



approved  
10/2/19

## CARVER CONSERVATION COMMISSION MINUTES OF SEPTEMBER 18, 2019 MEETING

Present: Chairman Jim Nauen, Vice-Chairman, Savery Moore, Tim Dempsey, Alan Germain, Dan Badger, Brooke Monroe, Environmental Scientist, Agent, and Marianne MacLeod, Recording Secretary.

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

### APPOINTMENTS/DISCUSSIONS:

#### ***Informal Discussion – Darlene Whittmor-Invasive species in Fresh Meadow Pond***

She explained that lily pads and leaves are invading the pond. It is making the pond unusable for recreational use. There is a concern about invasive species such as Eurasian watermilfoil. Can anything be done to treat or dredge the pond to bring it back to a healthy state, while protecting the fish and wildlife? Mr. Nauen explained the town would have to call an agency that handles this type of issue and give advice on what to do. Mr. Dempsey suggested they contact an engineer who has a propensity for knowing the different chemicals that can be used. He also suggested the Commission members go take a look at it. The pond is located in Carver and Plymouth. Mr. Moore feels it falls under a great pond classification, which is established by the State as any pond bigger than 10 acres. It was suggested they contact Conservation in Plymouth as well. This could be a state issue. Mr. Badger also suggested searching for a non-profit organization that has a field biologist to identify the species causing the issue. He will provide names to Brooke. Mr. Nauen asked Brooke to check with Plymouth Conservation, contact the DEP and then check with either Pembroke or Halifax to see what they did.

#### ***Informal Discussion –Mike Doyle-Student interested in environmental issues***

He is not present tonight.

#### ***Shirley Pye-Phragmites in Sampsons Pond***

Brooke went to the site and met Ms. Pye. She is going to get a price before coming in front of the Commission to see what it would cost for clean up of the pond.

### ***Discussion on By-laws***

Mr. Germain suggested this be put on the agenda for the next meeting due to the large group of people who are in attendance tonight. All members agreed with this.

## **BUSINESS:**

### ***Complaint about activities at 22 Lakeview St.***

Jeff Merritt, 14 Andrews Point Road, an abutter came before the Commission tonight. He thanked the members for the opportunity to come before the Commission. Brooke reached out to the property owners and requested they come to tonight's meeting. They are not present. Mr. Merritt shared pictures of the property, pointing out the buffer zones and the waste piles, showing where the piles are located. Wildlife is being attracted to the piles. Mr. Nauen explained that they will look into this. Brooke and Savery went to the property. They noticed there is a fence which is very small and animals cannot get through it. It is definitely changing the characteristics of the ground surface. There are multiple issues of concern. Mr. Merritt has contacted the Carver Board of Health. The Commission decided to have Brooke send two letters, one certified, to invite them to the next meeting.

### ***Maintenance of abandoned bog and cutting of shrubs at Pine Ridge***

Brooke explained this to the members – Pine Ridge residents are maintaining the shrubs near the bog.

### ***17 Wareham St. update***

Ashley Sousa and Chris Mazalewski came back before the Commission. Mr. Nauen explained that this issue has been going on since approximately last February and several different statements have been given as to what is going on at the property. He said there were instructions given to replant and the property owners said they were told to wait and see what grows back. Mr. Moore explained the area near the "point" was OK to let grow back. He explained there was no need for the maintenance road close to the river. Mr. Nauen explained the failure to have foliage in that area is an abrasive item to the neighbors on the other side of the river and the Commission expects to see that area recovered this fall, by planting perhaps Red Maples and put them along the bog road, every 10' of so, also, any trees that are 2-3' high can be dug up and the area needs to be reforested. It is no longer a producing bog, so there is no need to maintain it. Let the bog road go back to nature and not maintain it. Mr. Nauen said members will be visiting the site on a weekly basis and if nothing is done, an enforcement order will be done. There are dogs on the property so the owners explained they want to be sure the animals are safe when visiting. A letter will be sent to them that the ramp can stay and wood for their personal use can be stored there.

***26 Cranberry Circle Tree cutting***

Brooke had a picture to share with the members of a tree that the property owner wants to cut. The members approved this.

**COC REQUEST:**

***38 Priscilla Mullens Way DEP#SE126-36***

Brooke explained that there are no wetlands so Mr. Moore made a Motion to grant the COC request, seconded by Mr. Germain, voted and passed unanimously 5-0-0.

**MINUTES:**

To be read and approved for August 21, 2019 & July 24, 2019.

Mr. Germain made a Motion to approve the July 24, 2019 minutes as written, seconded by Mr. Moore, voted and passed unanimously 4-0-1 with Mr. Badger abstaining as he wasn't present at the meeting.

Mr. Germain made a Motion to accept the minutes of August 21, 2019 as written, seconded by Mr. Moore, voted and passed unanimously 5-0-0.

**NEW HEARINGS**

17 CENTER ST. - DEP#SE126-588

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, September 18, 2019 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted on behalf of Rachel MacDonald; for the construction of a single family dwelling, with associated subsurface sewage disposal system, utilities and grading within the 65 and/or 100-foot buffer zone to wetland resource area bordering vegetated wetland (cranberry bog). The applicant is requesting a variance from the Carver Wetlands Protection Bylaw, Section 9.2.1.3 (3), for the activities (i.e. grading, portion of the septic reserve area) within the 65-foot buffer protected under the By-law, and a variance under Section 9.2.1.3 (4) for the construction of a residential dwelling within 100 feet of a cranberry bog. The project is located at 17 Center Street, Carver, MA; Map 103, Lot 13. All interested parties are invited to attend.

A site visit was done today. Drawings were shared with the Commission members. Brian Grady, GAF Engineering, Rose Shimkus and Paul Shimkus are present. Rose and her sister, Rachel MacDonald, are going to build this home. They acquired the lot from the dad. He will continue to operate the bog. Mr. Grady reviewed the drawing. It is approximately 73' from the porch to the bog. Mr. Nauen explained the house and bog

cannot be sold separately in the future. Mr. Moore would like 3 wetland signs on posts within the 65' area and keep the area untouched. Abutters from Russel Holmes Way were present and they came to listen. Mr. Grady reviewed the drawings with them. They had no questions. Mr. Germain made a Motion to close the Hearing, seconded by Mr. Dempsey, voted and passed unanimously 5-0-0. Mr. Germain made a Motion to approve the Variance, with conditions that the house never be separated from the bog and sold separate and that three posts with signs are put up on the 65' line and everything behind the 65' be allowed to grow natural, seconded by Mr. Moore, voted and passed unanimously 5-0-0. Mr. Germain made a Motion to approve the NOI, seconded by Mr. Moore, voted and passed unanimously 5-0-0.

19C WARD ST. - DEP#SE126-509

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, September 18, 2019 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted by Borrego Solar Systems, Inc.; for the proposed construction of a 2,495.610 kW ground mounted photovoltaic solar array. The proposed array; which is an expansion of the existing solar array; is to be installed on the upland cranberry bog located on the northwesterly portion of the property. The solar array is located within the 100 and 65-foot buffers from the existing wetland cranberry bogs and will require a variance from the Carver Wetlands Protection By-law. The project is located at 19C Ward Street, Carver MA, Map 120, Lot 6-0, Carver, MA. All interested parties are invited to attend.

Zac Farkas, project developer and Dean Smith from Borrego are present. They reviewed the project, which was permitted in 2015/2016 and constructed in 2017. The Carver Solar Bylaw has changed and they are seeking permission to expand the project as shown on the plan. Mr. Smith reviewed the details of the project. It is similar to what is existing there now. Mr. Dempsey said he has concerns with one section in the back, between the two reservoirs because it's been wet for so long. He would like to have someone verify the condition. The map they provided is from 1995. Brooke suggested getting some soil samples of the northern section, to confirm there are no wetland characteristics, which they are agreeable to do. Panels will be at the same height and the same technology. They can come back at the next meeting of October 2<sup>nd</sup>. Mr. Moore made a Motion to continue to the next meeting, seconded by Mr. Dempsey, voted and passed unanimously 5-0-0.

### **CONTINUED HEARINGS**

19 SOUTH MAIN ST. - DEP#SE126-583

NRAD

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, September 18, 2019 in Meeting Room 1 at the Carver Town Hall to hear the Abbreviated Notice of Resource Area

Delineation (ANORAD); filed by Bradshaw Real Estate Trust. The Applicant is requesting, through the ANRAD, that the Carver Conservation Commission confirm the wetland resource areas on the property. The project is located at 19 South Main Street, Carver, MA, Map 87, Lot 2-13A. All interested parties are invited to attend.

Brooke gave an overview of the project. Elyse Tripp from Outback Engineering, representing the property owner; Brad Holmes, a professional wetlands scientist is present, and Jeffrey Youngquist from Outback Engineering is also present. There was revised information given. Steve Ivas was at the site, on behalf of the Town of Carver, and his findings were shared with the Board. Ms. Tripp reviewed the drawings. All information gathered showed that the streams in question are intermittent. Brooke has a letter Mr. Ivas sent to the Commission outlining his findings.

John Deli Priscoli, who lives across the street from this project, came forward. He has a difference of opinion about what is there. He feels they should take a conservative approach as if they were perennial streams and develop accordingly. Ms. Tripp explained the NRAD would be just for the areas of the intermittent streams. Mr. Dempsey made a Motion to close the Hearing, seconded by Mr. Badger, voted and passed unanimously 5-0-0. Mr. Dempsey made a Motion to approve the modified ORAD, at the recommendation of the Conservation Agent, including the stream stats for intermittent streams, seconded by Mr. Badger, voted 3-1-1, with Mr. Germain opposed and Mr. Moore abstaining.

#### **OTHER BUSINESS NOT ANTICIPATED**

Tom Mannix from Cranberry Circle asked to speak with the Commission. He is concerned because there is going to be an auction of land that is used by the neighborhood as access to recreational activities on the pond. The property was taken for nonpayment of taxes. He was instructed to go to the Assessor's Office.

Mr. Dempsey made a suggestion that a Certified Letter be sent to all the local tree companies, notifying them of the law that cutting trees within 100' within a pond or river is not allowed. Mr. Nauen would like to continue the discussion at the next meeting.

Mr. Moore would like the Commission to notify the people from Cranebrook Restaurant to come into the next meeting to present their NOI.

Mr. Badger asked about 0 Shoestring – has the issue been complete? Brooke spoke to the owner after the 2<sup>nd</sup> letter and he was going to get back to Brooke.

Mr. Badger also shared that he saw dumping going on at the Cole Property. He is trying to get citizens together to maintain the trails. Brooke said the Conservation Commission and Audubon are responsible for the property.

**Next meeting: October 2, 2019.**

Mr. Germain made a Motion to adjourn, seconded by Mr. Moore voted and passed unanimously 5-0-0.

Respectfully submitted,

Marianne MacLeod  
Recording Secretary

# CONSERVATION COMMISSION

18-Sep-19

ATTENDANCE SIGN IN SHEET

PRINT NAME	CONTACT INFORMATION	EMAIL or PHONE
Darlene Whitaker	508 989/813	Whitakerd
Jeff Merritt	508 294 2897	O'Connor
Angela Sousa	508 317 8922	gsousa7541@gmail.com
Chris Maralewski		
Rose Shinkus	508 728 9741	shinkusrose@gmail.com
Brian Reed	508-285-6611	Boradycost@comcast.net
Al Farkas	BSSI	617 238 1111
Dea Smith		212 238 1111
Jeff Younger	OUTBACK BAG. INC.	
Elyse Trapp	OUTBACK ENCL	etrapp@outback-eng.com
BRAD HONES	ECR	
TOM MANVIX	774 283 5484	manvix@outback-eng.com