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CARVER CONSERVATION COMMISSION
MINUTES OF DECEMBER 6, 2023 MEETING

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

Mr. Moore opened the meeting at 7:03 PM.

DISCUSSION/BUSINESS

Certificate of Compliance for DEP File #SE126-473

Gary said they went out and looked at the property (for a septic system) and they agreed that it was built to plan. He noted a caveat that several conservation signs needed to be placed along the tree line. Gary clarified that this was a repair on the septic and he will mark the plans where they want to see signs. Motion to approve the COC made by Mr. Hall, seconded by Mr. Lake, approved unanimously 5-0-0.

December 20th meeting – Discussion

Gary said he has two extensions on the agenda and asked if they wanted to hold the meeting. Their order of conditions will expire in May and that was all. The Commission agreed to push the meeting to January 3, 2024.

17 Wareham Street – Update

Brad Holmes and the property owner Chris Mazalewski submitted an analysis for a restoration proposal. Brad discussed the plans as well as explained this is an operational cranberry bog (agricultural use) and was unclear on whether or not the area in question was in agricultural use. They suggested moving the fence to the 25-foot buffer line – removing it from the resource area. The fencing is primarily for the goats on the property. Mr. Moore said they have been to the site when this was first brought to their attention. Gary spoke to DEP back in July regarding the agricultural use – but the fencing in forest and scrub-shrub was not in agricultural use – which doesn't permit the fencing. Brad clarified they are not proposing significant activity in the area and want to work with the commission to resolve the issue. Mr. Lake asked if the shed would stay in its current place, and Brad said they did not have plans to move it. Mr. Miller said they could move the shed to the upland bog and they discussed the level of work to do that. They clarified that the goats would still be in the 65-foot buffer – Mr. Hall was concerned about the goats destroying the vegetation and Gary added they were concerned about the goat by-product. Mr. Moore noted that the by-law referenced in the letter was not the updated by-law that was voted on at the last town meeting. Mr. Moore read the updated by-law and said the goats are altering the 65-foot area. He further explained the requirements of the property owner if a variance in the 65-foot buffer is granted. Mr. Moore also called out that 25-feet was not sufficient since the by-law is set to 65-feet for a reason. A notice of intent and plans will need to be submitted and abutters need to be notified if they wanted a variance for the property. It was further discussed the other routes Brad and Chris could take (i.e. RDA). Mr. Moore said he would like them to come back by the first meeting in February (if not sooner).

NEW PUBLIC HEARING

Ward Street Culvert

RDA

Request for Determination of Applicability (RDA) filed by the Town of Carver to determine whether the area and/or work depicted on the RDA referenced plan is subject to the jurisdiction of any municipal wetlands' ordinance or bylaw of the Town of Carver. The RDA is for repairing the Ward Street culvert by installing headwalls to eliminate future water seepage. The property is located at the Ward Street Culvert adjacent to South Meadow Pond.

Dave Siedentopf Director of Operations in Carver and Andy Stackpole reviewed the plans – saying there is erosion along the sides of the culvert and are designing a system to avoid future erosion and fill the void – which would allow them to not do any excavation or work in the pond. They will have to remove builders, put gravel fill and a membrane to prevent this from happening in the future. Andy explained the geomembrane was the key to this project – and all the work proposed is in the roadway with the exception of the boulders. He acknowledged that this is a time critical repair. Gary said he chose an RDA to notify DEP and satisfy the by-law. He added that this is exempt from state regulations as well as the by-law – all that is needed is a notification. Mr. Moore asked what caused the erosion. Andy explained that the eastern side (most eroded) likely saw some overflow events and went under the road and slowly worked its way up (he noted this is a theory) and said this is likely due to substantial rain fall. Dave said they were notified October 2 and they determined that the road needed to be closed. He added that the culvert appears to be in tact – so the walls would be bonded to the culvert. Mr. Moore wanted to know if the water could find its way around the walls – but Andy believes that because of the elevation they are protecting that section. They will not have to stop the flow of water in order to do these repairs. Motion for a negative three determination for the plans dated December 2, 2023, made by Mr. Miller, seconded by Mr. Hall, approved 5-0-0.

Silva Street

RDA

Request for Determination of Applicability (RDA) filed by Weathervane at Patriot Pines; to determine: whether the work depicted on the referenced plans and is subject to jurisdiction of the Wetlands Protection Act (WPA) and (d) 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 RDA is for determination as to whether an isolated area is jurisdictional under the WPA and the Carver Wetlands Protection Bylaw.

John Zimmer on behalf of the project. This is a resubmittal (2019) as a jurisdictional determination. They are filing a new RDA because they do not have a mechanism to extend. They were previously granted a negative determination. Mr. Moore said they visited the site this morning and noted that not much has changed since his last visit. Two areas were filled in per their approval and the area has been cleaned up. He said there was one remaining area that hasn't been filled in but has not changed from 2019. Gary explained negative determinations to the Commission. Motion to grant a negative determination (one and six) made by Mr. Hall, seconded by Mr. Miller, approved unanimously 5-0-0.

CONTINUED PUBLIC HEARING

Off Green Parkway (FKA Montello Street)

NOI SE #126-676

Notice of Intent submitted by Route 44 Development, LLC. The proposed project includes the construction of two new subdivision roads, cul-de-sac, associated landscaping, stormwater management components, and utilities. Proposed work will occur within a small portion of degraded and previously

disturbed Riverfront Area, and within the 100-Foot Buffer Zone to Inland Bank and Bordering Vegetated Wetlands. Some activity will be conducted within the 65-foot buffer and will require a variance from the Carver Wetlands Protection Bylaw.

Zach Richards and Chris Lucas representing the owner/applicant. Zach explained that they have been in front of the Planning Board since the last meeting with Conservation. Zach briefly reviewed the plans calling out where the variant would be required. There is also a mitigation plan included in the work they are proposing. Gary asked if they received feedback regarding the storm water report – Zach said they have not received anything substantial. Mr. Moore explained that this is a preliminary subdivision plan that will lay out the infrastructure. He also noted the mitigation that is planned and stated it was a “great solution” since it is 14 to 1. There are wetlands across the street that is less than 65-feet and it was not called out on the original notice of intent. Motion to close the hearing made by Mr. Miller, seconded by Mr. Lake, approved 3-0-2. Motion to approve the NOI made by Mr. Miller, seconded by Mr. Lake, approved 3-0-2 (with normal order of conditions). Motion to grant the variance made by Mr. Miller, seconded by Mr. Lake, approved 3-0-2. Mr. Hall and Ms. Chadwick-Dias were absent at the last meeting and abstained from this vote. The plans as drawn, dated November 30, 2023.

MINUTES

Motion to approve the minutes from November 15, 2023 as amended made by Mr. Miller, seconded by Mr. Lake. Approved 3-0-2, with Mr. Hall and Ms. Chadwick-Dias abstaining.

UNANTICIPATED

Mr. Moore noted area of earth removal at the property near Edaville that abuts the Conservation property. Gary is going to do some research regarding erosion.

Mr. Moore is also requesting Gary look into the Buzzards Bay Coalition and their plans for the property on Lakeview street and Indian Street. The land was acquired using CPC funding (which we have since gotten back – as a grant reimbursement).

Gary asked about nominating a vice-chair. Mr. Moore asked to put this on the agenda for January 3, 2024.

Motion to adjourn made by Mr. Hall, seconded by Mr. Miller. Approved unanimously 5-0-0.

Meeting ended 7:59 PM.

Minutes submitted by Ashley Swartz.