

## Earth Removal Committee

Minutes of 1/31/2024

Carver Town Hall - Meeting Room 4 - 7:00pm

In attendance: Chair S. Hannula, Vice Chair R. Bentley, J. Mason, D. Ward, R Shores Jr., Secretary C. Dwyer and Town Council A. Kwesell

Absent: NA

### Welcome and Rules of Engagement

The meeting was called to order by Chair at 7:00pm. Chair asks for all phones to be silenced and goes on to explain his rules of engagement. There were some complaints from citizens so the chair was addressing the concerns. Chair announces Area 58, Meg Sheehan and Mary Dormer will be recording.

### Approval of minutes 12/20/23

R. Shores motions to accept minutes of 12/20/23, D. Ward seconded the motion to approve minutes.

**Vote 5-1 (M.Harrison abstains, he was not at previous meeting)**

### Discuss the last member slot that is still vacant

Chair explains the seat that is still available is a select board seat and to go on Town page to find directions on how to apply.

### Inspector/Agent Discussion

Chair had discussion with T.A. and the T.A. and Mark Townsend (part of Select Board) and Town Council are working on amending the part time position and job description of Board of Health agent Kevin Forgue.

Once that gets finalized, the E.R.C. will have a discussion on having Kevin Forgue come on as a part time inspector or agent for Earth Removal.

**Discussion of recent site walks:**

**E.J. Pontiff Cranberries Inc., Map 123 Lot 13-0**

Chair asks to hear from the board their thoughts of Pontiff site. R. Shores says overall coming from the Cranberry Growers Association, he is happy to see more cranberry bogs going in versus housing developments or other opportunities. Chair states they will get into greater detail later on this site at the Public Hearing. D. Ward states that the different varieties of vine being used is helping these cranberry farms stay in existence. Chair says they were at visit for an hour and 15 minutes

**Matthew Rhodes Cedar Cranberry LLC, Map 122, Lot 25**

Chair explained at visit to both Matthew and Jarrod Rhodes they were 4 years deep into a 5 year project. Chair said at 5 years they will have to notify Earth Removal before permit runs out either to have a new engineered plan or get a as built and show that it is closed. Water hole is surrounded by rocks and nobody could fall in with a vehicle. J. Mason said it was his first time on property, owner was there to answer all questions. Chair says they were there from 9:20-9:45 that morning

**Maki, 83-6 and 84-1 and address citizen question**

It was the Chairs first time going to Maki site. Chair said at first glance there was an inch and a half of stone tracks on roadway so there were no tracks going out on to Rochester Rd. Loader was there and sloped and loomed pond edges. Land owner, contractor and Attorney was

present on site and said they will be finished by the March deadline that was imposed by the Earth Removal Board. Mrs Beadling was asked to speak by chair on Maki project. She said they had street sweeper there 2 days before the board went to site visit. She states she has counted the trucks going in and out and looked at logs and thinks they have been truck overages and should be fined. She wants to know if they have been fined or if they will be fines. Chair says he will look into this and get back to Mrs. Beadling with an answer. She states her husband took pictures and Maki is not cleaning the road. Chair asks her to email the pics to the Earth Removal site.

**Chair opens the continued public hearing on E.J. Pontiff Cranberries Inc., located at 104 Tremont Street, Map 123, Lot 13-0**

Chair welcomes Pontiff, Attorney and engineers at 7:20pm. Rob Diambrosio gives a quick recap of the project site as he stated in the previous Public Hearing last month. He explains there will be 5 phases and finish one phase before they start the next. He states that he sent out copies of plans to all appropriate boards and departments in Carver to get feedback. They would like to have trucks operating Monday to Saturday 7-5 like the last project was but willing to abide and accept customary conditions by Earth Removal. D. Ward asks if there will be sand on the farm in the future and he feels the owner answered his concerns and knows there will be. R Diambrosio answers R. Bentleys question about endangered species. He received a no take order (letter) from Natural Heritage which DEP had asked him to get stating this project won't impact any endangered species. Chair states there has been an appeal with Conservation Commission and at this time is advised to continue the Public Hearing until there is a determination on that appeal. Chair states that he thought it would be resolved by this

meeting but unfortunately it has not. Brandon Fanuef from Ecosystems Solutions (out of Rhode Island) speaks stating he is part of the appeal process. and says he was hoping there would be answer by now. His concern he has and is bringing to D.E.P. is lowering the the elevation and land, this would be effectively bleeding the land on either side and drying them out. A few citizens speak and seem concerned with this project. The Chair recommends the Earth Removal Committee wait and get a motion to continue this Public Hearing. J. Mason makes a motion to continue the hearing until the next meeting on 2/21/24 in meeting room 1 at 7pm, R. Shores Jr. seconded the motion

**Vote 6-0 unanimous**

**0 Indian Street, Map 92, Lot 1 discussion (Vice Chair will conduct)**

R.Bentley (Vice Chair) states that he spoke with Ameil Attaya Jr. (representative). Vice Chair spoke with Ameil Jr and did know that Ameil Jr had approached planning board and Conservation Committee but asked if one of the representatives could get up and speak to the audience. Ameil Jr states he is using his own sand to sand his bogs. Bentley asks if they will be making 2 formed lots to sell, Ameil Jr answers that sometime in the future they will plan to sell those lots. Bentley asks ehat the sand he is using is for? Ameil Jr answers the sand is being used for his own bogs in Carver. He goes on to state he has 100 plus active acres of bogs in the town and they are re sanding the active beds on both sides of the road at 0 Indian Street. Bentley asks when he he will be done with this re sanding of bogs? Ameil Jr answers he is done and no more sand at this time will be moved. He goes on to state in a couple years when the beds need to be redone, he will have to again move sand. Ameil Jr states he follows Farm practices for cranberry growth and on Jan 17 he met with Conservation and satisfied all their requirements. Bentley states that at this time there is no need

for Earth Removal to be involved. Bentley did ask for Ameil Jr. to come in and speak to the Board and audience to be totally transparent.

**Budget/Account Information and Discussion**

Chair states that he will table this item on agenda until the next meeting.

**Public Hearing A.D. Makepeace Cranberry Co LLC, Map 131, Lot 2-4,  
located Off Federal Road**

Chair opens this hearing at 7:55pm. Mike McVay speaks that he works for A.D. Makepeace for over 10 years. He goes on to say this project will be a creation of 3 bogs including a 2.9-acre retention pond. Putting in high yielding varieties of cranberry bog. Bill Madden explains more on this project with the plans displayed on easel. He explains this project is not part of the limits of endangered species and Natural Heritage program. He has a letter to state what they found and that the site did not need any further review done. Chair asks how many phases? Madden says they did not phase it but bog 1 would be phase 1, so 3 phases total. Chair would like to do a site visit and look and see what B. Madden and M. McVay are talking about. Chair schedules 2/10/24 at 8am. D. Ward motions to continue this Public Hearing until next meeting on 2/21/24 at 7pm in meeting room 1, R. Shores Jr seconded this motion.

**Vote 5-1 (J. Mason abstains)**

**Upcoming site walks with dates and location**

2/10/24

8am Start at 46 Federal Rd A.D. Makepeace

9:30am Maki

10:15/10:30am Van Johnson

11:00am Weston

**Schedule next meeting**

Next meeting 2/21/24 at 7pm meeting room 1. R. Shores Jr. makes a motion to adjourn Open Session at 8:23pm and enter Executive Session pursuant to G.L. c. 30A, §21(a)(3) for the following matters, if discussing the matters in Open Session will have a detrimental effect on the Town's litigating position and the Chair so declares:

- i. To discuss strategy with respect to litigation known as Troy Currence et al. v. A.D. Makepeace
- ii. To discuss potential litigation with respect to fees assessed in connection with project by S.L.T. Construction Off Spring Street.

**Public Hearing Continued E.J. Pontiff Map 123 Lot 13-0, 104 Tremont Street**

Chair asks for a motion to open the Public Hearing for E.J. Pontiff. J. Mason makes a motion at 7:51pm to open the Public Hearing for E.J. Pontiff Cranberries, Inc located at 104 Tremont Street, Assessors map 123 Lot 13-0, R. Shores Jr seconded the motion.

Respectfully submitted,

Carol Dwyer, Earth Removal Secretary

Exhibits used during meeting:

- Minutes of 12/20/2023
  - packet given to board members including 2 permit applications & plans for public hearings being heard.
  - Long sheet (has all permits with information)
  - Accounting reports/transmittal forms for the Earth Removal committee accounts
- 
- Copy of legal guidance for law enforcement handling disorder at Public meetings.

