepeace owns and operates Read Custom Soils in Carver, a large aggregate sand and gravel mining and sales facility. Makepeace appears to be one of the companies at the center of the state OIG's investigation of the sand According to documents and records in the Sand Wars report, Makepeace's mining accounts for <u>half of</u> the total volume of sand and gravel mined in the region in the last 30 years. Enough sand has been mined On Dec. 5, 2023 the Conservation Commission held a hearing on a wetlands permit application for 403 Federal Furnace Road, Big West Pond. Since 2019, the Conservation Commission has refused to enforce environmental laws at this pond. Attend the next Conservation Commission hearing Jan. 9, 2023.

Community Preservation Committee (CPC) Votes to Recommend Town Meeting Give \$4 Million in

On December 7, 2023, the CPC voted (2 no votes) to recommend that Town Meeting vote yes to give \$4

million of the CPC public money to A.D. Makepeace, so it can build a dense 3 story apartment for people

over age 62 in the Red Brook "traditional rural village district" development. This project excludes those

in most need of housing - single parent families with children. And Makepeace is required to build these

the 2008 special permit the Town issued! Another outrage! This public money should be going to

public projects, not Makepeace's private development. During the meeting, a CPC member and former

Select Board chair asked the Plymouth Coalition for the Homeless to reduce its grant request to the

CPC, but wholeheartedly supported \$4 million for Makepeace's private project. The Town's Housing

Study shows single parents and children are most in need of housing. **Attend the Planning Board**

A.D. Makepeace Cranberry Co. Solar Projects on Cranberry Bogs and Streams

with solar panels and lithium ion batteries over our Sole Source Aquifer?

— and should pay for them — under its Red Brook permit. The density of this apartment complex **violates**

biodiversity hotspot in south Plymouth, near Frogfoot Brook west of Red Brook. REDP was responsible for obliterating 25 acres of pristine forest in the Herring Pond River Area of Critical

This mining company has applied for <u>a permit to mine 1.15 million cubic yards</u> of sand and gravel on the

Shores of Indian Pond under the ruse of cranberry agriculture. **Attend the public hearing of the**

NEW MINING PERMIT! Morse Brothers, Inc. Mining Operation, Lingan Street

The grassroots campaign against this mining operation on Monponsett Pond continues. The mining is in a

agriculture. Residents promptly sent a demand for enforcement of the Halifax Zoning Bylaw to the town's

Zoning Officer, asking for a ruling that the Board of Selectmen had no authority to issue a zoning permit

in violation of the zoning law. Cranberry company Oiva Hannula & Sons of Carver, and Ryco Excavating of

Middleboro, have been doing the mining and trucking for Morse Brothers Cranberry. This site is profiled

in the Sand Wars in Cranberry Country investigation. The ongoing Morse Brothers mining excavation is

leveling a known archeological site, the Whaleback Glacial Esker.

MIDDLEBOROUGH

wellhead protection zone for Halifax's drinking water wells. On November 16, 2023, the Board of

Selectmen <u>issued an earth removal permit for 20,000 cubic yards of sand</u>, claiming it is cranberry

<u>Growing Solar, Protecting Nature</u> Tuesday, December 12, 6:00-7:30 pm Lakeville Public Library 4 Precinct St. Lakeville, MA 02347

co-sponsor this bill by sending an email here.

chance to weigh in.

Our Rivers and Waterways Wareham River Pollution Study Total Nitrogen "TMDL" The river is polluted. There are many sand and gravel mining and cranberry operations upstream. The federal Clean Water Act law requires Massachusetts to clean up the pollution. The first step is figuring out

how much pollution the river can handle and still be a river and not so contaminated it is not useful for

anything. The state is starting the process, asking the public to comment on the "Total Maximum Daily

Upstream of the Wareham River Estuary is A.D. Makepeace land - almost 10,000 acres of sand and gravel

mining, industrial solar projects that caused massive, rapid deforestation, and the Plymouth Red Brook

residential development on the Agawam River, a tributary to the Wareham River. Almost a city created

Plymouth on the Wankinko River, another tributary to the Wareham River. How is this impacting water

out of pristine forests in the last 6 years, with more planned, including a massive 200 acre mine in

Load" for nitrogen for the Wareham River – how much pollution can it handle? **The public has the**

Agawam River MA95-29 Broad Marsh River Crooked River MA95-51 Cedar Island Creek MA95-49 Wareham River MA95-03

Join and become a member! Sign up for our newsletter! Volunteer, find a group in your town, and get involved! Your voice makes a difference!

Lincoln Logistics Warehouse Project This multinational corporation is proposing a 78-acre industrial warehouse complex, which includes three warehouses with a combined area of 672,800 square feet, 173 loading docks and 679 parking spaces, on pristine contiguous forest, wetlands, streams, and a vernal pool. This will cause irreversible damage to an iconic Middleboro ecosystem and harm the local neighborhood. Read our blog post here. Local residents and supporters are mobilized against this project. We must continue to speak out, stop this project or at least make sure the developer protects our drinking water and natural resources. Check for updates on our website and get in touch with the Vernon Street group to help out. Read more in Plymouth County Observer here. **BRIDGEWATER** Commercial Development on Lake Nippenicket, Claremont Development LLC Help the Action Focus Team. Check out: LNAFT.org STATEWIDE ISSUES

CLWC's Solar Siting Bill

Smart Solar Siting in Massachusetts: Protect Our Forests, Farms, Wetlands and Communities

CLWC has been at the forefront for 10 years in raising awareness that we should not be cutting down

done right. Mass Audubon is holding presentations about the report:

forests and trees to site industrial solar. Mass Audubon issued a study in 2023 that confirms solar can be

systems? Is the DEP taking that into account? Submit your comments! https://wareham.theweektoday.com/article/nitrogen-hearing-discusses-septic-regulations-dataquality/66952 on Saleeba, a TMDL analyst with the

Get in touch: $Email~us: \underline{environmentwatchsoutheastern ma@gmail.com}\\$ Mailing Address: P.O. Box 1699, Plymouth MA 02362 Phone: 774-260-7864 Donate here

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