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CARVER CONSERVATION COMMISSION MINUTES OF MARCH 3, 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 7:02 PM

Discussion

Violation – Meadow Street

The resident, Derek Maskey was not in attendance. The work being done to the property revolved around a bog that had been inactive for a significant amount of time and he was planning on making it active again. Brooke informed the Commission that he would be submitting historical information regarding his property and the work he wanted to do. He was not aware he was committing any sort of violation because he assumed the work he was doing was agricultural. Mr. Moore noted the brook that ran beside the property and that the bog did have a farm plan. It was also noted that the prior owner did not have a 61A. Brooke said the property owner would be present on the March 17th meeting.

Several neighbors were present at the meeting to voice their concerns about the work being done at Derek Maskey's property. The concerns were primarily focused around the use of the property and ensuring it could only be used as a bog and who would have water rights (since the water rights crossed one of the neighbor's properties). The neighbors also wanted to make sure they were kept in the loop about what was going on with the property and they were informed by the Commission to check the agendas online for meeting updates.

Cranebrook – Culvert Operation

Maria and her husband returned for a follow-up regarding the deed of their property of the Cranebrook Restaurant. They handed out copies to all the board members. Mr. Moore stated that they were still looking to determine the terminology for the flowage rights. After the last meeting, other citizens watching have come forward with information. The information is in regards to Book 50607 page 137, in the Registry of Deed, referencing the Cranebrook Property as part owner of one half of the flume from Little Pond (*owned from*, meaning downstream) and one half owned by the Town of Carver as part of the council on aging property. There is also reference to a Plan Book 19, page 1093, also in the Registry. There is not a reference to a time-frame, but told Maria that the map should have a date on it. This information conflicts what the Cranebrook property owners have which means more research will be necessary in order to

determine who has rights to the flowage. It was determined that the Commission would speak to Town Council regarding further research, in hopes to have their real estate team look at the deed. It was agreed both parties would continue to do research.

John Mason also attended the meeting regarding this issue. He spoke to the deeds of water rights stating he believed there were seven (7) permitted growers on the pond with DEP deeded water rights for agricultural use, all on the pond, and one grower down-stream that does not exercise those rights due to a reservoir that supports their bog system and, therefore, never use the water from the pond. Mr. Moore confirmed with John that these were deeded rights that came with the property, managed by the DEP. Mr. Moore asked if John could provide reference numbers with the DEP and John said that Jim McLaughlin would be the contact for that information. Mr. Moore instructed Brooke to follow up with Jim McLaughlin. John followed up with a reminder that the pond does have a benchmark and at one point the floor was two (2) feet below the benchmark. He noted that when the Cranebrook mill was in operation, they had rights “above and beyond” that benchmark in order to keep the mill running – they were allowed to keep the water trickling in, in order to keep the mill in operation. This summer the pond exceeded the benchmark by about 6 inches.

Brooke will be in touch with the owners of Cranebrook, they will plan to have them back in early April for an update.

Replacement of Watermain

Robert Sims from TATA & Howard.

Plans to replace about 50,000 ft of watermain in Cranberry Village area – majority already exists in the paved road, except for one connecting piece. Were here to see if they had to request an NOI or RDA, or if they were okay since it is a replacement and maintenance work as opposed to new construction. Two small areas – one is close to the buffer zone (about 5-10 feet) and the other is crossing the culvert (Patriot Ridge/Kennedy), other than that the work is in the road. Mr. Germaine questioned if this was for the planning board and Mr. Moore said the by-law allows for repair and replacement. After reviewing the plans, Robert said he wanted to come in-front of the Commission because he wanted to “hear it from them”. All were in agreement that no vote was needed for this work. Ms. Blackwell said the work was “necessary”. Robert assured the Commission he would keep Brooke in the loop if anything changed.

0 Plymouth Street – Amend ORAD, NRAD DEP #126-602

Sarah Sterns and Eric Weston – Were looking for the approval to obtain a small corner of existing cranberry (one-tenth of an acre) adjacent to what has been deemed “Upland Bogs”. Historic USGS Mapping shows Upland vs Wetland - This land was a part of the original landform and is now a portion of the adjacent, currently cultivated bog – they want to have this included as part of Upland bog, as it is continuous with parcel. Eric Weston, the land owner, explained that this as a field that’s purpose for him would be for management function – he said historically, it as the adjacent field you would operate from. He said he would have to put more water than he needs so he would relocate the delineation of the dike, separating the upland area, and ditch on the other side. The Commission did not have any questions. Paul Kelly, an abutting property owner, was present and stated he trusted what he was being told. He said he was present to learn more about what was happening next to his property. Mr. Germaine made a motion to close the hearing, Mr. Nauen seconded, unanimously passed, 5-0-0. Mr. Germaine motioned to

approve the amended ORAD, seconded by Ms. Blackwell, passed unanimously, 5-0-0. All members then initialed the approved plan.

Hammond Street/Federal Road, NOI DEP E#126-

Eversource Energy proposal of installation for overhead distribution utility line to connect existing plan and existing grid. Plan includes 450 feet of line, 4 wooden utility poles, hardware, conductor wire, and supports. According to Chris, work does qualify under Wetlands Protection Act as a Limited Utility Project, and therefore requesting an order of conditions for those activities and a requesting a variance under Caver By-Laws for the work done within the 65-foot buffer zone. The Commission was told there would be surveyors and wetland ologists, debris would be cleared by hand when necessary, tree clearing, poles being erected, hardware installation and wire stringing as part of the project process. They would also be using helical anchors in the wetland area. Mr. Germaine requested the wetland area remain clear and any debris that may fall into it be removed – nothing would be chipped and spread in the area – for fear of it falling into the wetland. The men in charge of the project assured that was the plan. Mr. Badger asked if any trees would be replaced but the answer was no. A resident from the area, Sean Bogart, was in attendance, and was concerned about the amount of utility line being strung through the dense trees. He voiced his concerns about how frequently he loses power and how something like this would add to that issue. He asked if it were possible to put a utility box somewhere along the line in order to speed up the repair process in case of outages. After a lively conversation, Eversource explained that they are meeting best practices. Mr. Germaine made a motion to close, Ms. Blackwell seconded, unanimously passed 5-0-0. Mr. Germaine made a motion to approve the drawing, Ms. Blackwell seconded, unanimously passed 5-0-0. Mr. Germaine motioned to grant the variance with standard operating practices (no chipping into the wetlands), Ms. Blackwell seconded. Passed unanimously 5-0-0. All members initialed the proposed plans.

Continued Hearings:

129 Center Street, NOI DEP #126-614

7 Wenham Road, ANRAD 126-604

By-Law Changes

Minor Changes that are suggested to be made prior to being put before a vote:

- Invasive species: include a website with a list of these species.
 - Both Sarah Hewins and Mr. Moore provided sites, it was agreed only the ma.gov site would be used because it was more consistent.
- NOI & Variance: struck the use of “permit” and replaced with “order of conditions”
 - Decided to leave both “permit” and “order of conditions”
- Suggested dwelling for bog ownership: “on the same parcel of land” be eliminated and replaced with “under single ownership”
 - After discussion of how this defeats the purpose it was decided to use the language, “Resident and bog under singular ownership”
- Normal Maintenance Reference
 - Sarah Suggested referencing: MGL 10.0.0 – 10.0.4
- Notice of Intent: \$70 vs \$75
- 9.2.3 Plans Checklist

- Color-coding – instead of having 13 duplicate items, just add additional items and remove duplicates
- Definition of Variance: “beneficial use” is a grey area
 - Replace with: “applicants proposed use”

Mr. Germaine made a motion to approve changes, seconded by Mr. Nauen. Approved unanimously 5-0-0.

It was noted to add Sampson’s Pond/House on Tremont to the agenda for March 17th.

Ms. Blackwell motioned to adjourn meeting, seconded by Mr. Nauen, approved unanimously 5-0-0.

CONSERVATION COMMISSION

3-Mar-21

ATTENDANCE SIGN IN SHEET

PRINT NAME	CONTACT INFORMATION	EMAIL or PHONE
Robert Sims	TATA & HOWARD, MAZUBATU	508-320-4767
Katie Carreira	Tata & Howard, Marlboro	774-264-0013
Eric Weston	129 Main St. Lowell	508-965-4661
Sarah Stearns	STEARNSON, BEALS AND THOMAS.COM	BEALS + THOMAS
JOHN MASON	EMASON@AMAKEPEACE.COM	508-858-9663
Lauren Labbe	139 Meadow St.	508-419-1010
SMITH STYLE	195 Menden Street	508-465-1654
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ANTONIO SANCHEZ		
Chris Newhall	Christopher.newhall@devsource.com	508-735-0387
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