Community Land and Water Coalition

A COMMUNITY UPDATE NEWSLETTER

VOLUME 4

Wareham, MA

Welcome to the July 2023 edition of the Community Land and Water Coalition newsletter! Our mission is to preserve, protect and steward our land and water resources in Southeastern Massachusetts. Get in touch to find out more and how to get involved!

Email: environmentwatchsoutheasternma@gmail.com
Website: communitylandandwater.org
@LandWaterPlymouthArea on Facebook
@SavePineBarrens on Instagram

Calendar, Media and Happenings

Events:
Events are listed below and on our website calendar. You can make a difference! Attend meetings, hearings and events to protect our land, water and communities!

Petitions:
Sign the CLWC petition for a moratorium on sand mining here!

Media:
Read our July 22, 2023 Rally Press Release here and see the coverage in the Wareham Week here.
The EnviroShow Radio recently interviewed CLWC's Meg Sheehan about sand mining. Listen here!

Local Happenings

Upcoming meetings and hearings! Please attend!

Bridgewater - Carver - Halifax - Kingston - Middleborough - Plymouth - Plympton - Wareham

Wareham

Wareham Planning Board
August 28, 2023 at 7 p.m. zoom and in person.

Say NO to permit extensions for two large ground mounted solar projects by AD Makepeace & Borrego Solar-New Leaf that threaten 105 acres of pristine Pine Barrens forest.

Permits from the Wareham Planning Board for the two solar projects (27 Charge Pond Road and 150 Tihonet Road) expired in December, 2022. Makepeace and New Leaf are asking for an extension. We say NO – the companies must start over and file new permit applications - no extensions of the 3 year old permit! Conditions have changed and there is new information about the batteries, safety, impacts on forests and wetlands. New public hearings are required! No chopping down trees for solar! Read our

Getting out the message that industrial solar should not be sited on forests! No chopping down trees for solar. Wareham Town Hall, July 22, 2023.

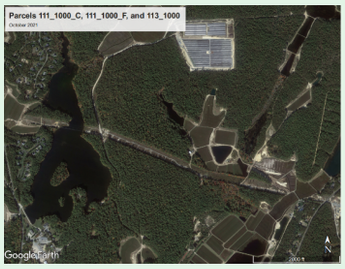
Opinion piece in *CommonWealth* *Solar Gone Wrong,* June 2021

At the August 28 meeting the Planning Board is giving the companies a chance to answer the Board's questions about impacts to the drinking water aquifer, the lithium ion Battery Energy Storage Systems (BESS) and the company must provide a fire operations safety plan. Watch the prior Planning Board meeting here where the Board asked serious questions about the projects.

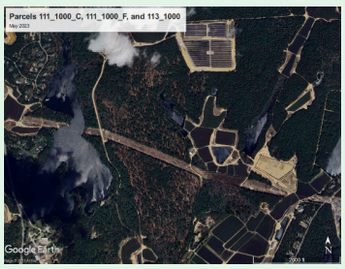
FIGHT DEFORESTATION: A.D. MAKEPEACE ILLEGAL LOGGING! at proposed solar sites covering 200 acres on Tihonet Road in Wareham

These new Google Earth satellite pictures clearly show Makepeace is conducting industrial scale logging in rare Pine Barrens forests along Tihonet Road, Tihonet Pond and Charge Pond in Wareham. Why? Where are the permits?

Below: Illegal logging at 150 and 140 Tihonet Road, Wareham.



ABOVE: Before A.D. Makepeace Logging October 2021



ABOVE: After A.D. Makepeace Logging May 2023 Area in brown shows extent of industrial scale logging operation

A.D. Makepeace Cranberry Co., Wareham MA, July 2023. Industrial scale logging operation that has no record of required state and local approvals.

Below: Illegal logging operations around 27 Charge Pond Road, Wareham.

Before A.D. Makepeace Logging October 2021

After A.D. Makepeace Logging May 2023 Area in brown shows extent of industrial scale logging operation

On June 23, 2023, CLWC wrote to the Wareham Planning Board to demand an investigation. The State's Forest Cutting Practices Regulations, 304 CMR 11.00 establish rules for forest cutting practices including compliance with the Wetlands Protection Act, development of a Forest Cutting Plan and notice to abutters. Where is the record of compliance?

News update Longroad Energy LLC-Colorado at 0 Route 25, Wareham withdraws solar project application.

The proposal is for a large ground mounted solar project partially located on an illegal sand and gravel mining site and will clear cut an additional 21 acres of pristine forest. After more than 18 months of public hearings, opposition, and tough questions from the Planning Board that the company never adequately answered, on June 26, 2023, the company withdrew its application. On April 23, 2023, the Board had voted to reject the application then on April 27, 2023, it rescinded that vote saying it would reopen the public hearing to get more information on impacts to drinking water and the safety of the battery storage system (BESS). Then, on June 22, 2023, Longroad withdrew the original application and said it will file a new one. Longroad's letter is here. A new public hearing will be opened once Longroad files its new application.

Halifax

News update: Court sides with cranberry companies, Ryco Excavating, denies residents request for an injunction to stop mining in the water supply district.

In May, 2023, after over a year of trying to stop mining on Monponsett Pond by Morse Brothers Cranberry and Ryco Excavating, a group of 15 residents filed a lawsuit in Superior Court. They asked the court to issue an injunction to stop the mining. Read more from the Plymouth County Observer here: "Halifax Residents Allege Illegal Sand Mining of Glacial Ridge The Whaleback; Seek Injunctive Relief" The mining is being done in the aquifer protection zone overlay district, a Division II Wellhead Protection Area, and a Class A Public Water Supply. On June 21, 2023 Judge Glenny denied the injunction. In 2022, residents successfully stopped an official expansion of the project with the STOP THE BIG DIG campaign.

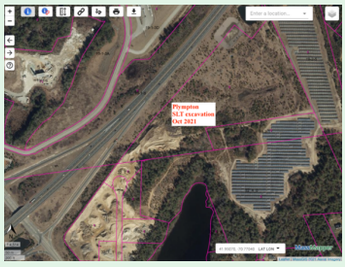
The mining has leveled part of the Whaleback esker, among the most prominent hills in Halifax which has Indigenous Wampanoag cultural significance See the video here.

Plympton

News update: *MassDEP delays approval of SLT Construction permit application for a "recycling" facility in Plympton.*

On July 21, 2023 notified SLT it would not approve the company's solid waste permit until the company submits information on whether further environmental review is needed under the state's Massachusetts Environmental Policy Act (MEPA) and responds to public comments. Read MassDEP's letter here. SLT must reply by August 12, 2023. The project is widely opposed as another assault on our environment and local residents by SLT Construction.

In June and July 2023, at least 40 people wrote to MassDEP asking the agency to deny this permit application. The official name is a "SW 46 Permit for Recycling, Composting, and Conversion (RCC)". SLT is proposing to add this solid waste facility to its massive strip mine at 0 Spring Street in Carver and Plympton. In 2018, Carver officials promoted SLT's development to residents as an "innovative business district" and got the site rezoned for that purpose. For over 5 years the site has been a commercial sand and gravel mine and now SLT wants to use it for asphalt, brick and concrete "recycling" in the future. Find out more on the website.



Carver

August 16, 2023 Conservation Commission, 7:00 pm, Carver Town Hall: Second day of public hearing on A.D. Makepeace notice of intent permit application under the state Wetlands Protection Act and Town Wetlands Bylaw. See the application on the Conservation Commission's website.

Technically, this is to work in the wetland buffer and to expand the sand mining operations along Federal Road. The real story is that Makepeace has stripped about 330 acres in this area already and now wants to do more and is asking the Conservation Commission for a permit. Makepeace has already destroyed about 2.1 square miles in south Carver along Federal Road and between the Wankiko River to the east and the Weweantic River to the west. The expansion area that is the subject of the new permit is across the street from the Cranberry Village mobile home park. Read the report of Scott Horsley, an internationally recognized hydrologist about the impact of Makepeace's mining here on drinking water.

Please attend and voice your opposition to this project and/or submit written comments. Carver Concerned Citizens and CLWC submitted written comments to the Conservation Commission saying the permit should be DENIED.

Makepeace claims all of this mining is an "agricultural" operation for cranberry bogs. Who's kidding who?

NEWS UPDATE: Cranberry Point 150 Megawatt Battery Energy Storage System (BESS) On June 30, 2023, the Massachusetts Department of Public Utilities issued its decision on whether to grant Cranberry Point a zoning exemption. The DPU granted the exemption subject to

Photo: Location of SLT's proposed "recycling" facility on the Plympton-Carver line for construction material processing operation. Source: Massmapper.

Plymouth

NEWS UPDATE: Claremont Plymouth LLC: At the Planning Board meeting July 26 the Board approved the developer's plan to dig up and fill two wetland ponds on the proposed development site in Colony Place. Local residents appealed the Zoning Board of Appeals' special permit claiming it violates the bylaw and is based on the "Development Agreement" – the secret water deal championed by former Chair of the Plymouth Selectboard Betty Cavacco.

NEWS UPDATE AD Makepeace 7+ million cubic yard mining operation on 217 acres of pristine forest in south Plymouth near the Frogfoot Brook is being challenged under the state Wetlands Protection Action. The MassDEP adjudicatory hearing is scheduled for December 2023. In 2012, AD Makepeace's engineers told the state MEPA office the company would apply for wetlands permits for the mining operation but they never did, and claim other work in wetlands is exempt from permits as "agriculture." If you are wondering where this is, here is a trail map from Wildlands Trust showing the trails for The Big Ramble hike past the iconic Frogfoot Brook. Check out this map:

NEWS UPDATE Inside Town Hall: Our town boards, committees and staff have the front line duty to protect the public health, safety and welfare including drinking water and forests. For decades, these public officials have been biased in favor of developers. One way to change this to achieve a better balance is to demand transparency and accountability by all town boards and committees starting with the Selectboard.

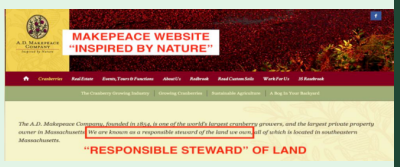
Recently, the Selectboard made two troubling appointments. First, they reappointed "Buster" Main as Chair of the Zoning Board of Appeals. Buster is famous for his public pronouncements at Board meetings that "a man is king of his land and can do what he wants." This prejudicial remark shows his bias toward developers and he says this openly. He is famous for his January 4, 2023 RANT directed at attorney Meg Sheehan as she tried to present at a public hearing seeking enforcement of the zoning laws against strip mine operator Scott Spencer. Watch the rant here.Plymouth ZBA 1.4.23

Second, the Board appointed ex-chair Betty Cavacco to the Community Preservation Committee in June 2023. Plymouth Select Board Appoints Betty Cavacco to Community Preservation Committee 6.26.23 959WATD.COM

conditions. It appears to say that Cranberry Point must still comply with the Carver Planning Board special permit and site plan review conditions. It notes that the Carver Selectboard and Planning Board both informed the DPU they oppose the zoning exemption. This Decision is an affront to the foundational principle that local communities have control over land uses, as embodied in municipal zoning, Home Rule powers and Constitutional rights. The Decision has precedent for the towns of Wendell and Medway where BESS are also proposed. The Decision is based on a number of erroneous legal and factual conclusions and can be appealed to court. Read the decision here.

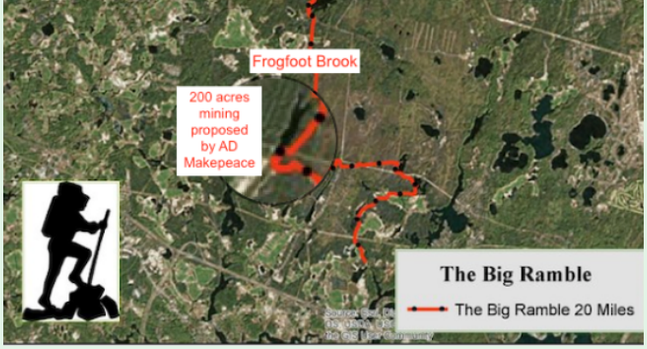
Photo: Makepeace = Make-Believe: At a rally in Boston in May, 2022 grassroots groups call out Makepeace for sand mining under the ruse of agriculture and pretending it is "Inspired by Nature". The groups demanded that Makepeace stop greenwashing its destructive mining operations.

MAKEPEACE = MAKE BELIEVE
THE TRUTH ABOUT AD MAKEPEACE
RESPONSIBLE LAND STEWARD?

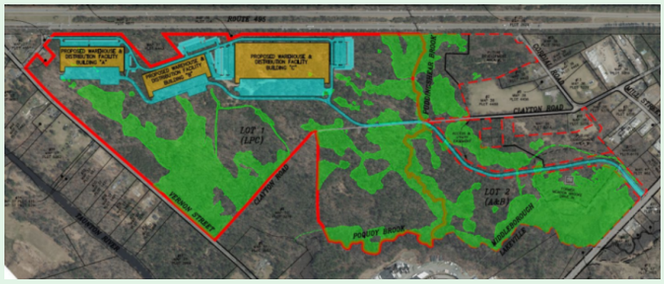


THE BIG RAMBLE

The Big Ramble hike past the iconic Frogfoot Brook. Check out the map below:



Middleborough



Attend: Middleborough Planning Board
Tuesday, August 1, 2023
6:30 - 8:30 pm, Middleborough Town Hall
The Planning Board website post is here
The developers' website is here.

Lincoln Properties is a multinational real estate firm coming into Middleborough to destroy an iconic wetlands and forest area for more cookie cutter, unnecessary warehouses.

Through its subsidiary, Lincoln Logistics, the corporation is proposing a 78-acre industrial warehouse complex at the site of contiguous forest, wetlands, streams, and a vernal pool. The proposal includes three warehouses with a combined area of 672,800 square feet with 173 loading docks and 679 parking spaces. Many areas of natural resources will be threatened by this project, which will never be replaced if the project is built.

Local residents and supporters are mobilized against this project. In July, 2023 over 200 letters were sent to MEPA commenting on the draft Environmental Impact Report voicing objections to a project that would not only destroy vast tracts of wildlife and threaten the rural quality of their town, but also destroy Indigenous history in the process.

Please take action by attending the Middleborough Planning Board meeting on August 1, 2023, and continue to follow this story. This entire area should be permanently conserved, due to its unique and unquestionable natural resource value. The residents need help fighting this project! We will be updating our website on this project with developments as they happen. Send us any information you would like to add.

Read more in Plymouth County Observer here.

Dighton

Another Battery Bomb project targets a small town. In Dighton, a small town off Route 44 west of Middleborough. Borrego Solar-New Leaf Energy proposes a 205 MW battery energy storage facility. The property owners are an older couple and are going to be leasing their land to New Leaf Energy for $80,000 a year for 20 years.

There is a familiar story here. Abutters found in past planning board meeting minutes New Leaf has been working with the town to get this passed. They held a special town meeting last November to amend the zoning bylaw to include energy storage. The Dighton administration is supportive because of the PILOT agreement. Sounds a lot like Carver. The abutting Town of Rehoboth Selectboard is concerned according to a news story.

News Roundup

Rally to Protect Forests, Water and Communities and to Stop Sand Mining in Southeastern MA
A group of local residents and regional environmental organizations gathered in front of Wareham Town Hall to demand action by state and local local officials to stop the sand and gravel strip mining operations going on across Southeastern Massachusetts and to end the public subsidies supporting the industry, including agricultural subsidies from the Department of Agricultural Resources and solar subsidies from the Massachusetts Department of Energy Resources. Read the Press Release here.

Sand mining operation on Meadow Street in Carver MA covered in several stories by Boston paper. Read the Broadside Article "Go Pound Sand" here and an update here.

Photo: Jackie Mazur, who has lived in the rural municipality of Springfield for most of her life, holds up a sign that reads "Save Our Water" on Monday outside the RM council in Oakbank, Man. (Bryce Hoyce/CBC)

Photo: Many more fights against sand mining are happening across the world. The group Sand Stories is looking for solutions.

Other

Plymouth Event "Conversation About Connecting Climate, Water Community" brings Climate Chief, UMass Professor and Boston Globe Reporter Together

Over 50 people attended the June event, which focussed on the results of a two-year study to investigate salt-water intrusion potential into Plymouth's municipal water supply. Speakers included UMass-Amherst Professor David Boutt, who presented data derived from his new hydrogeological study of Plymouth's coastal areas, David Abel, Boston Globe environmental reporter, who presented his upcoming films on climate change, and Melissa Hoffer, Massachusetts Climate Chief.

One interesting conclusion of the study was that the Plymouth-Carver sole-source aquifer had enough fresh water discharging out into the bay to prevent saltwater intrusion, but only as long as freshwater continued to recharge the aquifer itself. It was the continued flow of fresh groundwater out into the bay that is keeping saltwater intrusion back. The study used data from the 2019 Plymouth Draft Water System Master Plan and discussions with the Plymouth Planning Board to predict pumping rates over the next 40 years. It is unknown if the water conservation measures outlined in the draft Water Conservation Plan for Plymouth were taken into the calculations.

During the talks, David Abel explained that ¼ of all species of life on earth are threatened with extinction, and we are "unraveling our system of life support." He emphasized that "now is the time," to take action for our planet, and "we are all being called" to save our earth at this moment. See also, UN convention on biodiversity-1 million species threatened with extinction, racing extinction

Upcoming Events

Waterfront Festival
A fun, family-friendly and educational event! Come by and say hi!
Saturday, August 26, 2023
0 Water Street - Plymouth Waterfront
All Day

Please join Community Land and Water Coalition at this year's Waterfront Festival! The festival includes an annual duck race, two stages of live entertainment, arts & crafts show featuring over 200 exhibitors, local non-profits. Community Land and Water Coalition will have a table showcasing an educational, interactive model of the aquifer, and the effects of a changing landscape. Please stop by or come hang out! Sure to be a fun event for all.

State House, Boston: November 14, 2023:
Joint Committee on Municipalities and Regional Government to hold a hearing on Senate 1319/House 2082 An Act regarding municipal zoning powers, a bill to empower municipal zoning for solar siting. This bill updates our state's laws to address today's challenges with siting large industrial solar and battery storage.

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