



Approved
5/17/23

CARVER CONSERVATION COMMISSION
MINUTES OF APRIL 19, 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 7:00 PM.

DISCUSSION/BUSINESS:

None

NEW PUBLIC HEARING

13A Gate Street

ANRAD DEP File: #SE126-665

Motion to move this hearing first made by Mr. Germain, seconded by Mr. Hall, approved unanimously. Notice of Resource Area Delineation (ANRAD) submitted on behalf of Bayside Agricultural Inc. The Applicant is requesting under the ANRAD confirmation of applicable resource areas on a portion of the property. Brad Holmes on behalf of the applicant. He reviewed the map of the property and noted the bogs, solar fields, etc. An ANRAD was submitted for the portion just off of Gate Street. The wetland scientist said there was not a lot of delineation needed – there were wetland zones and BVW mapped out. They looked at the site today and wanted the bordering wetlands and buffer zones confirmed. A few members of the Commission were present today and Mr. Moore noted that “it all made sense and looked to be marked correctly”. Mr. Moore said he agreed with the delineation and it was mostly in line with the cranberry bogs. Gary agreed. Mr. Germain made a motion to close the hearing, seconded by Mr. Hall, approved unanimously 5-0-0. Motion to approve the ANRAD March 20, 2023 as drawn made by Mr. Germain, seconded by Mr. Badger, approved unanimously 5-0-0.

CONTINUED PUBLIC HEARINGS

20 Indian Street

NOI DEP File: SE126-662

Greg from Outback Engineering – made some changes to the plans and wanted to review Lot 4. Reduced the size of the building, moving it further away from the wetland and the buffer; the paved driveway has been changed to gravel; and this will be a Net Zero project (no fossil fuels used). Mr. Germain said it looks good and appreciated the changes made. Mr. Badger said he had “no doubts” it was the best they could come up with, but still didn’t feel this was a buildable lot. He noted his concerns regarding future projects if this is approved and felt there was too much being squeezed in. Mr. Germain reiterated that he didn’t see an issue now that everything was outside the 65-foot (no variance was required). The applicant noted the house was actually 3200 square feet not 3400 square feet. Mr. Germain added he would like to see a sign at the well. Mr. Lake said he agreed with both Mr. Germain and Mr. Badger – in some regards. Mr. Badger elaborated on his concerns – saying when properties get sold – information is not passed along from owner to owner. He remembered walking the sites two years ago and wondering where

building could take place. Gary said the COC is recorded with the deed – and the information would be passed from owner to owner. Mr. Moore asked Gary, if in the order of conditions, they could include types of fencing allowed on the property – Gary said this was doable as long as the builder/owner was in agreement when the conditions were made. Mr. Badger liked the idea but would be more comfortable with establishing those set guidelines for future discussions. Mr. Hall added that there are more and more properties that have septic closer to the wetlands. Motion to close the hearing made by Mr. Germain, seconded by Mr. Badger, approved 4-0-1 with Mr. Hall abstaining due to absence. Motion to approve the NOI on the plans drawn February 28, 2023 revised April 10, 2023 made by Mr. Germain, seconded by Mr. Lake, approved 3-1-1, with Mr. Badger opposing and Mr. Hall abstaining due to absence.

22 Indian Street

NOI DEP File: SE126-663

Greg from Outback Engineering – made some changes to the plan by removing the garage, moving the house up three feet closer to the front setback (now 16 feet away from the setback), changed the driveway to gravel, and moving the well up. Mr. Germain commented that he appreciated the changes made here. Mr. Badger was again concerned about whether or not the lot is “buildable”. Mr. Germain followed up saying he thinks this is not a hardship but they are working with the lot and they made all the changes that were suggested. Mr. Moore agreed this was a better solution than what they saw originally. Mr. Germain added that these situations are win-win when the developer works with Conservation. There was a discussion of placing signs before the 65-foot buffer where the well is located as well as split rail fencing (cedar) so they won’t fall apart when they aren’t maintained. Motion to close the hearing made by Mr. Germain, seconded by Mr. Lake, approved 4-0-1 with Mr. Hall abstaining. Motion to approve the NOI on the plans dated February 6, 2023 and revised April 10, 2023, seconded by Mr. Lake, approved 3-1-1 with Mr. Badger opposing and Mr. Hall abstaining. Motion to approve the variance for the well made by Mr. Germain seconded by Mr. Lake, approved 3-1-1, with Mr. Badger opposing and Mr. Hall abstaining.

26 Indian Street

NOI DEP File: SE126-664

Greg from Outback Engineering – moved the house and the septic, moved the driveway and made it gravel, moved the well outside the 65-foot buffer zone. Mr. Hall asked why the well couldn’t be moved outside the 100-foot buffer. This couldn’t be moved due to the other lot. Mr. Moore asked if they could add a sign where the opening for the well. Motion to close the hearing made by Mr. Germain, seconded by Mr. Lake, approved 4-0-1 with Mr. Hall abstaining. Motion to approve the NOI on the plan February 6, 2023 and revised April 10, 2023, seconded by Mr. Badger, approved 4-0-1 with Mr. Hall abstaining.

0 Wade Street

Mr. Moore asked if they were in agreement to move this to the last of the hearings since it was internal. All were in agreement.

Mr. Moore turned the Chair over to Mr. Germain so he could present on behalf of the RDA for the property. This is a parcel of land at the end of the street which is currently owned by the RDA and they wish to donate the land to Caver Conservation Commission. There are currently an existing gravel path and barn (which is encroaching on the property). The owners of Parcel 1 built the barn, and are in the process of moving the barn (with the necessary setbacks). The existing gravel path will be removed and let the natural vegetation grow back. Mr. Germain asked if they also cleared some area, Mr. Moore stated it appears that is the case and the barn was built around 2009. The RDA has been working with their own Counsel, preparing the property deeds, surveyed the property, and added bounds to delineate the property lines. The hope is the cost of these items could be itemized and sent as an invoice to send to Conservation to be paid by the Conservation Acquisition account. Mr. Moore said this was likely in the neighborhood of \$2,000 - \$3,000. Mr. Germain asked if the encroached property would now belong to the encroachers if they weren’t notified. Mr. Moore said the family is moving it currently so it shouldn’t be an issue – he

believed they were never under the impression it was their property. Mr. Germain asked about a timeline. Mr. Moore said the neighbors have until the end of June to move the barn and clean up the property. This would come to a vote at the RDA to transfer the property. RDA is planning another site visit and would like to coordinate with Conservation – to review the bounds. Mr. Badger asked about the potential need for a split rail fence – and who would pick up that cost. Mr. Moore said the neighbor's conditions were to just clean up the property of what was not supposed to be there. The fees would include the survey, the legal fees, and any fees transferring the property. Mr. Moore added that there are trails that are currently being maintained by residents of Vaughn Estates. Motion to close the hearing made by Mr. Hall, seconded by Mr. Badger. Motion to accept the parcel from RDA (as drawn on the plans April 18, 2023), made by Mr. Hall, seconded by Mr. Badger, 4-0-1 with Mr. Moore abstaining. Motion to absorb the costs of the land surveying, legal fees, and the recording of the deed up to \$5,000, anything over will require a request from RDA, made by Mr. Badger, seconded by Mr. Hall, approved 4-0-1 with Mr. Moore abstaining.

MINUTES

Motion to approve the minutes from April 5 made by Mr. Germain as amended, seconded by Mr. Badger, approved 4-0-1 with Mr. Hall abstaining.

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

Meeting ended at 8:03 PM.

Minutes submitted by Ashley Swartz.