

approved
4.6.22



CARVER CONSERVATION COMMISSION
MINUTES OF MARCH 9, 2022 MEETING

Present: Chairman Savery Moore, Alan Germain, Jim Nauen, Dan Badger, Environmental Scientist/ Agent Brooke Monroe.

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

Discussion/Business:

Mr. Germain opened the meeting with a public apology regarding the February 16th meeting.

Informal discussion – 92B South Main Street

First went to zoning and was told Conservation had to have a discussion first. Was originally going to go with two separate dwellings because that is what is currently on the property – was advised to stick with one dwelling with a front and back house where the owner will occupy the front portion and his parents occupy the back. The larger of the house will be closer to the pond. The house closest to the pond will be pushed back to 35 feet from the town and a perc test was done. Septic will be away from the pond. Mr. Moore asked how much property fell into the buffer zone. It will be about 900 square feet. The current structure is roughly 5-6 feet less than the existing. The sheds will also be removed. The discussion was being had to file an NOI for the property prior to drafting plans. Mr. Germain noted that he personally thought this would be an improvement to the property. Mr. Moore said this was almost identical to another project which sets the precedent. They said they would do a site visit once the NOI was issued.

Opening for a Commission Member

Mr. Moore made an announcement about the open seat and said any interested parties can speak to Brooke.

After March 23, 2022 Conservation Meetings will go back to the 1st and 3rd Wednesdays of the Month

Site Visit with DEP – 0 Meadow Street

There was a complaint and they met with DEP at the site.

Acknowledgement of the Open Meeting Law violation complaint and vote to engage Town Counsel

Mr. Germain made a motion to engage town counsel regarding the public meeting complaint, seconded by Mr. Badger, approved unanimously 4-0-0.

Mr. Moore comment about February 16 meeting

There was discussion after a resident who chose to speak but not sign in – Mr. Moore said he contacted the Massachusetts Open Meeting Law regarding whether or not someone had to sign in. He made a statement that it is at the discretion of any chairman, of any commission to allow the person to speak if they don't sign in but it can be disallowed if they do not sign in.

Continued Hearings**Lot 1 South Main Street****NOI DEPSE #126-632**

Jeff Young was back with revisions for the property. Taking the garage off the back, eliminating the grading. Tucked the garage under the house. The house is now out of the 65 and vast majority is out of the 100. Motion to close the hearing made by Mr. Germain, seconded by Mr. Nauen, approved unanimously 4-0-0. Mr. Germain made a motion to approve the NOI as drawn on the plans dated 2/17/2022. Seconded by Mr. Nauen, approved unanimously 4-0-0. Mr. Germain made a motion to approve the variance for the 65 foot infringement on the side of the property and the access to the well. They requested wetlands posts where the 65 foot hits the tree line (for a total of four). Seconded by Mr. Nauen, approved unanimously 4-0-0.

Lot 3 South Main Street**NOI DEPSE #126-633**

Jeff Young was back with revisions for the property. They have pulled work out of the 65 but the house cannot move forward. The lot can't be any less than 150 feet. Mr. Moore agreed that made sense. The tree line is still there. Mr. Germain asked if they would be willing to leave the driveway as gravel and there was mention of doing an impervious surface by the applicants. They didn't want to do a lot of street cuts and they pushed Lot 4's driveway into Lot 3. Mr. Moore said he understood their justification. He also noted they could not find an indicator for the well. He asked about the guardrail and the utility pole. They discussed where it was located and why they did it that way. Mr. Germain made a motion to close the hearing, seconded by Mr. Nauen, approved unanimously 4-0-0. Mr. Germain made a motion to approve the NOI, seconded by Mr. Nauen, approved unanimously 4-0-0. Mr. Germain asked for there to be posts along the tree line (total of three) as part of the order of conditions. No variance was needed.

Lot 4 South Main Street**NOI DEPSE#126-634**

Jeff Young was back with revisions for the property. Everything (with the exception of a little grading) is moved outside the 65 foot. Mr. Germain acknowledged that the suggestions were taken seriously and it showed – he appreciated the applicant working with the Commission. Mr. Germain made a motion to close the hearing, seconded by Mr. Nauen, approved unanimously 4-0-0. Motion made to approve the NOI made by Mr. Germain, seconded by Mr. Nauen, approved unanimously 4-0-0. Mr. Germain made a motion to approve the variance for the grading, seconded by Mr. Nauen, approved unanimously 4-0-0. Within the order of conditions, Mr. Germain requested there be posts put along the tree line (total of five). Mr. Moore added that the applicant should not build themselves into a situation where they have to take trees down. (Self-imposed hardships). The applicant said he would inform the Commission if trees needed to come down.

5 Johns Pond Road**NOI DEP #126-630**

Decided it was best in everyone's interest to consider the stone block wall that is there to be considered the reinforcement of the wall – they would have wood, some plants, and planter boxes to cover the wall. This would make the wall appear more natural.

Mr. Germain said he thinks this will cause more work so he thinks he should leave the wood out of the equation. He said leaving the wall and using plants was adequate from his perspective. Mr. Badger mentioned there was concern about voting for the NOI and variance. He noted he wanted to rectify that situation and he appreciated the gesture of adding wood but was in agreement with Mr. Germain regarding the proposed fixes. Mr. Moore said he was in a bit of disagreement regarding the wood. He said the wall can be seen by every resident in and around the pond. He noted the case on Sampson's Pond where they asked them to bury the wall. He said if they use the wood, it will eventually weather overtime and blend in. Mr. Badger noted he didn't think they were allowed to have an opinion on the aesthetic side of things. Mr. Moore said this was a topic because of a complaint regarding this – he thinks they have to "smooth the waters" a bit. Mr. Germain said this issue is a little different than Sampson's Pond because he does not think the property owners had any malice intent. He suggested the order of conditions include the plantings suggested by the property owner. Mr. Moore argued that intent is irrelevant just like aesthetics.

Motion to close the hearing made by Mr. Germain, seconded by Mr. Nauen, approved unanimously 4-0-0. Mr. Germain made a motion to approve the variance as described with the following conditions: the resident put in the plantings discussed, no need to install wood in front of the wall, seconded by Mr. Nauen, approved 3-0-1 with Mr. Badger abstaining.

Motion to table the meeting minutes of February 16, made by Mr. Germain, seconded by Mr. Nauen, approved unanimously 4-0-0.

Motion to adjourn Mr. Germain. Seconded by Mr. Badger. Unanimously approved 4-0-0.

Adjourned 8:04 PM.

Minutes submitted by Ashley Swartz.

9-Mar-22
ATTENDANCE SIGN IN SHEET

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