

approved
2/17/24



CARVER CONSERVATION COMMISSION MINUTES OF JANUARY 17, 2024 MEETING

Present: Chairman Savery Moore, Vice Chair David Hall, Ann Chadwick-Dias, Curtis Lake, Karl Miller, Environmental Agent Gary Flaherty and Recording Secretary Ashley Swartz.

Mr. Moore opened the meeting at 7:00 PM.

DISCUSSION/BUSINESS

12 Pond View Way – Discussion

Gary said they applied for an extension of the order of conditions for the property and it fell under the "Covid Rule". Gary explained that 462 days are to be added at the end of the period, and Donald Correa Esquire (the "applicant") wanted to know if he could apply the rule established by Governor Baker. Gary said he has been going back and forth with him, showing an example of how this was done and said he was going to come into a meeting but is not present. Gary is concerned about setting a precedent for anyone who missed their deadline. Gary explained the materials provided so they could make a decision. He is seven months late and would have had to apply first week in May 2023 for the extension. Mr. Moore said this would have to be a new NOI. Motion to require a new NOI made by Mr. Miller, seconded by Mr. Hall, approved unanimously 5-0-0.

Mr. Moore reopened this – the applicant was late to the meeting and Mr. Moore said we could discuss. He reviewed the details which were shared with Gary. He explained his interpretation of the situation. The variance was granted a one-year extension by the board of appeals. He further explained that the plans have not changed. Gary said when someone does a filing, the first look is administrative acceptance, then he does a technical review – which failed. Gary showed him the documentation that explains the 462 days extension and said if we made an exception, it would become a larger issue. Gary explained that the new NOI wouldn't require any work since the plans haven't changed. They would also get a three-year extension. Mr. Moore explained that not all by-laws are as strict as these and they have had issues like this previously and needed to keep this ruling consistent. Gary suggested applying for a COC for the existing order of conditions prior to applying to pull the lien off their property (so there is no duplicate OOC open).

0 Indian Street – Discussion

Gary explained this is the property excavating on the north side of the property. Monty Seif, on behalf of the project manager, was here to explain what was being done. He said they own the bogs on the other side of the street (~400 acres, ~200 acres of cranberries). They are reusing the sand and putting it back into the bogs. They want to sell the property with the sand on it. He stated they are in compliance with DEP requirements (erosion protections, etc). Gary explained that as part of the by-laws, they are altering the land within the buffer. Mr. Moore asked if the bog was harvested this year, in which it was. Gary asked why DEP came out, and they had because of the bog across the street (regarding the silt runoff problem). Mr. Moore asked what the plan is moving forward – Monty explained they created two lots and will be sold when ready. The Commission determined it was not under their jurisdiction since it is an upland bog. Gary explained that DEP wanted the conversation with Conservation on the record. Mr.

Moore asked if they will loam and seed the side slopes – in which he plans to do so. Mr. Moore determined no further action needed to be taken.

34 Bates Pond Road – Discussion

Gary said they went out early spring and he removed four to five trees. He has asked to take out the remaining trees (about twelve). Mr. Moore wants to do a site visit to determine which trees are good to stay.

238 Tremont Street – Status

Gary said this was a property they visited six (or so) weeks ago. Gary followed up by phone – the property has been surveyed, wetlands flagged, and they are coming up with a plan which will be presented. The property owner was under the impression he had no restrictions.

187 Meadow Street – Status

This property has been back and forth with Conservation and DEP since Spring of 2023. DEP spurred this conversation and got a complaint from an abutter regarding possible illegal activity. They had removed trees and did some earth work – a cease and desist was issued – which was then overwritten (because it fell under agriculture). DEP called about a month ago saying the property owner had “lied to him” – because the bog had been gutted and filled. DEP put it back on Conservation and said they would back the Commission. They did a site visit today and the property owner thinks the Commission has no say since DEP originally told them to back down. Ms. Chadwick-Dias said she was surprised to see how drastic the changes were to the bog. Mr. Miller asked if they were going to go back to DEP and reclaim as a bog – DEP said they were told it was being restored. This lot is not being advertised as a house lot. Mr. Hall asked under normal agriculture if he can fill it in. Gary said it was a working cranberry bog – which means that’s what the use is. If they wanted to do something else they would need permission since that is an active wetland. Gary said according to the plans they indicated the edges of the bog. Mr. Moore noted the entire irrigation ditch was filled in and graded – which is beyond agricultural maintenance – and not “restoring the bog”. Mr. Moore said he wanted to reintroduce the stop work order and have him come in front of the Commission – explaining how he planned to restore the bog since that was his original plan. Mr. Moore asked if the letter could legally act as a lien against the property. Gary explained a lien could only be recorded at the registry of deeds or as an enforcement letter. A violation letter would not be adequate. First, they would issue a violation letter (to show up at the next meeting, February 7) and if he doesn’t show up or comply they can issue an enforcement order. Mr. Moore wants to address this before the property changes hands (and it becomes their problem). Gary stated that about a quarter of the bog has been filled. Gary said they could ask him to stake out the property line to see if he went beyond it.

Discussion - Sarah Hewins - purchasing equipment for Carver Trail and Conservation Steward utilizing MassTrails grant funds

Sarah applied on behalf of the Trails and Stewards Committee – asking for wetland protection funds to purchasing equipment. She said they have purchased the equipment and also received the grant. She reviewed a list of equipment that they purchased. There was a caveat in the grant that notes equipment couldn’t be purchased until the grant was approved. She noted some items that were taken off and items added – they will purchase the second list (which can be reimbursed 80%). This request was slightly lower than the original request. The Commission reviewed the documentation presented. Ms. Chadwick-Dias asked how many properties this covers – Sarah explained this was originally for the Cole Property however, Savery Avenue and Indian Trail were on the list as well. The “Open Recreation Plan” on the website will show all the properties they would like to address (and make useable again). The three properties all have wetlands on them. Mr. Miller asked how much was actually in the account. Gary said they are around \$50,000. There are some items they are purchasing again (as well as new items). Mr. Moore quickly reviewed the repeat items and indicated the total number of each. Ms. Chadwick-Dias asked if there are people who are certified in using the tools as well as first aid, Sarah confirmed that is

the case. The equipment is being stored at 44 Lakeview. Motion to approve the list of items made by Mr. Hall, seconded by Mr. Miller, approved unanimously 5-0-0.

NEW PUBLIC HEARINGS

278 Tremont Street

ANRAD DEP File: #SE126-0677

Joe Webby of Webby Engineering and Derek Varley (property owner) were present. They are requesting under the ANRAD confirmation of Bordering Vegetated Wetland, Riverfront Area, Inland Bank & Land Under Waterbodies and Waterways on the property. The resource area has been delineated. The map indicates the buffer zones and the Commission did a site visit today. Mr. Moore stated that this is just to determine that the wetlands were noted properly. John McNeely, an abutter, wanted to better understand the letter he received. Mr. Moore explained this was determine if they agree with the wetland's areas determined. He called out the various buffer zones on the map – noting what is inside and outside their jurisdiction. Motion to close the hearing made by Mr. Hall, seconded by Mr. Miller, approved unanimously 5-0-0. Motion to approve the ANRAD dated December 20, 2023, made by Mr. Miller, seconded by Mr. Hall, approved unanimously 5-0-0.

MINUTES

Motion to approve the minutes as amended from January 3, 2024 made by Mr. Hall, seconded by Mr. Miller, approved unanimously 5-0-0.

Motion to adjourn made by Mr. Miller, seconded by Mr. Hall. Approved unanimously 5-0-0.

Meeting ended 7:55 PM.

Minutes submitted by Ashley Swartz.