



CARVER CONSERVATION COMMISSION
MINUTES OF DECEMBER 1, 2021 MEETING

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

Mr. Moore opened the meeting at 7:00P.M.

Discussion/Business:

Minor Modification for cobblestone / Meadow Street DEP SE#126-620

Brooke said nothing was filed so she is thinking she will hear back for next meeting

Discussion of culvert at Cranebrook

This is the third or forth meeting he has not come – Mr. Germain suggested not putting this on the discussion again until it is brought up. Mr. Moore said he would call John himself and see what he would like to do.

Unanticipated Business

Enforcement order for Pine Gate Renewables that requires a vote. Brooke explained that this is an amended enforcement order that has the agreed upon conditions (the hard copy of agreed conditions). Mr. Germain made a motion to approve the amended order as discussed at the previous meeting, as written. Mr. Badger noted there was a piece missing in regards to the replacement poles. He wanted some documentation about the materials used for the new poles going in. There was a discussion about documents previously submitted that discussed the specifications Seconded by Mr. Nauen. Approved unanimously 4-0-0. Mr. Germain also made a motion that the Conservation Agent sign this document on behalf of the Commission, seconded by Mr. Nauen. Approved unanimously 4-0-0.

Mr. Badger made a comment regarding enforcement orders – asking what happens if someone goes against what has become public record. Mr. Germain explains that the project gets shut down. Mr. Badger is concerned for “the next guy”.

**** SEE ATTACHED AMMENDED ENFORCEMENT ORDER ****

CONTINUED HEARINGS

5 Johns Pond

NOI DEP#126-630

Brooke and Mr. Badger went out today and measured the height of the wall (5.2 feet tall and 35 feet across). Mr. Moore said the only question last time was the size of the wall. He said this wall is pretty substantial for something that wasn't there previously. He noted a similar situation and they are having that person remove the structure. Mr. Moore's opinion is that they have "in effect already ruled on this just with another person" – if they let them keep it this allows the other person to come back and ask to be reimbursed for the work he has done. Mr. Badger said there is not a lot of evidence that anything has changed other than the materials used – it can not be determined one way or the other based on what has been presented. He does not believe there is a lot of evidence of pre and post construction where as the other case they have a lot of evidence of the work done. The only comment he can make is the obvious change of material but he cannot see the change in topography. He said this was not an "apples to apples" case to the situation on Sampson's Pond. Mr. Germain agreed with Mr. Badger. Mr. Moore disagreed that the cases were not similar. Mr. Germain argued that more damage could be done pulling it out – Mr. Moore asked him, "What about the next guy". Brooke asked how does this wall impact the pond. Mr. Badger clarified his explanation that he does not see an extreme change in the typography. Mr. Germain made a motion to close the hearing, seconded by Mr. Nauen, approved unanimously 4-0-0. Mr. Badger addressed the abutters stating that decisions can only be made based on the information they have on hand. He assured them that people's concerns are heard but there are some limitations to what they can do. Brooke also noted that removing the wall would potentially cause more damage. Mr. Germain spoke to the abutter about what she would like to have accomplished.

Mr. Germain made a motion to approve the after effect NOI, seconded by Mr. Nauen, approved 3-1-0.

Mr. Germain made a motion to approve the variance for the wall as built, seconded by Mr. Nauen, tied vote 2-2-0. A discussion broke out about how Mr. Badger's vote for the NOI can be a "yes" but the vote for the variance be a "no". This ultimately makes the NOI irrelevant. The resident made a statement regarding the wall was replaced and not new. He also asked what would have happened if he came to the Commission before Mr. Warren and has less money. The conversation continued between Mr. Badger and Mr. Germain regarding

The abutter spoke about Conservation

Mr. Badger asked about his vote and Mr. Moore said the issue stems from approving any NOIs. Mr. Nauen suggested approving the variance before approving the order since the order can't be approved before the variance. There was further discussion about how NOIs should be done moving forward.

The resident spoke again about why they bought the property and they were drawn to the pond itself. They did the repair and kept the footprint and didn't change anything and was curious about what they harmed by doing this work. Mr. Badger explained what a "self-imposed hardship" meant. Mr. Moore elaborated that the Commission wasn't given a chance to tell them what to do. The resident spoke more about how he felt they were in front of the Commission simply because it was "after the fact" and would this be an issue if they came before them first.

There was discussion of “repair” versus “rebuild”. Mr. Moore asked for a continuance that could offer a compromise to protect the wetlands and not make the Lombardo’s jump through hoops. Mr. Nauen made a motion to continue to January 19, seconded by Mr. Badger. Approved 3-0-0.

287 Tremont Street

NOI DEPSE#126-626

Continued to December 15.

MINUTES:

October 6

Motion to approve Mr. Nauen, seconded Mr. Badger, approved 3-0-0.

October 20

Motion to approve Mr. Badger, seconded Mr. Nauen, approved 3-0-0.

November 3

Motion to approve Mr. Nauen, seconded Mr. Badger, approved 3-0-0.

November 17

Motion to approve amended minutes, Mr. Nauen, seconded Mr. Badger, approved 3-0-0.

Motion to adjourn Mr. Nauen. Seconded by Mr. Badger. Unanimously approved 3-0-0.
Adjourned 8:11 PM.

Minutes submitted by Ashley Swartz.

CONSERVATION COMMISSION

1-Dec-21

ATTENDANCE SIGN IN SHEET

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