



up prepared
2/4/19

CARVER CONSERVATION COMMISSION MINUTES OF NOVEMBER 6, 2019 MEETING

Present: Chairman Jim Nauen, Vice-Chairman, Savery Moore, Alan Germain, Dan Badger, Brooke Monroe, Environmental Scientist, Agent, and Marianne MacLeod, Recording Secretary. Tim Dempsey was not present.

Mr. Nauen opened the meeting at 6:58 p.m.

APPOINTMENTS/DISCUSSIONS:

By-Law Review – See attached document.

Michael Doyle-Student interested in Environmental issues – Mr. Doyle was not present tonight.

BUSINESS:

Support letter to sign for MVP

Brooke explained this is for the vulnerability grant for better access to areas where water is used for fire suppression.

Pine Ridge unauthorized activity/request

Brooke explained there was a site visit today. They measured the beach. Two trustees were present. The trustees will keep an eye on the area. They're going to fill in where they excavated to make the beach flat, and bring some grasses to the slope to hold the hill in place. Also the beach can be no bigger than it is now. Brooke will write a letter to the trustees with the details, so the trustees can share it with residents. Members also measured 100' from the water's edge to show where the signs need to be posted.

Activities at 22 Lakeview Street-Rebecca Bennie-Town Counsel opinion update

Brooke explained they got the opinion from Town Counsel regarding the compost area. The property owners have moved the compost pile outside the 100' area.

DEP site visit-19 South Main St. ANRAD-Site visit rescheduled to November 7th @ 9:30.

COC REQUEST

Dennis Rizzuto-259 Meadow St. DEP#SE126-521

Mr. Rizzuto came before the Commission. He explained the drawing he passed out to the members. He would like to construct an outbuilding on top of the slab that is 35' x '15. The slab has been in place for many years. There will be no driveway to the building. The Commission is being asked to close out the COC from an old project.

Mr. Moore made a Motion to approve the COC, seconded by Mr. Badger, voted and passed unanimously 4-0-0.

Mr. Rizzuto will complete a form for an RDA.

MINUTES:

To be read and approved for October 16, 2019. Mr. Germain made a Motion to approve the minutes as written, seconded by Mr. Moore, voted and passed unanimously 4-0-0.

NEW HEARINGS

229 TREMONT STREET-CRANEBROOK RESTAURANT-DEP#SE126-591 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, November 6, 2019 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted by 229 Tremont Street Realty Trust; for the "after the fact" construction of a kitchen addition and renovations to the existing accessory building associated with the existing restaurant; re-surfacing of the stone parking lot, with clam shells; and replacement of patio blocks. The project activities are within the 100-foot buffer to Sampson's Pond on the property and will require a variance from the Carver Wetlands Protection Bylaw for the work proposed within the 65-foot buffer protected under the Carver Wetlands Protection By-law. The project is located at 229 Tremont Main Street, Carver MA, Map 7, Lot 19 Tremont Street, Carver, MA. All interested parties are invited to attend.

Dave Davignon from Schneider, Davignon and Leoni is present, along with the Owner of the Cranebrook Restaurant, Maria Marcalo.

Mr. Davignon explained what has been going on and reviewed the drawings they brought. There was work done without notification to the Conservation Commission.

They are here for an after-the-fact NOI. There is no proposed future work planned at this time.

Mr. Moore said the covered patio entry that now has a new shed roof is an impervious surface within the 65' buffer zone.

After a lengthy discussion regarding this, going back and forth with ideas and suggestions to remedy the situation, Mr. Germain made a Motion to close the Hearing, seconded by Mr. Moore, voted and passed unanimously 4-0-0.

Mr. Germain made a Motion to approve the kitchen addition constructed in 2019 as built currently on the drawings and in existence, after-the-fact, re-surfacing of the stone parking lot, with clam shells; and replacement of patio blocks, seconded by Mr. Moore, voted and passed unanimously 4-0-0.

The conditions for the above Motion are for an area equal in square footage of the footprint of the slab that the kitchen addition is on, be removed from the northern part of the outdoor patio located nearest the pond.

Mr. Moore made a Motion to grant a variance for an after-the-fact kitchen addition within the 65' foot buffer zone, based on the trade-off of equal square footage of the patio removal, that is in the Order of Conditions, seconded by Mr. Germain, voted and passed unanimously 4-0-0.

CONTINUED HEARINGS

19C WARD ST. DEP#SE126-589

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.

Dean Smith from Borrego and Zac Farkas, presented before the Commission. They are here to give an update since the last meeting. They had two biologists come to the property to look at the northern bog area. There was some disagreement between the two biologists, so they are here to get some direction from the Commission. .66 acres on the property has ponding. Mr. Smith explained what they would like to do. They would like to create a replication area of .66 acres in another location of the property. Liz Taylor, a

Carver resident, asked for defining exactly what is required as mitigation, compared to other projects. A new wetland, for the same amount of space, would be done to mitigate the area that is disrupted. They would like a continuance to the next meeting, on December 4th.

Mr. Moore made a Motion to continue the Hearing to December 4th, seconded by Mr. Germain, voted and passed unanimously 4-0-0.

5 JAMES BREECH WAY - DEP#SE126-590

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, October 2, 2019 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted by Clean Energy Company; for the proposed construction of a dual use 2.0 MW AC ground mounted solar photovoltaic array. The solar array will be mounted on the existing cranberry bogs, in conjunction with the active agricultural use of the bogs. The proposed solar array is within the wetland resource area bordering vegetated wetland, bordering land subject to flooding and riverfront area. The project will require a variance from the Carver Wetlands Protection Bylaw for the work. The project is located at 5 James Breech Way, Carver MA, Map 34/Map 33, Parcel 2, 5 and 9-C, Carver, MA. All interested parties are invited to attend.

Joe Shanahan and Rich Tabaczynski, consulting engineer, came before the Commission. They have come back with new plans showing the required screening between the project and the Perry property. They have a proposed landscape plan for the screening area. 180' in front of the house. The landscaping would be in the buffer zone. It is 25 plantings; nine 20-22 ft. spruce, sixteen 18' green giants and eight 8' maples. The estimated budget is approximately \$37,000. This has not been approved by or discussed with the Perry's. They are asking for an Order of Conditions be issued with this in there. If there is a change they will come back for an amendment.

Mr. Perry came forward with concern for other abutters as well as his property. Mr. Germain explained why Mr. Shanahan is before the Commission and clarified exactly what the process is.

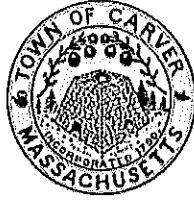
Mr. Germain made a Motion to close the Hearing, seconded by Mr. Moore, voted and passed unanimously 4-0-0.

Mr. Germain made a Motion to issue an NOI, including the extra screening area, depicted in the drawings on the northeast side of the project and also to maintain the screening for the life of the project, seconded by Mr. Moore, voted and passed unanimously 4-0-0.

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

Respectfully submitted,

Marianne MacLeod
Recording Secretary



CARVER CONSERVATION COMMISSION BY-LAW REVIEW

Mr. Moore explained the hand-out of the By-Law changes that were discussed at the last Town Meeting. He would like to review the By-laws and possibly make changes. After discussion, the following has been suggested:

Page 1 – Leave as is.

Page 2 - #3 & #4 remove the word “hardship”.

9.2.1.4 - #5 – removed completely.

Page 3 & 4 – leave chart as is.

Page 8/9 - #14 – Remove.

Page 11 - Hardship Variance – Remove the word ‘hardship’ from the sub-title.

Page 12 – Add “as per MGL definitions....” Right after ‘vista pruning’

Mr. Germain made a Motion to adopt the above changes to the By-laws as part of the warrant for the upcoming Town Meeting, seconded by Mr. Moore, voted and passed unanimously 4-0-0.