



*approved  
8/1/18*

## CARVER CONSERVATION COMMISSION MINUTES OF JULY 18, 2018 MEETING

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

Jim Nauen opened the meeting at 7:00 p.m.

### APPOINTMENTS/DISCUSSIONS:

- Steve Murphy-26 South Main St. – Mr. Murphy came before the Board. He has a preexisting driveway, which was discussed at a site visit; the Board is looking to discuss re-paving the driveway. He spoke with Brooke and she asked that he come before the Board. She feels they should have been notified due to the stream on the property. Jim Nauen explained that property owners should contact Brooke to discuss work that is going to be done. Mr. Murphy explained that he is trying to improve the property and that when it rains, his front yard gets flooded. He thought this was discussed during the site visit. The original driveway was ground and left in the exact same spot. He then had some hard pack put on so they could drive onto the property. Jim Nauen asked about the plans that Joe Webby was doing for him. He said he has had difficulty contacting Joe. He has not done anything within the 65' zone. Tim Dempsey said Mr. Murphy needs a compromised drawing of the full property and they should be brought to the Board and he should file a NOI. Brooke explained that it was discussed to get an after-the-fact NOI, which he is waiting for Joe Webby to do. Brooke wanted that to include everything else he would be doing. Jim Nauen explained the Board needs the maps and Tim Dempsey asked Mr. Murphy to file an NOI. Mr. Murphy asked if he has someone remove the stump from the tree that fell, can he do this? Jim Nauen said yes. Brooke said the plans should show everything that has been preexisting and that is new. Jim Nauen thanked him for his time.
- 52 Bunny's Road informal discussion – Brooke explained we just issued a COC and the work was never done so it was cleared. Jacob Braley came before the Board and showed drawings of what he would like to do. He discussed his plans with the Board. He is doing something new and different. The project is within the 65' buffer zone. It will be on footings. He is discussing the process and which departments to go to.

- Enforcement Order-Pine Ridge Condominiums-A letter was sent to each resident asking them to appear at tonight's meeting. Trustee Brenda Johnson, 28 Pine Ridge Way, explained that they are here due to the beach issues. There are three owners who didn't attend the meeting tonight and one of them sent a letter. The Trustees are looking for clarification of what the owners did wrong and what they can and cannot do within the 65' and 100' buffer zones. Brooke explained that this is exactly what the Board intends tonight.

Jim explained that at the last meeting information was presented that there was activity near the pond with clearing of vegetation and cutting of branches and looked like a beach was going to be created. He read from the meeting minutes of June 20, 2018: *The Board discussed with the Trustees that no small beaches are allowed. There was a small pathway to a dock which was OK, but there is supposed to be no other clearing. There was another area south of the dock, that was discussed to be a wading area. The Board said the wading area would be OK. Jim Nauen took pictures of the vegetation and that area is now wider and vegetation has been removed and lower pine branches have been removed to make a better view. Ms. Johnson shared that numerous emails about the rules have been sent to owners, as well as two letters were sent out. The new owners didn't pay attention and went ahead and did what they want. They will be held accountable to put the area back to its original condition. The trustees have been vigilant with this; however, there were no trustees around at the time the aforementioned clearing was done. Alan Germain asked what the Trustees will do regarding the fines. He explained that every owner will be assessed the fines. Savery Moore said the COC for the initial phase was approved. The second phase has not been given an approval of the COC.*

*It was suggested a certified letter be sent to each of the homeowners, asking them to come to the next meeting, and that unless the affected area is reverted back by a certain timeframe, they will be fined up to maximum penalties allowed by law and the COC will not be approved.*

*Alan Germain made a Motion to close the Hearing on Pine Ridge Condominiums and the enforcement order, seconded by JP Flaherty, voted and passed unanimously 4-0-0.*

*Alan Germain made a Motion to hold the COC, send certified letters to every homeowner, indicating the possibility of a maximum fine of up to \$25,000 and potential legal action for failure to comply and also order a cease and desist on any further modification to the pond area within the 100' buffer and the individuals will be requested to attend the first hearing in August. Also replanting will be required when it will yield the best results. This was seconded by JP Flaherty, voted and passed 3-0-1, with Tim Dempsey abstaining.*

Jim Nauen explained what needs to be discussed is what has to be planted. Tim Dempsey said he wishes to have it restored to what it was. Tim Dempsey said he will go out and take pictures tomorrow.

Alan Germain asked if everyone understood what was just read by Jim Nauen. He also asked if anyone felt they could just go down and do whatever they wanted. An owner said she feels it is very unclear what was said. Tim Dempsey wants to require it is replaced back to how it was. Brooke explained any activity is 100' of the wetland (pond), the Conservation Commission needs to be notified. An activity is cutting branches, putting out a deck, adding sand, etc. She explained that you need to come before the Commission. Someone asked what if a tree falls down in a nor'easter? Brooke explained that they have to be an endangerment. He asked if outside the 100' buffer zone, can they do what they want? Yes. Brenda said the signs are much further than 100' from the pond. Brenda measured yesterday and said they are more than 100'. The Contractor will need move the signs. Jim Nauen asked for 20 copies of the regulations to be given to the owners. Brenda said there is still confusion with the 65' and 100' buffer zones and what can and can't be done. Brooke explained that 65' is the Town of Carver by-law and the 100' buffer zone is the State by-law. 65' is a no-touch zone. Between 65' and 100' zones, some things are allowed; however, there is a variance required for this.

Maria Vericchoine, the developer who also owns Units 8 & 9 Pine Ridge Way. About a year and a half ago, a group walked the property with Brooke and Savery, regarding the brush and what could and couldn't be done. She wants to clarify what Tim Dempsey said – you can't go down to the water? Tim Dempsey explained that you can't do anything at the water. Brooke explained this area got cut too much. She clarified they can drag sand out from the pond but cannot bring it in. She feels a couple of people tried to do a beautification thing and now she has clarification.

Jim Nauen explained Sampson's pond is a cranberry reservoir. There are 7 bog owners who use this and the levels change. There are algae blooms that happen and chemicals cannot be used to remove the algae blooms due to the water being used on bogs.

Tim Dempsey wants to discuss restoration. Jim Nauen said there were a couple of places where restoration is necessary. A couple of small pines could be transplanted from another area of the property. The Board members offered to go down and put stakes in which would show exactly what needs to be replicated.

Alan Germain asked Brenda if she could get the sign posts moved. She said yes.

An owner said the sign says 200' and that the signs and posts need to be fixed. Brenda said she would check and if necessary get them changed.

Tim Dempsey said to let the Board know when they are done restoring and they will come check it out. Brooke said the Board will go down and mark the area off.

An owner asked if the existing piles of the brush that were cut could be taken away? Jim Nauen said yes. Alan Germain asked if a site visit could be done on a Saturday. Many homeowners said they would like it.

Cliff Higgins, owner at Unit#19, said someone was taking pictures today and he wanted to know who they were and why were they taking pictures. It wasn't the Conservation Commission. A Trustee explained that it was a landscaper and they were showing a bad mowing job. It has nothing to do with the Conservation Commission.

An owner said they appreciate the pond, want to keep it in its natural state and want to make it a comfortable environment for everyone. She thanked the Board for what they do.

Alan Germain offered August 11<sup>th</sup> @ 9:00 a.m. for a site walk with the Board and homeowners to review what needs to be replaced. Jim Nauen thanked everyone for coming.

#### **BUSINESS:**

- 73 Crystal Lake Drive – Brooke wanted to let them know the owner called her and all the vines were removed.

#### **COC REQUESTS:**

- 28 South Main St.-Pat Higgins DEP#SE126-549 – Tim Dempsey said they took pictures during a site visit today, looking at the boardwalk. Tim Dempsey made a Motion to accept the COC, seconded by Alan Germain. Voted and passed unanimously 3-0-0.
- 32 Bow St.-Mark Walker-DEP#SE126-541 – There was a site visit today. Alan Germain made a Motion to approve the COC, seconded by Tim Dempsey. Voted and passed unanimously 3-0-0.
- 3 Walrit Lane-Liz Martin-DEP#SE126-540 – Brooke explained this was for the after-the-fact wall and cutting of trees. The homeowner replanted and there was a site walk today and everything looked great. Tim Dempsey made a Motion to approve the COC, seconded by Alan Germain. Voted and passed unanimously 3-0-0.

#### **MINUTES:**

- To be read and approved for June 20, 2018. Alan Germain made a Motion to approve the minutes as written, seconded by Tim Dempsey. Voted and passed unanimously 3-0-0.

## **NEW HEARINGS**

### **162 PLYMOUTH STREET DEP#SEP126-565**

### **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 July 18, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted by John Gaskey; for the proposed the construction of a ground mounted, 35-module solar array associated with the existing single family dwelling. The proposed work is within the 100-foot and 65-foot buffer zone from wetland resource area bordering vegetated wetland and will require a variance under the Carver Wetlands Protection By-law. The project is located at 162 Plymouth Street, Carver, MA, Map 17, Lot 066-R. All interested parties are invited to attend.

Nicholas Leing showed the plans for a solar array. Tim Dempsey asked how far off the ground? Mr. Leing said 1 ½' on one end and 3' on the other. Brooke said a site visit was done. No trees will need to be cut. The caution tape showed where the array is going. It is very dry. Brooke said there is a good buffer between the array and the wetlands. There will be 35 modules. Jim Nauen asked if there were any neighbors present. No one spoke up. Alan Germain made a Motion to close the Hearing, 2<sup>nd</sup> by Tim Dempsey, voted and passed unanimously 3-0-0.

There is a variance required because it is within the 100'/65' buffer zone. Alan Germain made a Motion that the Board issue a variance as shown on the drawings, seconded by Tim Dempsey, voted and passed unanimously 3-0-0.

## **CONTINUED HEARINGS**

### **LOT 6 GODFREY CIRCLE DEP#SE126-564**

### **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 7:15 p.m. on Wednesday, June 6, 2018 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent (NOI); submitted by the Applicant, Wendy Bullock; for the proposed construction of a single family dwelling and patio, with associated driveway, grading and utilities within the 100-foot buffer to a bordering vegetated wetland. The project is located at Lot 6 Godfrey Circle, Carver, MA, Map 037, Parcel 001-006. All interested parties are invited to attend.

Nicholas Leing presented before the Board. Brooke explained they have been given amended plans. This shows where the perc test was done, as instructed by the Board at the last meeting. They did add the conversation posts as well as labeling the patio and

rear of the building. They did add the drywell in the driveway for the drainage issues that were discussed at the last meeting.

Tim Dempsey suggested the inlet for the drywell be off the driveway. It will be a large metal grate. The homeowner said he prefers to leave it on the driveway, which is OK too. They will be putting up 6 posts, only one is labeled on the drawings. The homeowner asked if they could replace the posts with a split-rail fence and put the signs on the fence. Tim Dempsey says they should use either pressure-treated or cedar posts.

Alan Germain made a Motion to close the Hearing, seconded by Tim Dempsey. Voted and passed unanimously 3-0-0. Brooke will add the fence in the OOC.

Alan Germain made a Motion to adjourn at 8:17 p.m., seconded by Tim Dempsey, voted and passed unanimously 3-0-0.

Next meeting will be on August 1, 2018.

Respectfully submitted,

Marianne MacLeod,  
Recording Secretary

EXHIBITS:

- A. Sign-in sheet

18-Jul-18

## ATTENDANCE SIGN IN SHEET

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