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2/17/2021

## CARVER CONSERVATION COMMISSION MINUTES OF JANUARY 20, 2021 MEETING

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

Mr. Moore opened the meeting at 7:00 PM  
Discussion

### **5 John's Pond Violation**

Brooke wrote a letter to the property owners explaining the violation that had occurred. There was a wall, patio and other structures being built that was causing soil and other debris to be pushed into the pond. The Carver by-laws state that work can be done within 100 feet of the water without coming to the Commission first (and the Commission had not been informed of this work through a letter of intent.) Any work within 65 feet requires a variance from the Commission. The homeowners were present at the meeting (Tony Lombardo & Taylor) and indicated they were only making improvements to the existing structures and were not aware that any notification was necessary since the existing footprint was not being altered for any work they were doing. They assumed anything that was built before had been permitted and apologized for not getting permission in advanced. Mr. Moore clarified with the homeowners that the issues were primarily with the soil being pushed into the pond (Wetlands Preservation Act), the large debris (logs and 2x4s – as shown by the pictures taken by Mr. Moore during a site visit – unseen by Mr. Germain's visit due to the snow) and the smaller debris that could impact the pond. The moving of earth and alteration around the pond is primarily the issue around the work being done at 5 John's Pond. There was also concern regarding a gazebo but it was determined that the structure was an existing structure that was not being worked on and not relevant to the issue at hand.

After some back and forth, Mr. Germain suggested that, although the homeowners did not take the necessary measures prior to the work, the Commission should consider giving the homeowners a specific set of guidelines to clear any remaining debris and mitigate further possible damage to the pond. He believed that after clearing the necessary debris, the natural growth would come back and bring it back to what it was before – more damage would be done cleaning it up than leaving it alone (you would never know it was graded down). Mr. Moore agreed that was acceptable and gave the homeowners the following terms: in the next eleven (11) weeks (originally 4 but then realized weather was a factor) the homeowners would remove large debris (logs and 2x4s) by hand, pat down small debris by the pond to prevent it from falling in, and provide any before and after photos of the work done in the backyard at the first meeting in

April on 4/7. The homeowners would also provide an after-the-fact letter of intent. The other committee members and homeowners agreed that these terms were fair.

### **Wetland By-Law Changes for Town Meeting**

Packet from last year – changes in packet are in red. The biggest change is expanding the “no-touch zone” from 65 feet to 100 feet. Took out what was presented in 2019 about growers and farmers presenting any changes, even if they were agriculturally based – that’s what probably killed it.

Brooke explained that Elaine needs everything by 2/5 but Mr. Moore doesn’t know how that can happen since the next meeting is on the 3<sup>rd</sup>, there needs to be a public hearing for by-law changes and they need to present to the select board and we have 16 days. He also noted there needed to be a placeholder set with a town administrator. Mr. Germain and Brooke were uncertain if a public hearing was necessary for by-law changes and couldn’t recall if there was one for the last set of changes. Mr. Germain was under the impression a citizen’s petition was adequate for these changes. There was some back and forth on public meeting versus no public hearing between Mr. Moore and Mr. Germain. Mr. Moore recalled holding a public hearing for the previous by-law changes. Sarah told Mr. Moore a public hearing was necessary.

Mr. Badger asked if there was a public hearing for these changes for this iteration and Mr. Moore didn’t believe this had gotten to that point. The conversation ended with Mr. Moore agreeing to check on whether a public hearing was necessary or not for these by-law changes.

In regards to the by-law packet, Mr. Moore requested Brooke add a chart on page four. He asked her to insert a sliding scale for the filing fee for the actual cost of the project.

### **213 Meadow Street Fencing**

Brooke explained the property of 213 Meadow – huge property (16 acres) including a farm and bogs. The fencing desired at the property would be open fencing, above the bogs, as a part of their farm with large spacing and the purpose was primarily as a corral for the animals rather than fencing in the property. Considering the use and the fact it was well within the 100 feet, Brooke deemed this a “non-issue”. All were in agreement.

### **Nicholas Christy Deck at 67 Crystal Lake Drive**

Nicholas Christy, the resident and owner of 67 Crystal Lake Drive, has been working with Brooke on a notice of intent to complete work on a patio off the back of his home. She recommended he come in to discuss his project with the Commission due to the proximity of his home to the lake.

His home is approximately 25 to 30 feet from the water. The patio would be roughly 18 inches off the ground, 12 ft x 14 ft and constructed with standard planking. The patio would replace an existing cement “stoop”. Mr. Germain suggested putting fabric and stone under the patio to prevent weeds and also suggested Helical ground anchors (after the Commission was asked their opinion) because they create no ground disturbance. Additionally, due to the proximity to the water, Mr. Germain requested Nicholas request a variance to build the structure – this would protect the homeowners, the board, and the town. He clarified that this did not require an engineering study – this simply would show the septic, the pond (and Mr. Moore said the patio could be superimposed onto the rendering). The concern was that as homeownership and the board changes, the variance would protect everyone. Brooke said the letter of intent would still

be required and assured the homeowners she would continue to assist them with this. The homeowners were also told they would have to speak with the assessor's office on the abutters of the property and they, as the homeowners, were required to notify the abutters. It is important to note that there is a tree near the intended patio that the homeowners said they had considered taking down but decided not to. The homeowners were given until 2/17 to get the variance for this project. They agreed to this date.

#### **Update DEP Site Visit – Pine Street DEP SE# 126-603**

Letter sent about the Pine Street visit – asking the applicant for more information – based on the findings of the site visit. The letter was addressed to Jim but the site has since been sold and it shouldn't be directed to Edaville Landholdings anymore. Brooke should let them know that Edaville Landholdings is not correct – they applied and were granted the variance, but are no longer the property owners. Brooke said she would also make sure that Arthur got a copy of the correspondence – but Mr. Germain noted according to the letter they had, it was only addressed to Conservation and Jim.

Mr. Moore noted page 2 letter D, they went with two driveways to avoid it being a subdivision. Brooke said it was up to them to argue that it was not. Mr. Germain commented, "What is the reason for the two driveways". Brooke had brought up the water quality permit associated for a residence and Mr. Moore noted based on the planning board it is not a residence.

Mr. Badger brought up that Pine Street may no longer be the Commission's issue and we no longer have a collective duty to this. Mr. Germain agreed that if the Commission is superseded then there is nothing they can do and Cole would have to go to Court.

#### **Request for Extension – 14 Andrews Point Road DEP SE# 126-554**

Brooke discussed the project for 14 Andrews Point Road and a need for an extension. The project plans have not changed, but there is a need for an extension. The project timeline is 3 years. Mr. Moore made a motion to extend. Motion was seconded by Ms. Blackwell and Mr. Badger. Approved unanimously 5-0-0.

Meeting minutes were reviewed. Mr. Germain had mentioned he would have liked more notes on 129 Center Street – DEP #126-614. His concern was that the Conservation Commission was going to come off as unwilling to work with Mr. Grady and wanted Mr. Moore to clarify with the zoning board chairman on how the property is "grandfathered" as a buildable lot.

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

Minutes submitted by Recording Secretary Ashley Swartz.