



approved
10/4/23

CARVER CONSERVATION COMMISSION
MINUTES OF SEPTEMBER 20, 2023 MEETING

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

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

DISCUSSION/BUSINESS

22 Lakeview Street – Certificate of Compliance – DEP File #SE126-592

Gary explained that several of them went to the site this morning and they did not construct everything they asked for when they came in for the NOI. Gary listed the missing items and checked if they were approved according to the COC. Planted trees, did not replace fencing, electrical lines, motion detector lights, stairs and timber walls (replaced with block walls), removed rail ties and asphalt. Gary noted he believed the work done so far was adequate. Mr. Moore asked if they could approve a partial COC since Gary created a list. The old order of conditions is expired. Mr. Moore also added that everything looked fine to him – all were in agreement. Motion to approve the COC made by Mr. Hall, seconded by Mr. Lake, approved unanimously 5-0-0.

3-4 Park Avenue – Certificate of Compliance – DEP File #SE126-547

This COC was for the soil project – placing soil at the former sand gravel site. The work has been completed that was covered in the order of conditions. The only difference was the amount of soil which was roughly 241,000 cubic yards. Mr. Moore said members of the Commission were at the site today – noting the land looked lush compared to the last time he saw it. Gary added that the site was stable (vegetation, etc) and the only bare spots were the access roads. Mr. Badger said the concern was how much soil was there and how much it has been cleaned up. Mr. Moore added that there were very strict limitation regarding the soil – and had to be approved to be clean enough to go in there. Motion to approve the COC made by Mr. Hall, seconded by Mr. Lake, approved unanimously 5-0-0.

3-4 Park Avenue – Certificate of Compliance – DEP File #SE126-653

This COC was for the remediation of some of the PFAS contaminated soil on site. Some of the soil was relocated on the site and consolidated with a cap (that acts like an umbrella – to prevent continued infiltration). There is a one-foot top soil layer on top of the cap with a stone toe that relieves the drainage. The cap has been completed and the soil is stabilized. Mr. Moore asked about DEP's involvement. There is a LSP that oversaw the work – Jim Begley of MT Environmental. He assessed the level of PFAS in the water and developing a remediation plan. They had to excavate an area (about one acre) and then relocated to a site about eight acres. Jim further elaborated on what was done for the remediation project – stating that ongoing monitoring would occur to make sure conditions were stable. Mr. Badger said he wasn't at the site today but has visited it in the past. He asked if the cap was the fix for the movement of any potential plume. Jim said the contamination will be a long-term problem – the cap will prevent further PFAS from contaminating and eventually it will minimize. Mr. Badger asked about next steps in terms of remediation. The assessment work involved 100 monitoring wells across the site. This measured rate of

flow and where they were flowing. There were seven wells specifically that collect samples quarterly for the last three years. The levels have measured stable or going down. The capping will help to reduce levels further and get to an end point sooner. The monitoring will continue annually – which will give them a snapshot of conditions going forward. DEP agrees with this monitoring plan. Mr. Badger asked what the action plan would be if they didn't see a decrease in PFAS. Jim said with the results there is no current plan if levels increase. They observed the highest concentrations in the spring and selected the spring as the annual point they would sample. Gary said the site was stable, the vegetation looked as if nothing had been done there. Motion to approve the COC made by Mr. Hall, seconded by Mr. Lake, approved 4-1.

17 Wareham Street - Status

Gary wrote a letter dated July 24, 2023 regarding the goats and the shed – they have not responded and Gary asked if they should send a second letter via certified mail. Mr. Moore asked if he could include a respond by date of October 15.

0 Wade Street – Vote

Conservation land from the RDA – a few of the members went out on a site visit and most of what has been asked of them has been completed (moving the barn and clean up). There are still three minor situations that need to be taken care of by the property owners (corner of a fenced in garden that encroaches, electrical coil wire where the barn used to be, and a couple of sections of eight-foot fencing that need to be removed). Mr. Moore said they should vote to accept that property and then they can draft a letter asking the remaining items to be completed. The overall goal of the property is to exist as conservation property. They don't plan to make any changes to the property at the moment. Motion to accept the property made by Mr. Lake, seconded by Mr. Badger, approved unanimously 5-0-0.

Meeting Schedule for October & November

Next meeting October 4, 2023. Mr. Moore is proposing to meet October 25, November 8, and December 6. They will address the December 20 meeting pending the agenda.

56 Fosdick Road - Discussion

Gary explained that the land is being donated (no money is requested). The town will be accepted by the Select Board and added to the Town Warrant. Gary said he has looked at the land himself and it is a “nice piece of property”. Motion to recommend the town accept the property made by Mr. Lake, seconded by Mr. Badger, approved unanimously 5-0-0.

NEW PUBLIC HEARING

**1,3,4 Park Avenue; 0 Cobbs Pond; 0, 10-A, 10-B, 12, 16, 18 & 20 Montello St.
File: #SE126-673**

ANRAD DEP

Submitted on behalf of Route 44 Development, LLC. The Applicant is requesting under the ANRAD confirmation of Bordering Vegetated Wetland, Riverfront Area, Inland Bank, Bordering Land Subject to Flooding and Isolated Vegetated Wetland on the property. Chris Lucas with Lucas Environmental – on behalf of Route 44 Development, LLC. The site is approximately 222 acres. This is to seek confirmation of the resource areas. Over the last several years there have been order of conditions that have expired. Chris showed the various areas on the site map and is seeking confirmation of the bordering vegetative wetlands. This is an active site and did flag a suspected vernal pool that will need to be confirmed. Chris also pointed out the 100-foot buffer zones and added that they refreshed the previously delineated resource areas – made a few revisions but no major changes. They also extended the wetlands which help clean the plans up. Gary had compared these plans to the previous delineations and said they were very

similar and was good with the delineation. Mr. Moore noted he had been to the site a few times. The site currently contains 13 parcels. Mr. Badger asked Mr. Moore if wells would still be allowed in the 65-foot buffer. Mr. Moore said it would likely be a case by case basis. Mr. Badger argued that the Commission can look at changing their SOP of where they allow wells (of any kind). He has brought this concern up multiple times in the past and wanted to bring it to the Commission's attention. Gary said the technical review meetings on this property currently are looking to connect to the public water supply rather than individual wells (to supply to the hydrants). Mr. Moore noted that they have asked people to move when possible but in cases where there is no other option. Chris said he would pass along the concerns regarding next steps in the project. Patty Cooney – a Carver resident asked if Mr. Moore he had to recuse himself from this since he is a member of the RDA – he does not. Motion to approve the delineation as drawn on the plans dated August 30, 2023, made by Mr. Hall, seconded by Mr. Lake, approved unanimously 5-0-0.

24 Cranberry Circle

NOI DEP File: #SE126-671

Kevin Grady from Grady Consulting on behalf of the applicant, Kevin Marani, for a septic system repair and the construction of an addition and deck to a single-family dwelling within the 100-foot Buffer Zone to Wenham Pond. Also, some of the project work is within the 65-foot Buffer Zone protected under the Bylaw and will require a variance from the Bylaw. The plans show the setback areas, located the leeching field as far away from the resource area as possible, and maximized the existing wells. They moved this to the driveway (the existing is in the backyard by the pond). The addition will include foundation and closed rooms and a deck with a walk out. The deck intrudes on the 65-foot zone. They will use silt-sock erosion control for the project and will stabilize disturbed areas with loam and seed. Mr. Moore noted they went out to the site today. Mr. Hall asked about the proposed deck – if it was elevated (similar to what is there now) and will not have a roof. Mr. Hall continued asking about the sono-tubes – Kevin said the conceptual plans have about half a dozen (spanning roughly every eight feet). Gary asked if they have looked at the addition possibly being put to the side or towards the front of the house. Kevin said he was not involved with that plan – but Gary said alternative plans were sometimes requested. Mr. Miller asked if there were any trees that might be impacted – Kevin said there is no plan to do that but could be one tree that needed to come out. Mr. Moore asked about the septic – where it extends closer to the pond then where the existing driveway ends. The driveway will be replaced and disturbed area will be loamed and seeded (not moving closer to the pond). The basement is currently a walk up – Mr. Moore asked if they were going to make this a walk out – but Kevin said they wanted to walk out the kitchen onto the deck, then be able to go down the stairs (under the deck). There will be no grading and the elevation will approximately stay the same. With the expanded roof area, Mr. Moore asked if there would be a drainage plan – Kevin said they do not have anything proposed but would consider a dry well. Mr. Moore said a lot of water could be collected there and would like to see something for drainage (Kevin said they could agree to that as a condition – adding it just outside the tree line). Mr. Moore said the extension where the deck would be is still relatively flat. Kevin called out an area on the plans to execute this. Mr. Moore also asked about spacing on the floorboards of the deck – he noted the current spacing was adequate and would like to see that maintained. Motion to close the public hearing made by Mr. Hall, seconded by Mr. Lake, approved unanimously 5-0-0. Motion to approve the NOI made by Mr. Hall, seconded by Mr. Lake, approved 4-1-0. Mr. Badger made a motion to reopen, seconded by Mr. Hall, approved unanimously 5-0-0.

Motion to approve the variance made by Mr. Hall, seconded by Mr. Lake, approved 4-1-0. Motion to close made by Mr. Hall, seconded by Mr. Lake, 5-0-0.

104 Tremont Street

NOI DEP File: SE126-672

Robb D'Ambrosso and Kevin Flaherty on behalf of the applicant, submitted by E.J. Pontiff Cranberries, Inc. for the construction of 17.8 acres of cranberry bog through clearing, excavating and grading. A Portion of the proposed work is within the 100-foot buffer zone of a Bordering Vegetated Wetland

(BVW/existing cranberry bogs); however, some minor activity (grading, equipment activities) will be conducted within the 65-foot buffer and will require a variance from the Carver Wetlands Protection Bylaw. This is for the development of five new cranberry bogs. Small portions of the bogs fall into bordering vegetative wetlands and existing bogs. They are not purposing new structures in this area. They intentionally are placing these bogs where they are due to the proximity of existing bogs and minimize the area of disturbance. Robb also noted that the notice references a variance for activity in the 65-foot buffer – noting that the bogs did not fall under the bylaw. Mr. Moore stated that the website bylaws are outdated and variances are now required for any new work (mirroring the 100-foot buffer bylaw). Mr. Moore explained that members of the Commission were out today at the site and there are very small impacts in terms of their jurisdiction (basically corners of bogs one and two, and a small section of bog three). He reiterated that from their standpoint, there is minor impact and all that involves cranberry bogs – saying it is a large project but minimal jurisdiction. Gary noted that the plans use a scale of one inch is equal to 100 feet rather than the 50 feet. The members of the Commission all agreed to accept this.

Mr. Hall asked if two of the bogs could move closer together (bogs one and two) just to get them out of the buffer – and he was concerned about the impact it may have. Kevin said they kept the bogs this way due to the berms and keep with the existing irrigation (keeping at a certain elevation). He called this a “perched” wetland. Mr. Badger asked if there was a way to round the corners or trim the bogs down in order to get out of the buffer zones. Robb explained that they stacked this closer to the existing bogs in order to utilize the existing structure (the buffer is another bog). Mr. Badger asked if this forested area would be replicated in some way – explaining that they need to protect habitats too. Gary said they got a comment letter from the Heritage people saying they wanted them to have due diligence when they are constructing (they don’t see a take – meaning the land owner is going into a primary habitat – which they don’t see it as that). They did ask to put up a turtle fence in the spring time. Meg Sheehan from Community Land and Water Coalition. She noted that the green cards were not submitted at the beginning of the public hearing- and asking to continue the hearing to conduct a thorough investigation. She listed a number of concerns including sand and gravel mining, changes in topography, excavation of hills, and the impacts of ground water tables. She is concerned about the primary use of the land. She also noted concerns of the tail-water recovery pond. Other concerns included previous site activity, a previously submitted (and pending) RDA, and possible affects on the ground water. Ultimately, she is concerned about the accuracy of the depiction of the project. Mr. Moore asked Meg if she had seen the plans in their entirety – explaining that there are two bogs that they have no say about. Meg argued that groundwater flow fell under their jurisdiction. Mr. Moore explained that if bogs four and five were the only bogs in the project they would not even be in front of the Commission. Mr. Moore also read the Carver bylaws regarding water resource – showing that the exclusion applies because it is construction for agricultural use. Rebecca Lipton was concerned about the turtles. Mr. Badger asked about pending determination – asking Gary if this was accurate. Gary said there is no response back from the state to his knowledge – noting that doesn’t mean there isn’t one, just that he was not aware of it. Robb addressed the comments made by Meg. He noted that this is very much an agricultural project – as this pertains to one of the largest cranberry growers. He also noted concerns about topics brought up that were not relevant to the project at hand. He felt that some of these allegations made by Meg were inappropriate. Gary asked the engineer to uncheck the box for a residence on the application. He has also asked to address a stormwater plan. They believe they will have this information for the next meeting. Gary said he hasn’t seen a response to the outstanding RDA – but felt it was irrelevant to this particular NOI. Mr. Badger said, in terms of typography alterations, he would like to be as proactive as possible. He said he wants to understand what is being removed and how its affecting runoff. He also asked if this was an active farm but Mr. Moore confirmed they were harvesting today. Mr. Badger asked if there could be a joint meeting with earth removal to address concerns. Mr. Moore said there would be a lot of removal. The Commission was in agreement that they should continue this hearing for two weeks. Motion to continue until Wednesday October 4 made by Mr. Badger, seconded by Mr. Lake, approved unanimously 5-0-0.

UNANTICIPATED

Gary said they met with representatives regarding the permit for the bog reclamation project. Mr. Moore said everyone agreed to work together to make this happen more efficiently. They are hoping to have a more streamlined process for future projects.

Gary also updated the Pickleball court project – there will be conditions for the project that are still pending.

MINUTES

Motion to approve the minutes from August 18, 2023 made by Mr. Hall, seconded by Mr. Lake, approved 3-0-2 – with Mr. Badger and Mr. Miller abstaining.

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

Meeting ended at 9:19 PM.

Minutes submitted by Ashley Swartz.