



## CARVER CONSERVATION COMMISSION MINUTES OF FEBRUARY 3, 2021 MEETING

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

Mr. Moore opened the meeting at 7:00 PM

Discussion

### **Sarah Hewins Discussion of Property to undergo custody of Conservation Commission**

This portion of the meeting was to discuss a number of parcels of land that for one reason or another, would soon fall under the care and custody of the Conservation Commission.

Article C: Town will vote to accept the donation of: Six (6) parcels of the Great Meadow Cedar Swamp land from Mr. Rogers W. Shores. The land totals 26 acres and is to be retained in perpetuity of their natural, scenic, and open condition for wildlife conservation, watershed protection, native habitat protection, management for biodiversity protection, associated public outdoor recreation, and other conservation uses consistent with the spirit and intent of and subject to the protections Article 97.

Article D: Town will vote to transfer care and custody from the Select Board to the Conservation Commission: Seven (7) parcels

- 0 Crystal Lake Drive a.k.a. "first, second, and third beaches"
- 20 Bates Pond Road a.k.a. "Beaches at Bates Pond"
- Bates Pond Neighborhood Playground
- 42 Wareham Street & half of Clear Pond – this land was donated to Conservation but never transferred
- 0 Pleasant Street's "Conservation Parcel" and 80 Pleasant Street "Drinking Water Protection Parcel" (Cole Property)
- 0 Woodhaven Street a.k.a. "Recreation Area" – this is accessible through two lots
- 0 Savery Avenue and 0 Main Street a.k.a. "Savery District, Wet/-50" and "Excess Land, Wet/-45"

Article E: Town will vote to transfer from the care and custody of Caver Crystal Lake Association to the Conservation Commission Map 62, Lot 48-0-R.

After Sarah discussed the overview of all the parcels, Mr. Moore asked if in the deeds of beach property homes have restricted beach access. Sarah said the beaches are public and the beaches

are town owned. Transferring the properties to the Conservation Commission wouldn't be infringing on the owner's rights because they have no deeded rights to the beach. Mr. Germain was interested in knowing who maintains the beaches and playground right now – the question being, if conservation takes over, would the neighborhood stop caring for these properties if they are currently responsible for maintaining them. Sarah said the goal of transferring these properties was to access and engage Conservation's services. If DPW doesn't currently care for these properties, they will step in. The residents will be happy because transferring the properties protects them from being sold to anyone else.

Mr. Germain was also curious about taxes being paid on the swamp lands in Cole Property.

Sarah answered that taxes are being paid but not a lot, since the size of the land are just "slivers".

### **Culvert Alteration – Cranebrook Restaurant**

Maria Marcalo, owner of the Cranebrook Restaurant was present for this portion of the meeting. Mr. Moore explained that Maria was present because of the illegal dam that was built over the culvert behind the restaurant. The dam is preventing waterflow to lower Sampson's pond which is impacting the water rights for the growers. Mr. Moore continued to explain that building a dam is something that requires a permit (and he would provide the number for her to call), and building said dam without going to the board was completely illegal. Mr. Germain asked Maria to explain why the dam was built in the first place. Maria and her husband, who soon joined her at the table after interjecting from the back of the room, explained to the board that the pond was down to "zero water" and the deed they possess gives them the right to control the flow of the water. With this belief, they didn't believe they needed to go to anyone to build a dam. Mr. Moore explained the impact a dam has to the seven growers who use that pond – people who have rights to that water and use it to flood their bogs. He told Maria and her husband that they need permission to build a dam. Mr. Germain said he couldn't imagine a deed that gave them full water rights that would infringe upon the other's who had access, and wanted to wait to continue the conversation until they had the Marcalo's deed in hand. Maria continued that the growers are draining the bog, but Mr. Germain told her that the purpose of that man-made body of water was for the growers to do just that. Maria and her husband explained there was a grower who doesn't have rights to the water who keeps taking from the pond, which Mr. Moore said would be addressed as a separate issue. Mr. Moore made a motion to continue this once they had a copy of the Marcalo's deed and the other deeds of those who had rights to this pond. Mr. Germain and Mr. Nauen seconded the motion.

With the primary concern being the dam and the rights to who controls the flow of the water, it was decided that John Mason would have to be involved. Mr. Moore asked Brooke to contact John Mason to get the deeds for all the growers – he noted that it needed to be resolved soon because the melt could cause the pond level to rise and the dam would cause people's basements to flood. Maria said the dam has been removed. Mr. Moore said they still needed to get the deeds sorted out. Mr. Moore motioned for this to continue with all parties' deeds on March 3. Passed unanimously 5-0-0.

### **Susan Hunnewell – Maintenance of Water Storage Tank in South Meadow Village**

Placement of temporary tank while they drain, clean and paint their current tank. One month time period and spoke to the fire department earlier that day. Only needs one 21,000-gallon tank

close to the current waterline and away from the wetland. The proposed conditions plan shows wetlands (GIS Conditions) and the temporary structure within 100 feet buffer zone.

Mr. Germain asked if this was a “rain-for-rent” trailer that has no ground pressure and no disturbance aside from the vegetation. Susan said that is what they are proposing to use. The plan is to situate the trailer on the existing cement and tie it into a hydrant using a subsurface connection. The project will start in March/April so they can be up and running by May. Mr. Moore found it on his phone and noted it was near the maintenance facility – he said it was needed so he didn’t oppose to the plans. He also noted if the trailer was angled on the existing pavement, they wouldn’t aggravate any vegetation. Mr. Germain said the board should allow a single trailer and if she needs another she should come back to the board. Mr. Moore added she should come back if she goes beyond the existing pavement. A motion was made by Mr. Moore, seconded by Mr. Nauen. Passed unanimously 5-0-0.

### **17 Wareham Street – Potential Violation**

No one was here to attend

### **Septic Repair – 160 Plymouth Street**

In regards to the house near abandoned bog (in disrepair).

Mr. Moore said this house is in the historic district commission and he (the owner) knows what needs to be done. Mr. Badger noted that as long as he is following the guidelines, we should be all set.

### **Correction from January 20, 2021 Meeting Minutes**

“The biggest change is expanding the ‘no touch zone’ from 65 feet to 100 feet” – this is not an accurate statement. Mr. Moore misspoke and we are making a note of the correction. In regards to the “no touch zone”: a variance is needed at 65 feet and permission is needed at 100 feet.

Mr. Moore moved to approved minutes. Seconded & approved.

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

Minutes submitted by Recording Secretary Ashley Swartz.