



approved
9/20/23

**CARVER CONSERVATION COMMISSION
MINUTES OF AUGUST 16, 2023 MEETING**

Present: Chairman Savery Moore, David Hall, Curtis Lake, Environmental Agent Gary Flaherty and Recording Secretary Ashley Swartz.

Absent: Vice Chair Dan Badger

Mr. Moore opened the meeting at 7:01 PM.

DISCUSSION/BUSINESS

Carver Wetland By-Law and Regulation Flyer

Gary provided a print out for the Commission members to review

All Wetland by-laws voted on by Town Meeting have been approved by the Attorney General's office
Mr. Moore noted that these updated by laws are stronger in regards to the rules for approving variances. If there are no appeals in 90 days, they will become law.

0 Wade Street Discussion

This is the RDA property that will be moved to Conservation once the issues have been cleared up. There is a chain link fence around a small garden that will need to be removed, the previous location of the shed still has the electrical cable in the ground (need to assure it is not live), and the wooden fence at the back of the property still needs to be addressed.

UNANTICIPATED

Maintenance has been hired to clean up the property for 44 Lakeview. They have already started on the property and will be working through September. An RFP will be sent either at the end of 2023 or the beginning of 2024.

151 Main Street has trees in the 65-foot buffer zone that are rotting at the base. There may be one tree that can be salvaged but the others need to come down. They have discussed replacing the trees with new plantings.

Shaw Road – there are trees and saplings that have been taken down. Mr. Hall suggested replanting native plants but Gary added that some of those plants should come back. Gary is going to send the Association a letter and have them address the property owners. They are hoping to have this resolved by September 30.

It has been brought to their attention there are box turtles at the property regarding the pickleball courts. They are holding on the project until they learn more.

CONTINUED PUBLIC HEARING

46 Federal Road

NOI DEP File: SE126-670

Bill Madden and Robb D'Ambruoso on behalf of AD Makepeace involving 22 acres of new bogs and other cranberry related improvements. Bill addressed some of the concerns raised during the last meeting. Regarding the ground water flow – Bill supplied a report a USGS report that was prepared for South Eastern Massachusetts (Plymouth-Carver Aquifer). The data in the report determines the ground water elevation and flows – stating the water in this project flows South East running across the existing bog. Bill discussed the elevations in this specific area and talked about the average rainfall (which equates to 4” per month but due to water usage of the surrounding plants, this causes fluctuations in the water table, along with other factors). He also provided a copy of the zoning by-laws which addressed, “protecting public health and safety”. He added context explaining the purpose of the by-law and stated that it wasn't relevant in this case due to the nature and scope of the work being proposed. Bill continued to address concerns with a UMASS study about cranberry production guide for Massachusetts growers to give clarity around the need to take trees down because of the impacts of the shade (resulting in frost) and the bugs that would affect the crops. He further explained the evolution of bogs year over year – resulting in more layers of protection between harmful pesticides as well as impacting the movement of water. He then touched on the bog cross sections and shared a report as well as his past involvement in a 400-acre project in Maine that worked to both build bogs as well as protect the salmon in the area. He talked about the testing that was done prior to that project and how those learnings have impacted the plannings of projects like the one he was presenting. He further explained issues around breakdown of movement (as it relates to pesticides), frost management practices, and supplied an internal memo from the Field Superintendent of what they would like to see in these projects – including weed management, tree cutting and irrigation.

Mr. Hall asked about Ocean Spray wells and if they were tested. Bill explained that public water wells require testing and said sometimes that testing occurs every six months. Mr. Moore addressed a comment from last meeting that the work still wasn't complete. He reiterated that the land-water act did not apply to agricultural use. They also recently did a site visit where they discussed timing and the project is anticipated to be completed within a year of approval.

Patty Cooney, a resident, was concerned about taking trees out and was asking if a predatory species can take care of the bugs instead. She didn't know if that was an option instead of removing trees. Mr. Moore said the insect part of the tree removal is just one of many reasons to remove the trees – frost mitigation is also a big reason (less maintenance, man hours, etc.) She followed up asking if they could minimize the number of trees taken down. Gary also noted that moths and caterpillars aren't natural predators and they don't have a local critter to eat them. There was further discussion about ways they could address the insects. Kathryn Harrilson of Community Land and Water Coalition and read some comments – first asking about the exemptions – which Gary said it was new construction and there are no exemptions. Bill addressed other issues that were brought up during the last meeting – one being the impact report that was done in 2022. He pointed out the part of the land that wasn't included in the original impact report. She then addressed some reports (i.e. from MA-DEP) regarding threats to groundwater, best management practices and a report regarding trees and water quality. She is concerned that this area was previously vegetated and was hoping the Commission would look at not just this project, but also the impact of all the other projects like this. Bill noted that the report she is referencing is not related to this project and is a report on another town. He felt the referencing of this report was disingenuous. This is not remaining a gravel pit – as that report suggests – but instead land in agricultural use. Bill said everything would be revegetated and the landing areas may be sparse but everything else would be established. Mr. Moore asked about the vines that regenerate each year, and the layers that thicken year over year will also protect against pollutants. Gary James, an audience member from Beta, said he has been reviewing the plans and he said he agrees with Bill. He noted that this land has been sitting here for about eight years as exposed earth but said the

real question is if there is a timetable regarding the implementation of agricultural use. Standing ground water has been exposed at times but has fluctuated enough that more investigation on the seasonal ground water may be warranted. He pointed out that there was activity within the established buffer zones.

Mr. Moore again reiterated that if they reduce the size of two of the bogs, they wouldn't be in front of the Commission. Mr. Moore said they spoke to someone on site and they said it would be completed within a year. He also noted that he didn't think they could enforce a condition regarding timing. Gary James continued there has been some impact but Mr. Moore said they're actively working to eliminate erosion (showing progress). Dan Farenay, a resident, said this project has been going on for eight years and he hasn't seen any vegetation planted. He is asking there is a caveat to add vegetation before they proceed with the work. Patty added that the report Bill was referencing is "old" and asked why a new report couldn't be completed. Mr. Moore noted that this is a report for the entire state. Mr. Hall added that there are monitoring wells here and if they are varying they would know.

Motion to close the hearing made by Mr. Hall, seconded by Mr. Lake, approved 3-0-0. Motion to approve the NOI as shown on the plans dated May 15, 2023, with conditions set forward (which would include heavy monitoring on erosion control, vegetation, etc.) made by Mr. Hall, seconded by Mr. Lake, approved 3-0-0. Motion to approve the variance for the minor activity within the 65-foot buffer made by Mr. Hall, seconded by Mr. Lake, approved unanimously 3-0-0.

MINUTES

Motion to approve the minutes from August 2, 2023 made by Mr. Hall, seconded by Mr. Lake, approved unanimously 3-0-0.

Motion to adjourn made by Mr. Hall, seconded by Mr. Lake, approved unanimously 3-0-0.

Meeting ended at 8:21 PM.

Minutes submitted by Ashley Swartz.