

## Earth Removal Committee

Minutes of 12/20/2023

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

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

Absent: M. Harrison

### Welcome and Rules of Engagement

The meeting was called to order by Chair at 7:00pm. Chair said one member is still not present and might be coming late. Chair announces Area 58, Jimmy Powell and Mary Dormer will be recording.

### Welcome new members to board

The Chair welcomes everyone and also lets audience know he is the new Chair for Earth Removal. Chair welcomes both Robert (Bob) Bentley and Roger Shores Jr to the committee.

### Nominations to change Vice Chair from J. Mason

R. Shores Jr. makes a motion to nominate R. Bentley as Vice Chair. D.Ward seconded the motion.

**Vote 4-0**

### Discuss last member slot that is still vacant

Chair states there is one seat left on board that is still vacant. He encourages the audience to ask family or friends or themselves to submit a written statement why you would like to serve. He states that they can send the written statement to earthremoval @carverma.gov. He explains it is a select board seat that is open.

### **Address citizen question regarding Bette Maki site**

Jo Beadling had a question on truck logs and fees that have been paid. The secretary let her know On 11/2/23 there was a payment paid and she can make a records request to see truck logs.

### **Approval of minutes 11/29/23**

D. Ward motions to accept minutes of 11/29/23, J. Mason seconded the motion to approve minutes.

**Vote 5-0 unanimous**

### **Approval of minutes 8/30/23**

D. Ward makes a motion to approve minutes of 8/30/23, J. Mason seconded the motion.

**Vote 5-0 unanimous**

### **Discussion of hiring an inspector for the board**

Chair states the general need for Earth removal to have a general Inspector. J. Mason speaks about how chairs are getting burnt out and this would help take pressure off the chair. R. Bentley agrees that former chairs getting burnt out and what a big burden it is. D. Ward states there is a need for accuracy and to be able to analyze and address things properly at these sites. Town counsel Gregg Corbo makes a recommendation to have Earth Removal work with the T.A. office to create a position for agent/inspector. R. Shores Jr makes a motion to work with the T.A. and his office to create a position for agent/inspector, R. Bentley seconded the motion.

**Vote 5-0 unanimous**

**Discuss the email from Conservation agent Gary Flaherty at 0 Indian Street Map 92 Lot 1**

Vice Chair R. Bentley takes over for the chair as he recuses himself from the table. Vice Chair R. Bentley states the discussion is on 0 Indian Street Map 92 Lot 1 that Gary Flaherty (Conservation Commissioner) sent Earth Removal an email about. Gary Flaherty was made aware that there was excavation and trucking activity going on at the property. He went out to the site on 12/6/23 and saw a dump truck being loaded with material. He wanted us to know of the activity and that there is no known present earth removal permits that have been granted on this property. He is looking to provide guidance to the E.R.C. and see if in fact Conservation Commission has jurisdiction over this. Vice Chair recommends the committee get in touch with the owner of this property and come to the next meeting and explain what they might be doing. D. Ward asks this be put on the next agenda. Vice Chair turns the meeting back over to Chair. Chair thanks R. Bentley.

**Public Hearing 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.

**Vote 5-0 unanimous**

The Chair asks the lawyer to announce himself. Rob Dambrosio with Dambrosio law in Plymouth. Dambrosio is representing Eric Pontiff who has been longtime client of his. He says he has Kevin Flaherty with him who is the engineer from Flaherty & Stefani. This hearing is for a proposal of 5 new cranberry bogs on approx. 17.88 acres in area. This is

a small portion of a 949-acre site that was formerly known as Federal Furnace Cranberry Company. This land has 240 acres of working bogs on it and has been a continuous agricultural production since the late 1800's. This would be a continuation and improvement and increase in the agricultural operation going on at this site. Since the bogs entail earth removal, Dambrosio states he has to appear before the town and Earth Removal Committee requesting this permit. He goes on to say all the permitting they have gone through already with different commissions (Conservation, D.E.P.). he says these bogs will be the all best in class bogs that will be the best management practices with high yielding variety. This bog will use an organic layer that prevents stuff from leeching through and retain water. He says that Eric Pontiff is a 3<sup>rd</sup> generation grower and this land will be agricultural for many generations to come. Kevin Flaherty walks through details stating the flow on the upland bogs. He explains the phasing where first phase will be near Tremont St and then go down from there. Eric will be putting turtle fence up to prevent any sort of turtle migration through that section. They will do a new paved construction access with a 50-foot-deep apron with another 50 feet of crushed stone. Eric Pontiff speaks that it is important to know cranberries are the primary use of this site and could have many other alternatives from a development standpoint. He asks that he be granted this permit continued sustainable green use of cranberry bogs. D. Ward has some concerns but would like to go on a site visit and ask questions on site on how water moves and so on. The Chair asks how many phases they think? Dambrosio states 4 phases. Chair thinks there should be a scheduled site visit as D. Ward suggested. Chair schedules site visit for 1/6/24 at 8am for board to walk the site with the three representatives of E.J. Pontiff Cranberries, Inc. Chair asks for a motion to continue Public Hearing until the next scheduled meeting of 1/31/24 at 7pm in room 4,

lower level of Town Hall. D. Ward motions to continue the hearing to 1/31/24 in same room 4 at 7pm, lower level Town Hall. R. Bentley seconded the motion.

**Vote 5-0 unanimous**

**Discuss the request of E.R.C. funding of 150k to O&M for maintenance for the Ward Street repairs due to the collapse.**

The board members question the accounts and how much money is actually in the account. The secretary tries to explain the Town is switching software programs and the old program ended in April but the new program hasn't converted all departments over completely. J. Mason motions to continue/table this until the next meeting 1/31/24 when the Board can see how much is actually in the accounts. R. Shores seconded the motion.

**Vote 5-0 unanimous**

**Schedule Site Visits**

8am meet at E.J. Pontif Cranberries Inc. to do site walk with reps

9am Edgewood Bogs on Tremont St

9:30-9:45 Maki site

**Request from Carver Concerned Citizens to be heard**

Chair states that the citizens requested 15 minutes but after a very long meeting he will give them 5 minutes. Meg Sheehan speaks on behalf of Community Land and Water Coalition. She talks about knowing more

about the new board members, sand mining and how inspections are going to happen. She would like to see all quarterly reports will be provided and thinks it would be much better if the public could just walk into Town Hall and see the fees that are being paid and if they are paid on time. She would like to see all minutes have proper documentation of what was used during meetings. The Chair lets her know her 5 minutes is almost up; the audience says let her finish. Chair thanks Meg Sheheen for her time. R. Shores Jr. makes a motion to adjourn meeting at 8:29pm, D. Ward seconded the motion.

**Vote 5-0 unanimous**

Respectfully submitted,

Carol Dwyer, Earth Removal Secretary

Exhibits used during meeting:

- Minutes of 11/29/23 & 8/30/23
- Any emails printed out in packet given to board members (Conservation Agent, Jo Beadling)
- Long sheet (has all permits with information)
- Proposal from O & M requesting funds from E.R.C.
- Accounting reports/transmittal forms for the Earth Removal committee accounts
- Copy of check that fees were paid on a permit in question by Citizen
- Copy of legal guidance for law enforcement handling disorder at Public meetings.

