



*approved
9/16/2020*

CARVER CONSERVATION COMMISSION MINUTES OF SEPTEMBER 2, 2020 MEETING

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

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

APPOINTMENTS/DISCUSSIONS:

Johanna Leighton and Joan Pierce-Discussion of the "Recreation Lot" and Picnic Isle off Cranberry Circle – Brooke said they will hold off on this right now; they may come in the next meeting.

Discussion on Continued Hearings – Mr. Moore explained that the NOI was continued, even though the Variance was denied. He explained the process of discussing Hearings going forward, especially hoping members sharing their thoughts and feelings before a vote is taken.

BUSINESS:

Selection of two members to Conservation Land Ad Hoc Committee
Mr. Moore explained what this Committee is being formed with regards to land the town owns. It is not funded; they will make suggestions to the Selectboard and the Conservation Commission. It will include nine people, Sarah Hewins from the Selectboard, two representatives from the Conservation Commission, two representatives from the Agricultural Commission and four at-large residents, with one being from the Carver school system. Mr. Moore asked for two volunteers to represent the Conservation Commission. Both Mr. Badger and Mr. Nauen volunteered.

COC REQUEST:

157 North Main Street SE#126-568

A site visit was done before the last meeting. Members thought everything looked good. They did a great job. Mr. Nauen made a Motion to approve this COC, seconded by Mr. Badger, voted and passed unanimously 4-0-0.

15 Brockton Avenue SE#126-522

This is for a septic upgrade. Brooke explained that it is all completed and all set with the Board of Health. It was actually from back in 2015. Mr. Germain made a Motion to approve this COC, seconded by Mr. Badger, voted and passed unanimously 4-0-0.

Lot 1 Meadow Street SE#126-593

These are the two houses that were recently built. Everything looks good. Mr. Germain made a Motion to approve this COC, seconded by Mr. Badger, voted and passed unanimously 4-0-0.

Lot 2 Meadow Street SE#126-594

These are the two houses that were recently built. Everything looks good. Mr. Germain made a Motion to approve this COC, seconded by Mr. Badger, voted and passed unanimously 4-0-0.

MINUTES:

To be read and approved for August 19, 2020. Mr. Germain made a Motion to accept the minutes as written, seconded by Mr. Badger, voted and passed unanimously 4-0-0.

NEW HEARINGS

3 ALEXANDRA LANE DEP SE#126-_____

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 2, 2020 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted on behalf of Heather Sepulveda; for the construction of an in-ground swimming pool. The pool will be located within the 100 and 65 foot buffer zone to wetland resource area bordering vegetated wetland. The proposed work will require a variance from the Carver Wetlands Protection Bylaw, Section 9.2.1.3 (3), for the activity within the 65-foot buffer protected under the By-law. The project is located at 3 Alexandra Lane, Carver, MA; Map 93, Lot 7-2-R. All interested parties are invited to attend.

Heather Sepulveda came before the Commission. Brooke did a site visit and reviewed what was done. She had the wetlands delineated by Brad Homes. A plan was given to the Commission members. Mr. Moore noted that the surround of the pool is not on the plan, as well as the filter placement. Mr. Moore explained the by-law requirement of replicating any area from the project that goes within the 65' area. He also would like to see what type of barriers the pool construction company will be using. The size of the dig area also needs to be present on the plan. The applicant was asked to have the pool company revise the plans with the need information and come back. Mr. Nauen made a

Motion to continue the Hearing to the next meeting in two weeks, seconded by Mr. Badger, voted and passed unanimously 4-0-0.

CONTINUED HEARINGS

PINE STREET-EDAVILLE HOLDINGS DEPSE#126-603

NOI

The Applicant has made changes to the plan to address concerns that were voiced during the Hearing on August 19, 2020. An amended plan will be presented to request an updated variance to the already-approved Notice of Intent (NOI).

Mr. Art Borden came before the Commission on behalf of the applicant. He brings an amended plan for the Commission's consideration. He described the changes that were made. The driveways have been moved. Mr. Moore reviewed all the changes that were made with Mr. Borden. Mr. Deli Priscoli shared that he did everything he could to buffer the area and have the most minimal disturbance to the abutters.

Abutter, Mr. Alan Fletcher, 1 Morrissey Drive came before the Commission. He asked questions about the project. He is concerned about that fact that this NOI was brought up again tonight. He also questioned the fact that Mr. Borden is hired by the applicant and is also a member of the Carver Board of Health. Mr. Nauen explained that Mr. Borden is here tonight as a land surveyor, vouching for plans he drew up for the applicant. Mr. Borden said Town Counsel and the Ethics Commission reviewed this issue; BOH members are considered to be under the special municipal employee exemption so he can represent his clients to Committees, other than the Board of Health. Mr. Deli Priscoli explained Mr. Borden has worked for him since 2007 on projects throughout the state. Mr. Fletcher started to discuss other issues he has concerns about; however, Mr. Moore explained that only this Hearing is being discussed tonight.

Abutter, Mr. Robert Rooney, 9 Morrissey Drive spoke next. He asked when this project is complete with houses, where is the water going to go? He feels it will go directly to his property.

Mr. Joe Daley, 13 Morrissey Drive spoke next. He asked if there has been any type of construction, perc tests, etc. done on this property? Mr. Borden said no. Mr. Moore stated they did a site visit and they are old bog roads.

Donna Waterman, 3 Morrissey Drive shared her concerns about the water. She wanted to know if the road would be going along her property line. Mr. Moore explained they can keep the 40' buffer zone in the Order of Conditions and the trees and shrubs would stay.

Carley Rooney, 9 Morrissey Drive, came forward and said she would not like Mr. Germain to vote tonight. She asked if any of the members get water in their basement? Two said yes. She expressed her concerns about water coming into her property and her home.

Abutter, Mr. Jeff Reed, Meadow Street, also spoke and shared his concerns.

Abutter, Jamie McLean, asked if there was a meeting after the last meeting. Mr. Moore explained that Mr. Delli Priscoli came in and asked what happened at the Hearing and that there was no meeting.

Mr. Garrick Hunt, 1 Cherry Hill Drive, spoke about the project and its affects to his neighbors. He feels the abutters are looking for an opportunity to discuss what is coming down the road with regards to this project.

Mr. Delli Priscoli explained that these are large lots and that fact should be considered. He shared the size of the lots: 3.75, 5.5, 3.5, 4.62 acres each and they will remain the size they are. He reiterated that he is doing a buffer, even though he doesn't have to.

Abutter, Kim Branch, 2 Cherry Hill Drive spoke. She asked if this project is listed as a buffer zone only project? Mr. Borden said yes, that is correct. She noted that the DEP # is actually 126-0603. She shared some of the research she found on-line and through calling the DEP. She shared a copy of the information she got off the DEP website. Mr. Moore reviewed it. She also read information she found with regards to projects from the DEP. She also read definitions of several terms with regards to conservation. She questioned about the determination of the access being a road vs. a driveway and it was explained that these are two private driveways and that the homeowners would be responsible for the maintenance and upkeep.

Matt Sears, 3 Cherry Hill Drive, recited what the DEP comment said with regards to this project. He asked if the DEP has received a copy of the amended drawings. Mr. Borden said the DEP has both.

A Variance can be allowed due to a hardship. Mr. Fletcher asked what the hardship is here. Access to buildable property is the answer.

Abutter, Amy Pothier, 6 Pine Street, spoke next and shared that her property is next to the proposed driveways. She is concerned about the possibility of contamination of her well water, water damage to her home.

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

Mr. Nauen made a Motion to approve the variance for Pine Street Edaville 126-063 aka 126-0603, seconded by Mr. Badger. Mr. Nauen said he believes Mr. Germain should be allowed to vote. Mr. Badger shared his feelings about how Commission members follow the guidelines and he said he has no problem with Mr. Germain voting. Voted and passed 3-1-0.

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, August 5, 2020 in Meeting Room 1 at the Carver Town Hall to hear the Abbreviated Notice of Resource Area Delineation (ANORAD); CVE North America, Inc. The Applicant is requesting, through the ANORAD, that the Carver Conservation Commission confirm the wetland resource areas on the property. The project is located at 27 Wenham Road, Carver, MA, Map 100, Parcels 5, 6 and 7A. All interested parties are invited to attend.

This project was not discussed at tonight's meeting.

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

Respectfully submitted,

Marianne MacLeod
Recording Secretary