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4/18/18*

## CARVER CONSERVATION COMMISSION MINUTES OF FEBRUARY 21, 2018 MEETING

Present: Chairman Jim Nauen, Tim Dempsey and Savery Moore were present. Also present: Brooke Monroe, Environmental Scientist, Agent, and Marianne MacLeod, Recording Secretary.

Mr. Nauen opened the meeting at 7:00 P.M.

### APPOINTMENTS:

NONE

### BUSINESS:

- Proposed Vegetation Management Plan for Eversource – Wareham Town Hall – 11:00 a.m. – 12:30 p.m. - Monday, February 25, 2018. Brooke shared information regarding this upcoming meeting.
- MDAR Apiary Program – We will have information available at the Conservation Office regarding the services being offered to beekeepers.

### COC REQUESTS:

- 53 Main Street – DEP#SE126-532 – M. Quinn – Everything looked good at the site walk today. The Board members signed the documents.

### MINUTES:

- To be read and approved for February 7, 2018. Savery Moore made a Motion to approve the minutes as written, seconded by Tim Dempsey, voted and passed unanimously 3-0-0.

### NEW HEARINGS

#### **7:15 - 246 SOUTH MEADOW ROAD – DEP# SE126-558**

#### **NOI**

Notice is hereby given, in accordance with the Carver Wetlands Protection Bylaw that a public hearing will be held at 7:15 p.m. on Wednesday, February 21, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted by the Plymouth Airport Commission; for the conversion of approximately 13.0 acres of scrub shrub upland to grassland for the purpose of creating habitat for a protected grassland bird species. The proposed work will be within the 100-foot buffer zone to a bordering vegetated wetland (BVW) and an isolated vegetated wetland (IVW). The habitat creation

will involve some selective tree cutting in the IVW and the 100-foot buffer as shown on the submitted plans. The project is located at 246 South Meadow Road, Carver, MA, Map 113, Lot A and A-2. All interested parties are invited to attend. Copies of all plans, filings, and pertinent documents are available at the Conservation Commission Office.

Alyssa Jacobs from Epsilon is here with Jeff Adler from DeBois and King. There are also representatives from the airport in the audience. Ms. Jacobs explained the project and mitigation plan to create a new habitat for the grassland bird species. She pointed out the project on plans she brought and explained the process to create the grassland habitat in detail. They are going through the permitting process with Natural Heritage. This has been done on the Plymouth side of the property.

Jim Nauen asked when the project would start? Mr. Adler estimates it will happen next year. The Board did a site walk today. Brooke asked if there is a certain grass mix that will be used? Yes, low growing, clump grass.

Tim Dempsey asked why there isn't protection in all areas. Ms. Jacobs explained that it is limited in the area of a 50' non-disturbance area. He also asked about protection of the wetlands. She explained they are not planning on disturbing the ground with equipment due to the steep slope. She also stated that all downed logs will be removed.

Savery Moore made a Motion to close the Hearing, seconded by Tim Dempsey, voted and passed unanimously 3-0-0. An abutter asked what the real reason to clear the land was? Ms. Jacobs explained the amount of cleared land is according to what Natural Heritage requires. He continued to question how much land the birds need. Ms. Jacobs showed on the plans what the project will entail to the abutter. The airport manager also explained the property at the airport has more than 75 acres of open vista.

Tim Dempsey explained this is mandated by the State. Mr. Adler said they are bound by the requirements from Natural Heritage.

Savery Moore made a Motion to approve the NOI, based on the conditions set forth by the agent, seconded by Tim Dempsey, voted and passed unanimously 3-0-0.

#### **7:30 – 7 PINE STREET – DEP# SE126-55**

#### **NOI**

Notice is hereby given, in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and the Carver Wetlands Protection Bylaw, that a public hearing will be held at 7:30 p.m. on Wednesday, February 21, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted by Edaville Land Holdings LLC; for proposed improvements and upgrades to the existing parking lot. Portions of the work will be within the 100-foot and 65-foot buffer zone to a bordering vegetated wetland (cranberry bog) located on an abutting parcel of land. The work will require a variance from the Carver Wetlands Protection Bylaw for the work within the 65-foot buffer. The project is located at 7 Pine Street, Carver, MA, Map 87, Lot E-1-A.

All interested parties are invited to attend. Copies of all plans, filings, and pertinent documents are available at the Conservation Commission Office.

Mr. Arthur Borden came before the Board and shared updated, colored drawings. He gave an overview of the project. They are working with the Planning Board as well. It is currently a gravel parking lot. They want to pave the parking lot with lanes, lighting and landscaping. This is for half of the parking lot. There is a small area that will be within the 65' buffer zone. There will be a defined entrance to the park. There will be landscaped islands. There will be lighting. Savery Moore asked Mr. Borden to explain the filtration system. Mr. Borden explained each section of the run-off and what it is designed to do. It will be approximately 85% TSS removal.

Savery Moore asked how many total spaces are in the entire parking lot? Mr. Borden said a little under 1,100 spaces. Savery Moore would like them to consider eliminating the 14 spaces that are completely in the 65' buffer zone. Mr. Borden said he would go back to the Company with the request.

An abutter asked for clarification of the project. Tim Dempsey explained what the Board would like to see. Savery Moore also explained how the system will work.

Tim Dempsey made a Motion to close the Hearing on 7 Pine Street, DEP# SE126-55, seconded by Savery Moore, voted and passed unanimously 3-0-0.

Tim Dempsey made a Motion to accept the drawings as proposed, and issue an Order of Conditions, with exception to removing 14 parking spaces located with the 65' buffer zone, which is not acceptable by the Commission, with added conditions according to the Planning Board, Savery Moore seconded, voted and passed unanimously 3-0-0.

### **CONTINUED HEARINGS**

#### **14 ANDREW'S POINT ROAD – DEP# SE126-554**

#### **NOI**

Notice is hereby given, in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and the Carver Wetlands Protection Bylaw, that a public hearing will be held at 7:45 p.m. on Wednesday, January 17, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent for Jeffrey Merritt and Joseph Bazzinotti to elevate the existing single family dwelling; install a new foundation under the dwelling; and upgrade the existing septic system. The proposed work will be conducted within the 100 and 65-foot buffer zone to Sampson's Pond. A variance is requested to allow the work within the 65-foot buffer protected under the Carver Wetlands Protection By-law. The project is located at 14 Andrew's Point Road, Carver, MA, Map 1, Lot 8. All interested parties are invited to attend. Copies of all plans, filings, and pertinent documents are available at the Conservation Commission Office.

This has been continued again. The project owner will keep Brooke updated.

**0 ROCHESTER ROAD – DEP# SE126-555****NOI**

Notice is hereby given, in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and the Carver Wetlands Protection Bylaw, that a public hearing will be held at 8:00 p.m. on Wednesday, January 17, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted by Edaville Land Holdings LLC; for the proposed construction of a 490kW ground mounted solar array to be used to power the existing commercial operation (Edaville Family Theme Park). The proposed array is to be installed on an existing, abandoned cranberry bog and will require a variance from the Carver Wetlands Protection Bylaw. Two areas; totaling approximately 6,300 square feet; will be replicated to mitigate for the alteration of wetland resulting from the solar array. The project is located at 0 Rochester Road, Carver MA, Map 86, Parcel 13, Carver, MA. All interested parties are invited to attend. Copies of all plans, filings, and pertinent documents are available at the Conservation Commission Office.

Mr. Arthur Borden appeared before the Commission. He said they are working on getting a Farm Plan which will take some time to write. Regarding harvesting of the vines, they are suggesting not more than 500 feet, just to get an idea of how the vines will sell. The Board did a site visit. Tim Dempsey asked how the bog will be weeded, fertilized, etc. Mr. Borden said the panels will be high enough and this will be addressed within the Farm Plan. Jim Nauen questioned using sonar tubes as opposed to metal posts. Mr. Borden asked for approval with the condition of an acceptable Farm Plan. Savery Moore asked how they could do the installation with so much water on the bog? Mr. Borden said it would be dependent upon weather and Brooke said this may be part of the Farm Plan with regards to flumes being cleared, etc.

An abutter shared her concerns with the solar project with regards to water run-off. Another abutter shared some research she had done with regards to impact when installing solar arrays in a wetland. She gave a printout and photos that she took to Brooke. The abutter suggested solar carports on the parking lot. Another abutter said at a neighborhood meeting, it was promised that there would be no obstructions in the parking lot for the abutters to see. She feels there are plenty of buildings that could have solar panels put on them. Savery Moore explained that a lot of the concerns by the abutters should be brought before the Planning Board and the Commission doesn't have jurisdiction on a lot of these issues.

Tim Dempsey made a Motion to continue the Hearing of 0 Rochester Road, DEP#SE126-555 to March 21, 2018, seconded by Savery Moore, voted and passed unanimously 3-0-0. The Board wants to get the Farm Plan, construction details and results from the Planning Board.

**4-A WENHAM ROAD – DEP# SE126-556****NOI**

Notice is hereby given, in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40) and the Carver Wetlands Protection Bylaw, that a

public hearing will be held at 8:15 p.m. on Wednesday, January 17, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted by JFK Realty Trust; for the construction of a single family dwelling, with associated subsurface sewage disposal system, driveway, utilities and grading within the 65 and 100-foot buffer zone to wetland resource area bordering vegetated wetland. The applicant is requesting a variance from the Carver Wetlands Protection Bylaw, Section 9.2.1.3 (3), for the activities (i.e. well installation and construction of a deck, with structural footings and stairs) within the 65-foot buffer protected under the By-law. The project is located at 4-A Wenham Road, Carver MA, Map 107, Lot 1-4. All interested parties are invited to attend. Copies of all plans, filings, and pertinent documents are available at the Conservation Commission Office

Attorney Richard Serkey, Jaime Emerson who is the Manager of the LLC/property owner, and Bob Forbes from Zenith Consulting. Mr. Serkey submitted recent cases in which the Conservation Commission issued approvals where the projects were within the 65' and 100' buffer zone. Jim Nauen asked if the landowner still owns the other lots. Mr. Emerson said yes he does. Mr. Serkey also reviewed some conditions that they would agree to be part of the approval. Mr. Forbes then reviewed the conditions on the plan displayed. They also shared a voluntary six-year covenant that the landowner will grant to the town for the continued maintenance of the property, with yearly monitoring. Mr. Serkey had to file notice to take the land out of 61A.

Savery Moore addressed the 3 examples that were presented. He was on the Commission for all three projects. 32 Bow St – this home is connected to the bog it faces. He explained the land is very flat and was fairly clear. There was an order of condition that the owner continue to own the bog. Linbias Path – one house out of 5 that were built on this circle off High Street. Not shown or mentioned was a sizeable amount of the parcel was put into a conservation easement. Also one home was going to be affordable. Again, the terrain was flat and there was no damage and no work done within the 65' buffer zone. One Crow's Nest Road – this home was built on a slope, but the slope itself was between the 65' and 100' buffer zone and there was an incursion into the 65' to build the house. This property had been cleared. There was very little tree cutting. 70% of the house itself was outside the 100' zone. Each was different and each had extenuating circumstances that the Board felt would be acceptable to what they felt was protecting wetlands. Mr. Serkey explained that is why they are offering conditions.

Mr. Emerson explained regarding the well – if you walk to the right side of the property, he explained that there are a lot of small trees. He does a 4" well and the land behind it would be unusable. He would backfill and using a mini excavator and then no one would go back there. Mr. Serkey asked Mr. Emerson if he would be open to a condition of a site inspection after the well is put in. Savery Moore explained he is concerned with the building of the house and not the location of the house itself. Mr. Emerson offered to put trees back in the area of concern.

Mr. Serkey offered two site inspections – one after the well is done and another before a certificate of occupancy is allowed.

Tim Dempsey made a Motion to close the Hearing for 4A Wenham Road, seconded by Savery Moore, voted and passed unanimously 3-0-0.

Tim Dempsey made a Motion for the Board to deny the issuance of an Order of Conditions on 4A Wenham Road, seconded by Savery Moore. Brooke understands the Board's concerns and realizes the landowner made an effort to remedy them, and admits it isn't a good lot to build on. Voted 3-0-0 to deny.

Savery Moore made a Motion to adjourn at 10:05 p.m., seconded by Tim Dempsey, voted and passed unanimously 3-0-0.

Next meeting will be on March 21, 2018.

Respectfully submitted,

Marianne MacLeod,  
Recording Secretary