



Approved  
11/4/2020

## CARVER CONSERVATION COMMISSION MINUTES OF OCTOBER 21, 2020 MEETING PART I

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

Mr. Moore opened the meeting at 6:30 p.m.

*The following Agenda items are continued from the October 7, 2020 meeting (which was cancelled) and will be heard beginning at 6:30PM*

### APPOINTMENTS/DISCUSSIONS:

Johanna Leighton, Joan Pierce "Recreation Lot," Picnic Island off Wenham Shores  
They told Brooke they could not be present tonight.

Mr. Moore welcomed Peg Blackwell back to the Conservation Commission.

### BUSINESS:

Acknowledgement of Open Meeting Law Complaint. Mr. Moore explained the Commission was served with an open meeting law Complaint "what the rules are, regarding the Complaint, is that we, as the public body that receives the Complaint, have to disseminate the Complaint to the public body, and review within 14 business days, which is tonight. We must return a copy of the Complaint and a copy of the response to the Town Counsel. This was sent to Cara Dahill and Sarah Hewins. It also went to the ITA and town counsel. Tonight, as a Board, we need to do 2 things. 1) Read through complaint of August 19<sup>th</sup> meeting regarding 0 Pine Street and, 2) Each member has to briefly recount their actions on that evening, August 19<sup>th</sup> between adjournment and leaving the building." Mr. Moore will then ask for a Motion to authorize him to respond to the complaint through Town Counsel.

Mr. Moore stated the NOI for the project at 0 Pine Street was approved; however, the variance was not approved. He was at a loss as to what exactly that meant. After adjournment, he spoke w/Brooke and asked what now? She responded in same, so it was

now up to the applicant to revise the plans and come back. That is basically what he did in the time between adjournment and leaving the building.

Mr. Germain next shared that he spoke w/Art Borden and looked at the plan and Mr. Borden said he'd never seen this happen. He asked Mr. Borden what he could do to modify the plan to make a less an impact on the area. Mr. Borden said he could do this. It was just between the two of them.

Mr. Badger shared that as he was walking out of the room, Mr. John Deli Priscoli confronted him and asked what happened. He had expressed his concern based on the things he had done for the Town and he was upset how the vote went. The first thing I said was that I was sorry he was taking it personally; the reason for my vote, was specifically from my line of questioning and I said if he reviews the video of the meeting, it will illustrate the reason why I voted the way I did. I didn't say how I voted but he surmised my vote was a no. From there, nothing was said on my part. I received some \_\_\_\_\_ words and I left the building. It was directly between John Deli Priscoli and myself.

Mr. Nauen explained that he picked up his papers. "I saw Mr. John Deli Priscoli walk in, I said hello and walked out the door."

Ms. Blackwell was not present that evening.

Mr. Moore said he will write up a brief summary and send it to town counsel. Mr. Germain made a Motion to authorize Mr. Moore, as chairman to respond to this Complaint, seconded by Mr. Badger, voted and passed 4-0-1, with Ms. Blackwell abstaining because she wasn't present.

#### Mini Grant Application for "Griffith Forest Conservation Project"

Brooke wanted to inform the members that Buzzards Bay Coalition filed an application for a grant to purchase the Griffith properties, one on Lakeview Street and one on Indian Street to put into a wildlands trust for both properties. Mr. Moore asked Brooke to bring a map showing exactly where the properties are to next meeting.

#### Minor Modification to 201A Tremont Street SE#126-595

Brooke handed out plans. Mr. Robert Rogers, GAF Engineering is present. This had an OOC to build a house, and the plans are amended to show that the house is being moved farther back from the pond. Mr. Rogers described a couple of minor changes to the house and the new plans that were submitted. The house will be a few feet longer and a few feet narrower thus separating it further from the pond.

Mr. Germain made a Motion to approve the amended plan with minor modifications as shown on the site plan dated 10/2/2020, seconded by Mr. Nauen, voted and passed 5-0-0.

### **COC REQUEST:**

Lot 2/6 Center Street DEP SE#126-330 & Lot 1/6 Center Street DEP SE#126-320  
Brooke explained that these are old files – one for septic and one for house. Brooke did a site visit and everything is good. Mr. Germain made a Motion to approve, seconded by Mr. Nauen, voted and passed 5-0-0.

Gilbert Estates – High Street DEP SE# 126-370  
This was for originally the Gilbert Estates that went to the DEP and is old. The newest COC for Gilbert Estate would need to be approved. Mr. Germain made a Motion to approve the COC, seconded by Mr. Badger, voted and passed 5-0-0.

### **EXTENSION REQUEST:**

Gilbert Estates – High Street DEP SE#126-539  
Brooke explained that this is the latest COC and there is still construction being done. Mr. Badger made a Motion to grant the extension, seconded by Mr. Germain, voted and passed 5-0-0.

### **MINUTES:**

To be read and approved for September 16, 2020. Mr. Germain made a Motion to accept the minutes as written, seconded by Mr. Badger, voted and passed 4-0-1 with Ms. Blackwell abstaining.

### **NEW HEARINGS**

None.

### **CONTINUED HEARING**

#### **PLYMOUTH STREET – DEP SE# 126-605**

#### **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 16, 2020 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent (NOI); submitted on behalf of the Town of Carver Board of Health; for the installation of a water main in Plymouth Street. The work will involve the crossing of an existing culvert; that conveys flow from Muddy Pond Brook; under Plymouth Street. The work is within the within 100 foot and 65-foot buffer to bank, land under a waterbody/waterway, bordering vegetated wetland and bordering land subject to flooding and within the Riverfront Area associated with Muddy Pond Brook. A variance from the Carver Wetlands Protection By-law is required. The project is located on Plymouth Street, Carver, MA, No referenced Map and/or Lot number (within the Street). All interested parties are invited to attend.

Steve Khom, Prime Engineering was present to discuss the project. He was retained by the Town of Carver. The project is located to the west of Muddy Pond Brook. He shared pictures of the area and explained details of the project. The main will be extended from the hydrant, 1,000 down Plymouth Street. It will be drilled beneath the brook. They are complying with the North Carver Water District. This is a new plan over the old one. The project will take an estimated two months to complete.

There was no one from the public wishing to speak regarding this project.

Mr. Badger is an abutter. He lives at 165 Plymouth Street. He has no concerns as of right now. He has concerns about water quality and he realizes that the Conservation Commission is not in charge of water quality.

Mr. Moore asked if any members felt Mr. Badger should abstain from the vote. Mr. Germain said he feels that Mr. Badger should abstain from the actual vote on the NOI, but that he could still vote to close the Hearing.

Mr. Germain made a Motion to close the Hearing, seconded by Ms. Blackwell, voted and passed 4-0-1 with Ms. Blackwell abstaining because she wasn't present at the original Hearing.

Mr. Germain made a Motion to approve the NOI for Plymouth St water line extension as presented in the plans revised 10/14/2020, seconded by Mr. Nauen, voted and passed 3-0-2, with Mr. Badger and Ms. Blackwell abstaining.

Mr. Nauen made a Motion to grant the variance within the 65' buffer, seconded by Mr. Germain, voted and passed 3-0-2 with Mr. Badger and Ms. Blackwell abstaining.

### **3/19 SOUTH MAIN STREET – DEP SE#126-607**

### **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 16, 2020 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent (NOI); filed by James O'Brien; for the construction of a single family dwelling and associated amenities within the 100-foot buffer zone to wetland resource area bordering vegetated wetland. In addition, a stream crossing over an intermittent stream is proposed to access the upland. The Applicant is requesting, a variance under Section 9.2.1.3 of the Carver Wetlands Protection By-law for the activity within the 65-foot buffer protected under the By-law. The project is located at Lot 3/19 South Main Street, Carver, MA, Map 87, Lot 2-13A. All interested parties are invited to attend.

This is a Continued Hearing; however, it was never started.

Jeff Youngquist from Outback Engineer, representing the property owner. He reviewed the drawings and the project. They would like to put a shed on the property within the 65' buffer zone. They are proposing a replication area as well. Mr. O'Brien would like to build a home and have an area at the back of the property, on the other side of the brook for goats and chickens. Mr. O'Brien explained that he is preserving over 50% of the lot.

No abutters were present in the audience.

Mr. Germain made a Motion to close the Hearing, seconded by Mr. Badger, voted and passed 5-0-0.

Mr. Germain made a Motion to approve the NOI, seconded by Mr. Badger, voted and defeated 1-4-0.

**27 WENHAM ROAD - DEP SE# 126-604**

**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, 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.

The petitioner requested a continuation. Mr. Germain made a Motion to continue the Hearing, seconded Mr. Badger, voted and passed 4-0-1, with Ms. Blackwell abstaining.

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

Respectfully submitted,

Marianne MacLeod  
Recording Secretary



## CARVER CONSERVATION COMMISSION MINUTES OF OCTOBER 21, 2020 MEETING PART II

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

Mr. Moore opened the meeting at 7:49 p.m.

### **BUSINESS:**

8 Crescent Street – Septic Upgrade

The septic is outside the 65' and is good with the Board of Health.

Supplemental Notice of Intent Plan – 22 Lakeview Street DEP #126-592

Mr. and Mrs. Bennie appeared before the Commission. This is regarding renovating a retaining wall on their property at the edge of Sampson's Pond. They want to submit this new plan as a replacement to the original. Brooke explained they could amend the Order of Conditions with the new plan.

Mr. Germain made a Motion to approve the amendment of the Order of Conditions, as presented on plan dated 9/9/2020, seconded by Mr. Badger, voted and passed 5-0-0, with an order of condition to put in native sands from his own property.

### **NEW HEARINGS**

#### **Lot 9 Indian Street - DEP SE#126-610**

#### **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, October 21, 2020 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted on behalf of ADGA Realty LLC; for the construction of a single family dwelling, with associated subsurface sewage disposal system, driveway, utilities and grading. A portion of the dwelling, septic system garage and grading is proposed within the 100-foot buffer zone to wetland resource area isolated vegetated wetland and tree clearing and grading is

proposed within the 65-foot buffer. Work (tree clearing, grading) is also proposed within the 100-foot buffer to the adjacent cranberry bog. The Applicant is requesting a variance from the Carver Wetlands Protection Bylaw, Section 9.2.1.3 (3), for the activities (tree clearing, grading) within the 65-foot buffer protected under the By-law. The project is located at Lot 9 Indian Street, Carver, MA; Map 93, Part of Lot 1. All interested parties are invited to attend.

Matt Grosschedl, Outback Engineering representing the property owner. He explained the project and reviewed the plans submitted. No structures within the 65' buffer zone. Brooke explained there was a site visit done today. The wetlands were approved through an ANRAD.

Brian Schimler, an abutter at 21 Indian Street, requested the location of this Lot 9. He asked about a perc test and was told that the septic will be near the street and not near the bogs at the back of the property.

After lengthy discussion and questions, it was requested that the petitioner go back and revise the plans to move the house so as to not impact the wetlands area.

Mr. Badger made a Motion to continue this Hearing to the next meeting, seconded by Mr. Germain, voted and passed unanimously 5-0-0.

#### **Lot 8 Indian Street - DEP SE#126-609**

#### **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 7:45 p.m. on Wednesday, October 21, 2020 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent; submitted on behalf of ADGA Realty LLC; for the construction of a single family dwelling, with associated subsurface sewage disposal system, driveway, utilities and grading. A portion of the dwelling, driveway, septic system, garage and grading is proposed within the 65-foot and 100-foot buffer zone to wetland resource area isolated vegetated wetland and adjacent cranberry bog. The Applicant is requesting a variance from the Carver Wetlands Protection Bylaw, Section 9.2.1.3 (3), for the activities (tree clearing, grading) within the 65-foot buffer protected under the By-law. The project is located at Lot 8 Indian Street, Carver, MA; Map 93, Part of Lot 1. All interested parties are invited to attend.

Matt Grosschedl, Outback Engineering representing the property owner. He answered the questions of the board members as they reviewed the proposed plans. There was a site walk this morning. It was requested that the petitioner "go back to the drawing board" and submit a plan that has the house impacting the wetlands as little as possible.

Mr. Germain made a Motion to continue this Hearing to the next meeting, seconded by Mr. Badger, voted and passed unanimously 5-0-0.

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 8:00 p.m. on Wednesday, October 21, 2020 in Meeting Room 1 at the Carver Town Hall to hear the Notice of Intent (NOI); submitted by the Applicant, Matt Farquharson; for the proposed completion of site grading and construction activities within the 100-foot buffer to an isolated vegetated wetland protected under the By-law. The project is located on Church Street, Carver, MA, Map 8, Lot 14. All interested parties are invited to attend.

Steve Chmiel representing Mr. Farquharson, the property owner. He reviewed the project. There was a site walk done today.

Mr. Germain made a Motion to close the Hearing, seconded by Mr. Badger, voted and passed 5-0-0.

Mr. Germain made a Motion to approve the plan (and hold off issuing the order until the DEP # is received), as drawn on plans dated 10/2/2020 and with conditions in place, ie., posts and plaques and erosion controls, seconded by Mr. Badger, voted and passed 5-0-0.

### **CONTINUED HEARINGS**

Request for Continuance to November 4, 2020 – Capeway Cannabis - DEP#126-608

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

Respectfully submitted,

Marianne MacLeod  
Recording Secretary