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3/1/23

CARVER CONSERVATION COMMISSION  
MINUTES OF FEBRUARY 1, 2023 MEETING

Present: Chairman Savery Moore, Vice-Chair Alan Germain, Dan Badger, David Hall, Curtis Lake, Environmental Agent Gary Flaherty and Recording Secretary Ashley Swartz

Mr. Moore opened the meeting at 7:06 PM

**DISCUSSION/BUSINESS:**

**Carver Trail & Conservation Stewards Committee – Funding for purchase of equipment**

Gary passed out an email from Sarah – they are requesting matching funds and need 20% - about \$700. Mr. Germain said that the upcoming Finance meeting (2/6/2023) will go over where these funds are. He said, “We have the money” but was not clearly defined in the budget. He explained how they renamed the fund has been renamed “Land Acquisition Fund Account” and are still looking for the Maintenance account. Mr. Germain said he will review the most recent transactions and back track to see where the money was deposited. He said he has “no doubt that the money is there, it is just coded wrong”. Mr. Moore referred to the note from Sarah Hewins stating the fee was referred to as the “Wetlands Protection Fee Fund”. Mr. Germain reiterated the money is not missing, it just in an account they are not familiar with. Mr. Badger asked to revisit this once the funds were cleared up – thinking that once the funds were defined this was a spend for maintenance, equipment, etc. Continue until the funds are sorted out (intended for next meeting).

**Eversource - right of way vegetation maintenance**

Eversource is planning on clearing a large lot – they have notified Conservation that if any land that falls under their jurisdiction is impacted, they will come before the Commission.

**Fuel spill off Gate Street**

Gary provided a map for the Commissions. There was a spill across 14 Gate Street – a dump truck was on one of the dyke roads and product was released. An LSP has been hired to oversee the job and Gary is keeping in communication with them. Mr. Germain spoke to the levels of impact (by the gallon) and said he wasn’t overly concerned because DEP is on the job and insurance will pay for the repairs. Mr. Moore noted that the bog was flooded so the clean up was a little easier.

**Gibbs Street – Definitive Subdivision**

Sarah Sterns from Beals and Thomas, with the property owner and their counsel, Robb D’Ambroso. Mr. Garretton’s property is off Wareham Street and wanted to do a preliminary hearing on their plans. Sarah gave an overview of the parcel using the map provided. The area is 107 Wareham Street, a subdivision plan is currently with the planning board and they wanted input from Conservation. There is some work proposed within the setbacks. There are no wetland impacts – but it contains buffer zone work. This is proposed as a redevelopment of the land. The ORAD was issued in July of 2022 and they are working within the previously developed areas as much as they can, using the site grades - minimizing the impact to the buffer zones. There is only a small portion of the parcel that will be impacted. Mr.

Germain asked what the plan actually entailed – it is only a three-lot subdivision. Mr. Hall asked if there was any way to keep the cul-de-sac out of the 100-foot buffer. Sarah explained that they “really tried” but it impacts the setbacks from the buildings. The grades are also impacting the placement of the cul-de-sac and with those factors the plans proposed is the tightest they could make it. Robb added that there will be appropriate drainage, a grade to slope away from the BVW, and other best practices will take place. Mr. Garreton spoke to the project – he felt he needed to do this project for his family and his cranberry business. He explained if he wanted to “be a developer” he would go find some property – but these plans are done with minimal intrusion and minimal work in order to plan for his future in the industry and protect his options in the future. He thinks using existing properties sets him up for the future. Mr. Germain spoke to Mr. Garreton’s comment of not wanting to be a developer. Mr. Moore asked about the cul-de-sac, noting that it could be brought out of the 65-foot buffer – making it more circular. Sarah explained that they have been told this is the preferred shape. Mr. Moore said about 20-feet are in the no touch zone. He made a note that Planning asked them to come to Conservation for feedback and he spoke to updating the cul-de-sac. Gary confirmed the “preferred design” of the cul-de-sac. Sarah noted this is part of the regulations – designing to the regulations to be accommodating. She noted she will bring this discussion back to Planning. The review engineer would have to support the design change as a waiver for the board to adopt. Mr. Moore asked about the height difference between the road and the bog – its about 14 feet. Mr. Germain spoke to the character and integrity of Sarah and said it carries a tremendous amount of weight – noting the numerous times she’s been before the board and has no doubt in his mind that if this could be avoided, she would find a way. Robb pointed out that Mr. Garreton could have used another part of land he owns and completely develop it. Mr. Hall reiterated tightening up the cul-de-sac with Planning.

#### **187 Meadow Street**

Last meeting it was determined that this project would not be allowed – the property owners (The Maksys) were notified by Gary. Mr. Moore explained that in looking at the plans, they Commission finally got an idea of what the plan entails. He noted that the property in its entirety of the buffer zones and would set a precedent for the town that didn’t respect the setbacks. He further explained that due to the layout, this is not a buildable lot. There was a mention of replication but it appears they still would not be able to build (replication is a 1 to 1 ratio). Mr. Moore suggested a place where they could replicate but it may impact their driveway. Mr. Germain said he was an advocate for personal property rights but this was too much and blows the by-law away. He asked for them to provide a full map of the area – have them replicate the wetland square footage, they could get relief to build the building. The engineer was also present – explaining that some of the earlier plans have the full property with a replication plan. Mr. Moore reiterated the importance of being consistent with the rulings – so people know what to expect when they come in. Mr. Germain made a motion to close the violation letter, seconded by Mr. Badger, approved unanimously 5-0-0.

Mr. Germain made a comment to the public regarding doing work near a wetland, please contact the Conservation Commission. He noted that when people call with questions, they call Conservation so they want to be armed with the information.

### **CONTINUED PUBLIC HEARINGS**

#### **0 Wade Street**

Regarding a parcel of land in the Vaughan Estates subdivision, sometimes referred to as 0 Wade Street, which is a 6.32 acre “Recreation Area that was given to the Carver Redevelopment Authority (the ‘RDA’) by the town after a tax lien foreclosure (Assessor Reference Map 112-3-B). The RDA would like to offer this parcel to the care and custody of the Conservation Commission. Would the Conservation Commissioners be in favor of taking the

care, custody and incurring the incidental cost(s) of said parcel of land? – (Continued to 2/15/23)

## **NEW PUBLIC HEARINGS**

### **21 Crystal Lake Drive**

**NOI SE# 126**

Darren Michaelis, the engineer on the project, was present. The existing well is creating a hardship. The existing septic systems are now within 100 feet of their own wells - while maintaining the well set-backs. The smallest system (that can fit for this property) is being installed. The members of the Commission were in agreement that the plans provided were the only solution for the septic system due to the narrow lot sizes. There was a discussion about this neighborhood and having to work with what they had. Several members of the Commission were at the site. Motion to close the hearing made by Mr. Germain, seconded by Mr. Badger, approved unanimously 5-0-0. Motion to approve the NOI as drawn on the plans dated January 12, 2023 made by Mr. Germain, seconded by Mr. Hall, approved unanimously. Motion to approve the variance – allowing relief of the 65-foot for the septic system, with one wetland market, made by Mr. Germain, seconded by Mr. Hall, approved unanimously 5-0-0.

## **MINUTES**

To be read and approved for January 18, 2023. Motion to approve the amended minutes as written made by Mr. Hall, seconded by Mr. Lake, approved 4-0-1, with Mr. Germain abstaining.

Mr. Germain made a comment about the upcoming Finance meeting and Conservation funds. He added that he would like the Select Board to come up with a committee to create a master plan for 44 Lakeview and the Council on Aging building. These projects greatly benefit the residents of Carver. A conversation ensued regarding what and isn't allowed for 44 Lakeview and whether or not it could only house Conservation activities. Mr. Badger cautioned that committees like this have been formed before and they ultimately disappeared. There was further discussion about all the fees associated with the property, a committee of stakeholders, and Conservations' role in the decisions for the properties. Mr. Moore suggested that with two months from Town Meeting, they should think about the people they would like to take part in these discussions and figure out a way to get the news out and hold a forum. Mr. Germain was adamant about having transparency around these projects, especially with the dollar amount for each of these projects.

Motion to adjourn made by Mr. Germain, seconded by Mr. Hall, approved unanimously 5-0-0.

Meeting ended 8:35 PM.

Minutes submitted by Ashley Swartz.