



approved  
3/20/24

**CARVER CONSERVATION COMMISSION  
MINUTES OF MARCH 6, 2024 MEETING**

Present: Chairman Savery Moore, Vice Chair David Hall, Ann Chadwick-Dias, Curtis Lake, Karl Miller, Environmental Agent Gary Flaherty and Recording Secretary Ashley Swartz.

Mr. Moore opened the meeting at 7:00 PM.

**DISCUSSION/BUSINESS**

**Order of Conditions Extension – DEP File #SE126-623**

Sarah Sterns with Biels and Thomas – on behalf of the proponent. The Order of Conditions was instated in 2021. This renewable project has a delay (like many others) due to Eversource. This project is under appeal in another community as well. They are requesting a three-year extension to the order of conditions (May 19, 2027). No work has been done yet on this project. Mr. Moore asked if there have been conversations with Ever Source. Currently studies are underway by Eversource. There is a small portion of this project in Carver (about 10% of the project in total). The project is currently at the Office of Dispute at the State Level (which is another reason this is being delayed). Sarah is unaware of the timing of the Ever Source study.

Motion to grant the extension until May 19, 2027, made by Mr. Miller, seconded by Mr. Hall. Approved unanimously 5-0-0.

**187 Meadow Street - Discussion**

The Commission has asked them to come in as a result of the work being done on the bogs. The property owner (Bruce Masky) said they took the strippings off the top to gain access to make them viable bogs. Gary read a letter dated January 29, 2024 – from the DEP that indicated the work being done is outside the scope of work. The property owner and Gary discussed how the bogs have changed, Gary noted a quote from the letter from DEP stating they didn't like "being lied to" by the property owner. The property owner continued to explain that dirt had not been taken off the bog. Mr. Moore was concerned about moving dirt creating upland bogs and explained the procedure would be to come submit a Notice of Intent prior to doing any work. Mr. Moore asked for a replication plan and a Notice of Intent be submitted – with an order of conditions applied. Mr. Moore noted a by-law that the Commission can ask for a second opinion which they would like to do. The conversation continued about the purpose of the land – with the result being they want to bring it back to agricultural. The property owner said that most of the work is what "they all do" – stating that other people in this position are doing the same thing. He argued that other bog owners were not being brought before the Commission and were treated "unfairly". The next step is to get a second opinion about whether the bog is truly wetland or upland bogs – which would dictate the rest of the conversation. The vegetated mat has been taken off the bogs – the 70-foot storage area was made from the dirt from the bogs. Mr. Moore said they would get the second opinion and get the results before meeting again.

## **CONTINUED HEARINGS**

### **276 Meadow Street**

**NOI DEP File: #SE126-678**

This hearing is being continued until April 10, 2024.

### **MINUTES**

Motion to approve the minutes as written from February 7, 2024 made by Mr. Miller, seconded by Mr. Hall, approved unanimously 5-0-0.

### **UNANTICIPATED**

Mr. Moore noted that there is a property on Rochester Road and Pine Street on the Middleboro side – they had visited the site in the past. He noted that there has been a lot of pushing of soil into the wetlands on the west side of the bog. There is now a shed on the property (and other issues) which appears to be in the buffer zone. He has asked the Commission to drive by.

There is construction on Lakeview and South Main and created three building lots carved out of upland and cranberry bogs. The wetland scientist determined they were upland bogs and so the building permit was signed off. They felt they did not have to come in. The corner of the house is about 80 feet from the bog. Mr. Moore looked at old aerial photography (1962) and noted there were two bogs (making him think they were wetland bogs). They have asked the builder to come in with an after the fact NOI. Mr. Moore said there are two lots that haven't been touched yet (furthest south lot abuts a riverfront) and the other may fall into the same category as the first lot – being an “upland bog”. In the by-laws, there is a by law that states that residential buildings need a variance for building within 100-feet of a cranberry bog (not noting wetland or upland). Mr. Moore also was concerned about the minimum lot size – since they have been taken out of 61-A zoning, they are carved into the bogs, he is questioning if the property still under an agricultural exemption. He noted he did not know the answer to that question – and has written to Bob Fennessey about that (and legal counsel). Mr. Hall asked if they would get a second opinion about the delineation. Mr. Moore confirmed they would have to. They then discussed what would have to happen next – stating the developer was operating under his own risk – knowing he needs to do an after the fact NOI. Gary has said they need the actual bog edges, not an approximate.

Motion to adjourn made by Mr. Miller, seconded by Mr. Hall. Approved unanimously 5-0-0.  
Meeting ended 7:42 PM.

Minutes submitted by Ashley Swartz.