



approved
2/20/19

CARVER CONSERVATION COMMISSION MINUTES OF FEBRUARY 13, 2019 MEETING

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

Chairman Nauen opened the meeting at 7:04 p.m.

This is a working meeting to discuss By-law changes.

Brooke has two fees that are not collected, so these fees are not needed in the by-law.

9.2.2.1(4) – By-law fees were discussed. Mr. Nauen suggested putting the fee schedule into the By-laws. Change \$35 to \$75.

9.2.2.2(5) – The fee of \$70 is never collected. There are different categories, based on the project; which Ms. Munroe feels the fees should be itemized, dependent on the category. Mr. Moore suggested adding “plus an addition cost based on the chart below”. Fee chart will be added to this section.

9.2.2.2(6) The newspaper bills the applicant directly. Suggested change: “accompanied by an authorization form to cover the publication cost required, in accordance with the open meeting law, M.G.L. c.39, sec. 23B.

Mr. Moore shared changes that he thinks should be made to the by-laws, in an effort to clarify the by-laws, tweak them enough so the current by-laws cannot be pulled up again as something that sets precedent.

Commission members reviewed the hand-out from Mr. Moore. There are changes for this year’s Town Meeting. Other items will be discussed in the future.

The following are suggested changes to the Carver Wetlands By-Laws, which will be forwarded to the Town Administrator/Town Counsel for addition to the Town Meeting Warrant:

9.2.1.2 Purpose

Add:

p. invasive species

9.2.1.3 Statement of Jurisdiction

Change:

(3) Except as permitted by the Commission through the issuance of a **hardship** variance as defined in Section V of this By-law and the issuance of a permit as defined by Section II of this By-law, no person shall ~~build or enlarge any structure, parking lot or impervious surface~~ disturb, or make any changes to the natural characteristics of the landscape, by human activity, upon or within 65 feet of: any wetland, marsh, meadow, bog or swamp; any bank; any lands bordering on any lake, river, pond, stream or creek; or any land under said waters; or any land subject to flooding or inundation by groundwater or surface water.

(4) Except as permitted by the Commission through the issuance of a variance as defined by Section V of this By-law and the issuance of a permit as defined by Section II of this By-law, no person shall build any residential dwelling within 100 feet of a cranberry bog unless the residence and the bog are on the same parcel of land under singular ownership, and will remain as such.

(5) A provided by this Bylaw, no person shall alter, remove, fill, dredge or build upon or within 100 feet of: any wetland, marsh, meadow, bog or swamp; any bank; any lands bordering on any lake, river, pond, stream or creek; or any land under said waters; or any land subject to flooding or inundation by groundwater or surface water on property which is zoned 61-A (Agricultural) without notifying the Commission in advance.

9.2.2.1 Request for Determination of Applicability

Change:

(4) The Request for Determination of Applicability shall be accompanied by a check or money order made payable to the Town of Carver for \$75.00 to cover administrative costs.

9.2.2.2 Notice of Intent

Change:

(5) The Notice of Intent shall be accompanied by a filing fee the amount of which shall be determined by 801 CMR 4.02(310) (Executive Office for Administration and Finance) plus an additional cost of ~~\$70.00~~ to cover administrative expenses, based on the chart below.

(Insert chart)

(6) ~~The Notice of Intent shall be accompanied by a check or money order made payable to the local newspaper designated by the Commission an authorization form to cover the publication costs required in accordance with the open meeting law, M.G.L. c. 39, sec. 23B. The applicant will be billed directly by the newspaper.~~

9.2.3.3 Site Plan

Add:

14. Setback lines shall be indicated based on the checklist below.

(Insert checklist)

9.2.5 Definitions

Add/Change:

Driving of piles, erection or repair of buildings, walls, or structures of any kind;

* Placing of obstructions or permanent objects or structures in water;

* Destruction of plant life, including the cutting of trees, shrubs, flowers or grasses;

* Introduction of non-native grasses, shrubs, trees or other plantings;

Hardship –

A condition wherein the Applicant would suffer a financial burden, would be placed in danger, or has proven that all other possible solutions have proved undoable. The Applicant cannot have developed plans for a parcel which automatically creates a hardship scenario.

Vista Pruning –

(from 310 CMR 10.00)

The selective thinning of tree branches or understory shrubs to establish a specific "window" to improve visibility. Vista pruning does not include the cutting of trees which would reduce the leaf/shade canopy to less than 90% of the existing crown cover and does not include the mowing or removal of understory brush.

Mr. Germain made a Motion to adjourn, seconded by Mr. Dempsey, voted and passed unanimously 4-0-0.

Respectfully submitted,

Marianne MacLeod
Recording Secretary

Attachments:

- 1) Carver Wetlands By-laws – Suggested Changes
- 2) Carver Wetlands By-laws Changes – Informational Summary

Carver Wetlands By-law changes

INFORMATIONAL SUMMARY:

The Conservation Commission is requesting a change to the Carver wetlands By-laws in order to:

- Add language to current 65 foot restrictions to better protect the local aquifers, from which more than 90% of Carver residents get their drinking water.
- Put into place protections that will help eliminate chemicals and pollutants in order to maintain clean surface water, needed by farmers, the Carver Fire Department, and residents who enjoy the recreational facilities in town.
- Add the current exemption for 61A-zoned (Agricultural) parcels of land to the bylaws.
- Eliminate “gray areas” and ill-defined verbiage which open the by-laws up to different interpretations by different parties, and add clarification to these areas.
- Make the by-laws clearer for property owners/contractors/builders so monies are not wasted on preliminary planning for potential projects that will not be allowed.
 - *Note: These revised by-laws are for new construction only, and will only affect projects brought to the Conservation Commission after the effective date of these by-laws.*