

approved



CARVER CONSERVATION COMMISSION MINUTES OF FEBRUARY 17, 2021 MEETING

Present: Chairman Savery Moore, Vice-Chairman Jim Nauen, Alan Germain, Dan Badger Peg Blackwell, Environmental Scientist/ Agent Brooke Monroe, and Recording Secretary Ashley Swartz.

Mr. Moore opened the meeting at 7:00 PM

Discussion

Presentation by Carver Community Preservation Committee requesting partial funding for joint conservation land purchase.

Before a representative from the committee spoke, Mr. Moore addressed the group – all who were acting as individuals, and not as a formal committee. Mr. Moore explained that after reviewing the request in preparation for the meeting, he learned the Conservation Commission would not be able to vote on a decision today. Further explanation revealed that town council would need to be involved because MA State Law Chapter 44, Municipal Finance, Chapters 61, 61A and 61B explained that the Conservation Commission could not allocate funds to purchase land as part of a partnership, as this deal requires. The land either has to be purchased entirely by Conservation Commission or by Buzzard Bay Coalition and CPC as partners, not the three combined.

After some back and forth with the representatives from the Committee (Fran and Bob) and the Conservation Commission, it was determined that the Committee agreed they would like the issue to be brought before Town Council, and would like legal council on how matters like these have been dealt with in other towns. Mr. Moore and Mr. Germain explained that the condition of Conservation having to purchase the land as a sole entity is not a state by-law, but a Carver by-law and may not be able to find a case that is comparable, but agreed they would bring the issue before Town Council to see if they could allocate funds and if they could get the Committee some advice.

In total, the Committee is seeking \$220k for 38 acres of land that lies between Lakeview and Indian. 34 of the 38 acres currently falls under conservation restriction in perpetuity. The Commission was in agreement that the project is something they would be interested in supporting if they can, but are unsure how they can financially back it with the way the by-law is written in regards to how the finances can be allocated. As they are read and understood, it

appears Conservation can only purchase land they themselves would own and maintain, not use the money to grant to others. Mr. Moore asked that the Commission be involved in future projects and would let Bob, the chairperson of the Committee, know whether or not this would go before Town Council.

67 Crystal Lake Drive NOI DEP #126-

Nicolas Christy and his wife were present to have their plans approved for the deck off the back of their home.

Mr. Germain began by asking if they planned on keeping the tree that appeared to be dying. He suggested adding it to the plans – if they wanted to do it, they should do it now. Mr. Moore said he was at the site today and everything he was seeing on paper made sense. He confirmed the details of the project including a permeable material under the deck, sono-tubes (most likely 3 off the back), attached to the house.

All were in agreement the plans looked acceptable. Mr. Germain made a motion to close the hearing. Seconded by Ms. Blackwell. Approved unanimously 5-0-0.

Conditions were agreed upon and noted by Brooke. The deposition number would be assigned once the conditions of the work were finalized and submitted. The conditions were to include the removal of the tree in the yard in case the homeowners decided to take it down. It was also noted that the homeowners must make the surface under the deck permeable – whether rock were laid or the concrete was broken up didn't matter – it was just a preference of the Commission to have that surface permeable.

A motion to approve the variance with the conditions was made and seconded by Mr. Nauen. Approved unanimously 5-0-0.

Lot 1 Ewell Street RDA

Rob Carlezon from K&G Development Corp was present. Rob was proposing the installation of a well that would be within 100 feet of a wetland and located along High Street. The proposed well would be 67 feet to the nearest wetland and was the subdivision well approved spot. Mr. Moore commented that due to the surroundings the well was actually located in the perfect spot. Mr. Nauen asked if this was the Gilbert Estates and Rob confirmed it was. Rob then continued that this plan was submitted to the Board of Health and they had not returned to him with any notes or comments. Mr. Germain had no questions but did say he would like to see markers posted at the wetlands (either on posts or on the trees) – he suggested the “shields you put on trees” would be sufficient. Mr. Germain said he would like three (3) markers along the 65 foot line – one (1) at the well head, and two (2) at each side of the 65-foot line. Rob agreed that this was a reasonable request and would include this in the plan. Mr. Nauen made a motion to close, Mr. Germain seconded. Passed unanimously 5-0-0. Mr. Nauen motioned for negative determination lot 1 Ewell St, conditions to be added by Brooke. Seconded by Ms. Blackwell. Passed unanimously 5-0-0.

Potential Amendments to the Carver Wetland Protection By-Law

Please note that Amendments were handed out separately – the below notes are regarding the conversation around the changes.

Mr. Moore went through the document, highlighting specific changes and noting important wording:

- There are thirteen (13) things being added, invasive species is one of them
- Part 3, “issue a variance” language change – 100 feet state guidelines
- Cranberry bog ownership – single parcel
 - Ms. Blackwell mentioned the choice of wording of “edge of ditch” vs “edge of bog” and said this has been an issue in the past and should be specific on the wording.
 - It was also mentioned that the bog ownership should include the wording “in perpetuity”
 - o LATER IT WAS AGREED THAT THIS WOULD BE ADDED TO THE BOG OWNERSHIP BY-LAW
- Definitions were added, such as “alter” and “vista pruning”
- Clarification around “placing of permanent objects”

Mr. Germain was concerned that we were trying to “do too much” – he had noted that there were enough conservative by-laws and now we are adding more. Mr. Badger added his concern that the by-law regarding “self-imposed hardships” would play committees off each other. There was extensive conversation about whether or not this should be included. After much back and forth, it was determined that the “self-imposed hardship” would be removed from variance definition. The only other change was to add “in perpetuity” for the bog ownership section. Mr. Moore motioned to submit the changes, Ms. Blackwell seconded, passed unanimously 5-0-0.

Additional Notes

The meeting minutes from 2/3/2021 had an error – page 2, last paragraph of Culvert “would cause people’s...” corrected to “could

Mr. Nauen motioned to approve minutes, seconded by Mr. Moore, approved unanimously 5-0-0. Mr. Germain motioned to adjourn, seconded by Mr. Nauen, approved unanimously, 5-0-0.

17-Feb-21

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