



approved  
10/25/23

CARVER CONSERVATION COMMISSION  
MINUTES OF OCTOBER 4, 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 7:08 PM.

**DISCUSSION/BUSINESS**

**21 Crystal Lake Drive – Certificate of Compliance – DEP File #SE126-657**

Gary said this was a single-family home that followed the NOI filing plan – everyone who visited the site agreed that the rules were followed. Motion to approve the COC made by Mr. Hall, seconded by Mr. Badger, approved unanimously 5-0-0.

**17 South Main Street – Certificate of Compliance – DEP File #SE126-632**

Gary said this was new construction, single-family home and followed the NOI filing plan. The site was stable and he is suggesting three conservation plaque cards distributed evenly on the property. Motion to approve the COC by Mr. Hall, seconded by Mr. Badger, approved unanimously 5-0-0.

**46 Spring Street – Certificate of Compliance – DEP File #SE126-596**

Gary said there was a site visit today and everything in their purview was done with the exception of the grading – they placed a retaining wall. He noted the restraining wall was better (because of the vernal pool) but it was never addressed to the Commission. Gary said they would have to address the after the fact NOI. Mr. Moore said the wall was about three to four feet high. The property owner brought pictures for the Commission to review. Mr. Moore said this slopes into a retaining basin and the pictures were “extremely good evidence of what was happening before the retaining wall was in place”. He agreed the solution was better than the original plan. They are going to have the applicant file an amended NOI with the as-built drawing – which would include the retaining wall. Mr. Moore said they did not want to do an after-the-fact NOI but this was acceptable because an original NOI was submitted. They will vote on the amended NOI and then come back with a COC. Mr. Moore said they would ask for a small donation to the Wildlands Trust in good faith. Motion to ask for an amended NOI made by Mr. Badger, seconded by Mr. Hall, approved unanimously 5-0-0.

**17 Wareham Street - Status**

Gary sent an amended letter, via certified mail, with the date of October 15<sup>th</sup> to respond. Mr. Moore said if they don't hear from them by then they will need to send an enforcement order. They will have until the end of the month and then they will start enforcing the fine.

**0 Lakeview Street - Discussion**

Gary presented a cover letter from ADGA Realty to convert Chapter 61 land. It has been requested by the Select Board for them to plan for first right of refusal – Assessors voted no. Conservation is the last committee to vote. Mr. Moore explained the three lots are across from Conservation land. Land further

down the street has been acquired by the Buzzards Bay Coalition. In Mr. Moore's opinion, he thinks the land could potentially become conservation land. Mr. Hall agreed with Mr. Moore. He said any chance they get a chance to do this they should. Mr. Moore added this was next to land already protected. Mr. Miller was also in agreement. Mr. Badger asked who is tracking the movement of ownership – Mr. Moore said this was up to the Select Board. The use of the land has been discussed (available on YouTube) but it is not up to this Commission. Motion to recommend the town exercise its right of first refusal made by Mr. Hall, seconded by Mr. Badger, approved unanimously 5-0-0.

## **NEW PUBLIC HEARING**

### **14 Indian Street**

**NOI DEP File: #126-674**

Notice of Intent submitted by ADGA Realty, LLC for the construction of a driveway, stone rip-rap with a 2:1 slope and grading within the 100 ft. Buffer Zone to a Cranberry Bog, all the listed items are associated with the construction of a single-family home. The house was staked out on the land for the Commission's visit today. Pat Carrado representing the applicant. They have a Cranberry bog south of the lot, the 65-foot buffer and the 100-foot. The house, well and septic are outside the 100-foot zone. Pat showed all the easements, grading, and buffer zones. Mr. Hall asked if it would be possible to rotate the house to get the driveway outside the 100-foot. The way the house is the way it is now in order to not disturb as many trees and to keep the geography the way it is now. The only way they can do it on that site is to keep the house situated where it is and have the driveway on the left side of the house. They said the best solution they could come up with was to share the driveway and use the turn around. There are abutting septic systems – rotating the house would result in moving the septic and they have to maintain that setback. This iteration has the "least disturbance" according to the applicant. There was discussion regarding whether or not rotating the house would have too many impacts. The applicant was amenable to taking another look at the plans to see if they could rotate. Mr. Moore asked if the driveway was paved – that is the intended plan – which Mr. Moore noted that is even more of a reason to try to move the driveway out of that. Gary added that they are trying to minimize – and there is no hardship since this is new construction. Motion to continue to the next meeting, October 25, where the applicant will present updated plans, made by Mr. Hall, seconded by Mr. Badger, approved unanimously 5-0-0. Mr. Moore said the north east corner was the "pivot point".

## **CONTINUED PUBLIC HEARINGS**

### **104 Tremont Street**

**NOI DEP File: SE126-672**

Gary said they updated the form and BMP information. Their Council submitted a letter to the Commission. Gary said they have a good argument – it has been 19 months and have not heard from DEP – and don't know when or if they will comment on it. Mr. Moore said they had very little purview to this project – since not all the bogs fall in their jurisdiction. Robb said Gary summed it up well, one item that was corrected (clerical error) and the other has been addressed through the letter Gary mentioned previously. Eric Pontiff spoke to the significant cranberry operation – stating this is a cranberry bog project where they are seeing their competition building these kinds of bogs. He added that he is a third-generation grower, with full-time employees, and thinks the last meeting they did not address the actual project. He gave an overview of the project and addressed some of the impact. Mr. Moore noted that comments were to be made about this particular project. Katherine Harrelson had some comments on the project. She noted the earth removal permit has not been put in place, the site SIC code on the property is for a quarry, she would like the project to be reclassified as industrial, and was concerned about the elevation differences. She is requesting the hearing be continued. Robb noted that permitting has not been required before coming to Conservation in the past and also noted that the elevation designed to retain

water – which minimizes the water use on site. He continued by addressing some of the other issues raised. Kevin Flaherty added additional context in regards to the elevations and why they are trying to use the existing infrastructure. Mr. Moore clarified that this was the tailwater recovery pond. Patty Cooney had some comments regarding the project – primarily concerned with keeping the water uncontaminated. She spoke to having an independent hydrologist review the project to “put people’s mind at ease”. Robb addressed the concerns by noting the by-law. He said it was counter-intuitive to imply that a cranberry owner doesn’t care about having clean ground water. Mr. Hall said that they want to keep Carver rural, and by putting road blocks up for cranberry growers and putting houses in place of bogs, those septic systems will be far more contaminating than bogs. He asked if they could make the bogs a little smaller to protect the resources. Mr. Moore said he has seen the ebb-and-flow of the cranberry industry – and Carver is now adapting and need to remain competitive by doing the same thing as these other growers. He also added that he agreed that these growers don’t benefit from bad water. Katherine argued that the water is best filtered by the forest that is there. Mr. Moore said that older bogs are being converted in other areas in Carver, also noting projects that are converting bogs back to their natural states. Mr. Badger said he finds this particular case minor in terms of impact – but it “steps in a couple of potholes” that trigger groups who are opposed to these projects. He explained that he agreed with both sides of this argument and gave his reasons as to why. He mentioned having more robust order of conditions and follow up on projects as well as further evaluating the impacts on the habitats. Mr. Moore reiterated that if the project size was reduced they would not have this hearing in front of us – saying that it speaks to their purview. Mr. Badger argued that he didn’t want Conservation to “tag out” of this project and thinks it would be beneficial to have a third-party opinion in terms of elevation and the containment. Mr. Moore discussed some of the specifics of the project with Mr. Badger stating that an issue would have occurred already. Gary said these ponds are agricultural (man-made) and are used frequently. Eric explained the elevations further. Mr. Hall motioned to close the hearing, seconded by Mr. Lake, approved 4-1-0. Motion to approve the NOI made by Mr. Lake, seconded by Mr. Miller, approved 3-1-1. Motion to approve the variance made by Mr. Lake, seconded by Mr. Miller, approved 4-1-0.

#### **UNANTICIPATED**

Gary said Fuss & O’Neil will be hired to come up with a turtle plan for the pickle ball courts. They will stipulate a turtle specialist will be out there to monitor during construction.

The RDA has been informed the Conservation will accept the property at Wade Street and their lawyer has the deed in place and ready to go. Mr. Moore believes the Select Board has to acknowledge this transfer. A letter will be drafted to address the remaining items that need to be done.

Mr. Hall asked for plans for 44 Lakeview. The Town voted to fund various aspects of the project. Mr. Badger said one of the contractors didn’t plan on working the project until the spring but they can look at other contractors and volunteer crews. He noted he wasn’t sure how to handle this procedurally when they got volunteers. Mr. Moore said it was time to get different groups together (committees) to come up with a cohesive plan for the area and make it more inviting. There was further discussion about the different uses for the property. Mr. Moore asked Mr. Hall to find out what the allowances are for students to become involved with the Conservation Commission (like community service hours). Mr. Moore noted that the original deed for the property states a chain-link fence between 44 Lakeview and the Council on Aging has been changed – the fence can come down at any time now. They also noted integrating their original plans with ideas from a firm like Fuss & O’Neil.

#### **MINUTES**

Motion to approve the minutes from September 20, 2023 made by Mr. Hall, seconded by Mr. Badger, approved unanimously 5-0-0.

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

Meeting ended at 8:19 PM.

Minutes submitted by Ashley Swartz.