

Approved  
7/6/22



CARVER CONSERVATION COMMISSION  
MINUTES OF JUNE 15, 2022 MEETING

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

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

**Discussion/Business:**

**Request for COC (Certificate of Completion)– 276 Federal Road SE# 126-574**

Brooke noted they visited the site today and she said everything looked great – completed and stabilized and there was no reason to not issue the COC.

Motion to issue the COC made by Mr. Nauen, seconded by Mr. Badger, approved unanimously 4-0-0.

**Request for COC (Certificate of Completion)– 196 Tremont Street SE# 126-576**

Brooke said the only issue at this site was the slope in the back that had yet to be stabilized. Mr. Germain said they had plans to hydroseed behind the fence.

Motion to approve COC made by Mr. Nauen, seconded by Mr. Badger, approved 4-0-0.

**Request for COC – (Certificate of Completion) - 0 Hammond Street SE# 126-673**

Brooke said this site is a “minor” wetland issue. Everyone was in agreement.

Motion to issue the COC made by Mr. Nauen, seconded by Mr. Badger, approved 4-0-0.

**Request to cut trees – 26 Wenham Road**

Brooke had pictures from the homeowner and stated “you will probably agree they need to be cut”. The trees had been broken near the tops and Brooke had no problem with the trees being removed. Mr. Nauen questioned if there was something infesting the trees but Mr. Germain said they are old. Mr. Badger added that they grow tall and fast and become brittle.

Motion to approve tree cutting made by Mr. Nauen, seconded by Mr. Badger, approved 4-0-0.

**Informal discussion – 134 Main Street**

Greg, the property owner was present. He wants to add a garage to the property and was aware of the setbacks. He said he wanted to get opinions before he spent money on the plans. Greg had preliminary plans to show the Commission. Greg has part of his property in the 100-foot zone and some of the garage would fall into the 65. Mr. Germain explained that a variance would be required, as well as an NOI for the project. Greg noted they had been to his property before for another project he was hoping they would be familiar with what he was asking. Brooke asked if it was possible to move the garage further out of the 65. Mr. Badger noted that there is a river on the property and that setback would require 200 feet. Greg noted he would want to stay at least 60 feet from the tree line. Brooke thinks that would be best in this case. She noted the wetlands would need to be delineated. There was a suggestion to move the garage on the other side of the home and get a variance from Zoning. Greg said he was thinking of doing a surveyance for the lot itself. Mr. Germain gave Greg a recap of what he would need to do in order to get

this approved and some suggestions he could take back to consider. They determined the project would need adjustments.

#### **Request for Enforcement Order – Rickett's Pond Business Park**

Brooke provided a copy of the enforcement order submitted by Save the Pine Barons. This is in regards to two lots. Brooke responded to the letter saying there have been numerous site visits and noted the different controls that are in place. She also let them know the Commission has not found any violations. Mr. Germain asked Brooke her opinion and she said in her view there was no reason for the enforcement order. Brooke continued by saying that the work wasn't authorized according to the conditions but she didn't agree. Mr. Badger noted "special conditions" – Brooke didn't have the order of conditions with her so she couldn't speak to the specifics. Mr. Nauen asked about statements mentioned by Scott Horsley. Brooke said it may be in the packet. Brooke thinks some of the complaints don't fall within Conservation's jurisdiction. Mr. Hall said there are three violations noted and none of those have been determined by the Commission. Mr. Badger asked for clarification as to what issue falls under Conservation's jurisdiction. Brooke suggested getting the letter from Scott and then go to the site themselves to address the specific violations. Everyone was in agreement that this was the best action to take. Mr. Badger asked if anyone should join from the other Commissions. The Planning Board has a site visit planned already. Mr. Badger is concerned about every one having different pieces of the puzzle and if there are gaps among the boards that could cause confusion. Mr. Badger continued that even if Conservation doesn't have a say they could provide guidance to the other areas of concern. The Commission decided to do a site visit Saturday, June 25, 9 AM. In the meantime, Brooke will email the letter from Scott out to the Commission.

#### **Update on DEP appeals from Conservation Agent**

There are three projects. DEP said the projects are agricultural and supports the decision of the Conservation Commission. Mr. Badger noted that 0 Ward required a file number and suggested giving them a heads up that it was needed. All of these properties meet the criteria for an exemption.

### **New Hearings**

#### **22 South Main Street**

#### **RDA**

Request for Determination of Applicability – Ivan Cole on behalf of Pierre M. Cole to determine: whether the proposed work (installation of a fence) is subject to the Wetlands Protection Act and whether the area and/or work depicted on referenced plan (s) is subject to the jurisdiction of any municipal wetlands ordinance or bylaw of the Town of Carver. The project is located at 22 South Main Street, Carver, MA, Map 2, Lot 15. All interested parties are invited to attend.

Black rod iron fence, a little over 4 feet tall with a sliding gate. He is looking to take the fence to the water's edge. The current pool fence is at the 100-foot set back. The fenced in area will start at the street side of the stone wall at the front of the property and continue to the water's edge. He referred to the plans provided. There will be no fence across the water, just putting the fence *up to* the water. The fence will be stabilized with cement, two feet into the ground. He said he would do something different if they required it. Mr. Germain said it may be best to have a 6-foot post and drive them in, rather than the cement, which will minimize disturbance. Ivan said he could have a conversation with his contractor. There will be no tree cutting for this project. Mr. Badger noted his concern for putting the fence into the 65. Mr. Germain said they would likely need an NOI and variance request since it is within 65 feet of the pond. He referenced a variance that was approved for a similar request. It was decided that Ivan would need an NOI, make up a more detailed drawing with notes about the earth removal plan, and get a variance. The Commission agreed on the need to be consistent. Ivan will come in next week to fill in the NOI to get it published prior to the July 6 meeting.

Motion to issue a positive determination made by Mr. Nauen, seconded by Mr. Badger, unanimously approved 4-0-0.

### **Continued Hearings**

#### **Lot 3 Rickets Pond Drive**

**DEPSE #126-646**

Amendment submitted to request a variance. Eric Shoemaker began by noting there has been no revisions to the plan and that he was here to request a variance. Since last meeting they have received a file number. Eric gave an overview of the project for the members of the Commission who were not present during his last presentation. The project is for proposed construction of two commercial buildings, with associated driveways, parking, closed drainage system, septic system, grading and landscaping. Portions of the project are within the 100-foot buffer to Ricketts Pond and the associated bordering vegetated wetland. Mr. Badger asked if there was a plan where they showed all of the work on one sheet. He noted there were some items that fell into the 65-foot that could be moved since there was "room to play with". Eric said they can look at the items that are of concern. Some items are laid out the way they are due to proximity to the building but was open to making some shifts. Mr. Germain addressed why Eric was back – the variance will be for the well (falls in the 65) and the slope needs to be graded. Eric explained the location of the well is due to the septic as well as keeping it away from the other lot beside it. Mr. Badger made a statement about the Commission members ability to compartmentalize their duties.

Dorothy Pollock of High Street spoke to this project. Her concern is the pond and vernal pool and their water levels. She asked if there could be a hydro-engineer to come in and assess whether or not there has been impact to the pond and vernal pool. She is also requesting to adhere to the 65-foot buffer and suggested a wall to keep the industrial park and wetlands separated. Brooke noted the vernal pool was not certified. Dorothy said when the survey was completed in 2018 it was identified as a vernal pool. Brooke said a certified vernal pool is different. Mr. Nauen asked if they could make a vernal pool certification a requirement. Eric said he could approach the subject with the land owner to get that certification. Mr. Nauen's concern is that the certification could help in the decision on how to protect it. Mr. Germain said this should have been done during the ANRAD. Mr. Germain also thought the Commission could be the one to request the neighboring lot to certify the vernal pool. It was clear this certification would not affect the current project but learning from this for future projects would be beneficial for future projects.

Motion to close the hearing made by Mr. Nauen, seconded by Mr. Badger, approved unanimously 4-0-0.

Motion to approve the NOI made by Mr. Badger, seconded by Mr. Hall, approved 3-0-1 with Mr.

Germain abstaining. Motion to approve the variance for the well and any grading on the back side of the slope made by Mr. Badger, seconded by Mr. Hall, approved 3-0-1 with Mr. Germain abstaining. The order of conditions were discussed regarding how to maintain the landscaping. They also requested four (4) wetland marker posts along the 65-foot. Dorothy had asked if shrubbery could be planted along the 65 as well in order to screen the pond area rather than a wall. Eric took the suggestion but advised that the Planning Board would have their input regarding this.

### **MINUTES**

#### **To be read and approved for June 1, 2022**

Minutes have been tabled due to lack of quorum. The next meeting will require an approval for May 18 and June 1 minutes.

Motion to adjourn made by Mr. Badger, seconded by Mr. Hall. Unanimously approved 4-0-0.

Adjourned 8:30 PM.

Minutes submitted by Ashley Swartz.