

Plymouth Carver Aquifer Advisory Committee Minutes

Meeting held: January 8, 2:30 pm; Carver Town Hall, lower level meeting room 4.

Minutes prepared by Casey Shetterly

Present: Sarah Hewins (Carver rep./Committee Chair); Maureen Thomas (Kingston alternate); Marge Teitelbaum (Wareham alternate.); Oliver Durrell (Plymouth alternate); Jack O’Leary (Plympton rep.) Brian Wick (CCCGA, Plympton Planning Board and Plympton alternate); Bill Napolitano (SRPEDD); Adrienne Sharigian (SRPEDD intern); Bob Conway (Carver Conservation Commission & Carver Agriculture Commission); Bob Brady (Wareham resident); Casey Shetterly (TNC/ Committee Clerk).

Absent: Committee Representatives from Bourne, Plympton

Meeting called to order at 2:42.

Agenda Item	Key Discussion points	Next Steps
1. Review Minutes from Nov (5 min.)	Motion to accept minutes by Jack O’Leary. Marjorie Teitelbaum seconded. 3 in favor and 2 abstentions in accepting minutes as written.	
2. Review Agenda – propose new business for group decision	<p>Agenda with addition from Wareham delegate, Marjorie Teitelbaum was accepted. Additional minutes to discuss articles appearing in the Wareham newspapers regarding PCAAC activities.</p> <p>Marjorie is concerned about the quality of journalism in the Wareham Observer. She addressed specific inaccuracies in the two articles pertaining to PCAAC. Cranberry Growers Assoc. has appealed to Wareham selectmen to have a voting member on their newly-formed clean water committee. However the current political environment in Wareham is so contentious that the Board of Selectmen considers involvement by outside entities as attempts to usurp their jurisdiction.</p> <p>Letter from PCAAC to Boards of Selectmen – table action on Public Endorsement Letter for discussion at next meeting. Encouraged to have this completed by the beginning of all town meetings. [Need who made motion and seconded, and then the vote spelled out: e.g., 4-0-0 (?), Unanimous].</p> <p>Letter informs towns that consistent model regulation is not endorsed because of town sovereignty. PCAAC only makes recommendations and these are flexible in order to serve individual community needs. PCAAC will work on guidelines and minimum standards as part of bylaw recommendations.</p>	<p>None.</p> <p>Discuss Letter at next meeting</p>

<p>3. Updates from towns (20 min.)</p>	<ul style="list-style-type: none"> • No news from Plympton. • Kingston is reviewing the earth removal bylaw. Seeking volunteers for new bylaw review committee. Model bylaw has been provided and Con Com, Ag Comm., Bd. of health, citizen at large and water commission under Board of Selectmen. • 2 of 5 selectmen from town of Wareham wanted to withdraw from PCAAC. Have decided to go with their own Clean Water Comm. Marjorie is technically still delegate although she is still concerned with Wareham’s participation. She is awaiting word to find out when Selectmen will discuss this at their meeting. • Carver – purchase of property abutting Sampson’s Pond is moving forward. • No news to report from Plymouth • Middleborough and Bourne delegates absent 	
<p>4. Bylaw work – review and discuss Horsley/Witten model earth removal bylaw, and discuss whether and how it may serve PCAAC communities looking to revise their gravel removal bylaws. Determine what key elements would make an earth removal bylaw “endorsable” by PCAAC. (1 hour 10 min.)</p>	<p>Bill Napolitano served as recorder for group.</p> <p>Marjorie Teitelbaum noted that the Wareham Observer article that was entitled “Bogside” said that there were 22 things wrong in terms of agriculture with Wareham’s proposed earth removal bylaw. Marjorie warned the other town delegates to expect opposition from the Cranberry Growers’ Association at their town meetings if they had an earth removal article that would protect the aquifer on their warrant. Brian Wick responded that the Growers’ Association is not opposed to bylaws but wants to insure that basic agricultural rights are still afforded balanced with the needs of the community.</p> <p>Variations of the three model bylaws</p> <p>Jack indicated that the purpose of the committee is to “finish” the model bylaws so that they are indicative of the committee instead of template(s) that were created by Horsely Witten.</p> <ol style="list-style-type: none"> 1. Purpose: protect aquifer; protect the land; protect surface and ground waters, water resources and every living thing <p>1** Protect the aquifer and the water resources associated with it.</p> <p>We need to be sure that we do not extend beyond the purpose of the committee in order to keep our integrity; is land protection within our purview? Earth removal reflects land protection for the purpose of protecting water resources and thus the aquifer. A bylaw can strengthen state law but cannot be less stringent than state law. If we need additional protections, the committee can recommend that a bylaw be more stringent for the purposes of protecting a sole source aquifer. Provisions are added due to the effect the bylaws might have on the other resources and thus the aquifer...committee may want to create minimum standards so that PCAAC remains a substantive resource for each town.</p> <ol style="list-style-type: none"> 2. Means: How & Who? Carver – Committee; Plympton – Selectmen; Kingston – Selectmen; Plymouth – Planning Bd.; 	<p>Group to continue discussion of Bylaw(s) at next meeting</p>

	<p>Wareham – Selectmen; Bourne – Planning? Bob Conway – address or discuss how different town’s administer these ? Boards of Selectmen, Earth Removal Committees or Planning Board in each town. What is the purpose and what is the process for each community – regional consistency and adhering to purpose for each community: a purpose; means, and reasonableness.</p> <p>Combined approach template bylaw from HW required soil map... PCAAC should consider comment letter or annotated bylaw which will consider individual town structure while allowing for future growth and the inconsistent nature of volunteer boards like an earth removal committee appointed by the town’s Board. Of Selectmen.</p> <p>Required/ Exemptions – you cannot do away with mandatory exemptions (state law). However, due to sensitivity of environment within work-zone (aquifer), you can be more stringent, i.e., “how can we do this better?” (annotation). See the state citation for agricultural exemptions: M. G. L. Ch. 131 Section 40, 310 CMR 10.04.</p> <p>Permitting authority in each town can collect fees and assess penalties. Progressive fee structure is more palatable to judges should it go to court for payment.</p> <p>Scale should also be considered...small family grower vs. developer- size and scope. Who is the gatekeeper to send proponent to the appropriate town board? Site plan requirement (annotation). Building Inspector? Or other process or town department according to the individual needs and structure of town.</p> <p>3. Reasonableness: enforcement Negotiate per site per circumstance; be respective of state and local laws.</p>	
5. Open Space Plan – define next steps for regional work (15 minutes, time allowing).	Committee determined that more than one direction at the same time was too much. Members agreed to concentrate on Bylaw work at this time.	
Set Feb. 12 mtg. agenda. (5 min.)	Proposed agenda: <ol style="list-style-type: none"> 1. Review and approve minutes 2. Letter 3. Finish Earth Removal – approach should be “recommendations” 	
	Meeting adjourned at 4:18.	