

**Carlisle Conservation Commission**  
**January 12, 2023**  
**Minutes**

**7:02 p.m. Chair Alex Parra - Introduction to Remote Meeting:** This meeting was conducted remotely pursuant to an Act extending to March 31, 2023 certain COVID-19 measures adopted during the State of Emergency. For this meeting, the Conservation Commission convened via Zoom web conference as posted on the town's web site identifying how the public may join. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public could adequately access the proceedings.

Members Present: Chair Alex Parra, Navneet Hundal, Brian Murphy, Helen Young  
Conservation Staff: Sylvia Willard, Conservation Administrator; Mary Hopkins, Asst to the Conservation Administrator

**New and Pending Business:**

**Signatory Authorization:** On the motion by Murphy and seconded by Young, it was VOTED to authorize the Administrator to sign documents on behalf of the Conservation Commission. Roll Call Vote: Murphy-aye; Young-aye; Hundal-aye; Parra-aye.

**Approval of Bills:** On the motion by Young and seconded by Hundal, it was VOTED to approve the bills as presented. Roll Call Vote: Murphy-aye; Young-aye; Hundal-aye; Parra-aye.

**Minutes:** 11/17/22; 12/15/22 – deferred to next meeting

**Review of Carlisle Special Orders of Conditions:** The Commission reviewed the additional language submitted by Wells relative to the discharge of private pool/hot tub wastewater over landscaping. Also discussed were potential additional parameters for permanent demarcation. A vote was deferred until Wells could be present to provide his input on the final revisions.

**FY24 Budget Meeting:** Parra and Willard presented the Finance Committee with a level funded departmental budget on January 10, as requested by FinCom. A request was put forth regarding the potential for establishing a conservation land maintenance fund that could be used to fund costs associated with unanticipated events.

**Deer Monitoring project by University of Wisconsin – Update:** Jamie Goethlich from the University of Wisconsin will be in the area this week to swap out SD cards and change batteries in the cameras for this project in accordance with the Land Use Permit, which extends to the fall of 2024.

**7:21 p.m. (125-1153) Restoration Notice of Intent**

Applicant: Derek Zanga

Location: 545 South Street; Project description: Removal of invasive plant species and planting native species within the Bordering Vegetated Wetland and associates 100-foot Buffer Zone and the 200-foot Riverfront Area

Environmental Scientist/Field Botanist Matt Charpentier of Oxbow Associates presented the plan. The proposal was filed as an Ecological Restoration Limited Project under the provisions of the Massachusetts Wetlands Protection Act Regulations. The proposed activities are intended to restore native plant community composition to an area with a history of agriculture that has become dominated by non-native vegetation during its reversion to a natural state.

The proposed restoration work is voluntary on part of the Applicant and will result in a more native and diverse community. The control and elimination of undesirable invasive plant species will simultaneously reduce the production and transport of exotic plant propagules downstream while enhancing the native plant community for local wildlife species. For the purposes of this submittal, the tributary of Spencer Brook shall be considered perennial; however, if information is presented in the future that demonstrates this stream is intermittent, not

perennial, the applicant requests that the Commission should reconsider the perennial designation for other projects on the same property.

Target species include Asiatic bittersweet, glossy buckthorn, multiflora rose, burning bush and Morrow's honeysuckle; the applicant is not proposing the control of phragmites within this proposal. The proposed methods of control based on the location of species include: within BVW- hand pulling and cut-stem herbicide application; 0 to 25 feet from wetland - also allow foliar herbicide application and black tarping; beyond 25 feet from the wetland – also allow mechanical removal. The plan includes a multifaceted course of action to improve the overall native biodiversity benefit to wildlife as well as aesthetic qualities as follows: (1) remove introduced/invasive plant species as well as poison ivy within access areas; disposal of plant material to preclude the spread of target species; (2) plant regionally native plant species to provide value to wildlife through the production of berries and forage; a final planting plan with seeding and species composition shall be submitted for review and approval by the Commission prior to implementation.

Reports of progress and milestones will be provided to the Commission as follows: (1) a pre-construction on site meeting will be held and a brief meeting synopsis will be provided; (2) a progress report will be provided after two weeks of site work; (3) a site report will be provided at the completion of planting and seeding with notes on anticipated maintenance and progress milestones; (4) a photographically illustrated report will be provided by December 31 of the first full growing season (anticipated 2023) with descriptions of any supplemental work suggested and an assessment of plant survivorship; (5) a photographically illustrated final report will be provided by December 31 following the second full growing season following the restoration (2024); a request for Certificate of Compliance (COC) will accompany the final report which shall include proposed management for continued control of invasive plant species on-site.

Murphy questioned whether a longer monitoring period is needed to determine if the project is successful. The Commission also requested clarification regarding maintenance of new growth of invasive plants following the issuance of a COC. Mr. Charpentier said the point of not requesting a COC after two years, but instead asking for a longer period to enact the invasive species control perhaps through a Continuing Condition, was the result of discussions with Mass DEP that resulted in the submittal of the Supplemental Methods proposal. Mr. Charpentier proposed an additional 2 years of monitoring and reporting, skipping the third year and providing a final report in the fourth year. He noted that one important component of success would be regrowth of native vegetation, so while the purpose of the project is to remove invasive species, part of the long terms success of that removal will be the restoration of native plant communities, with the ultimate goal of improving the site.

Parra thanked the applicant for the volunteer effort. On the motion by Young and seconded by Murphy, it was VOTED to continue the hearing for DEP 125-1153 to 1/26/2023 at 7:30 p.m. with the representative's approval, pending a site visit and a response from DEP regarding the revised project description. Roll Call Vote: Murphy-aye; Young-aye; Hundal-aye; Parra-aye.

### **7:35 p.m. (DEP 125-1110) Notice of Intent, Continued Hearing**

Applicant: Derek Zanga

Project Location: Off South Street: Map 5, Parcel 9, Lot A; Project Description: Construction of a paved driveway and replacement of an existing stone culvert that crosses an intermittent stream with work in the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

On the motion by Murphy and seconded by Young, it was VOTED to continue the hearing for DEP 125-1110 to 3/30/2023 at 7:15 p.m. at the applicant's request. Roll Call Vote: Murphy-aye; Young-aye; Hundal-aye; Parra-aye.

### **7:36 p.m. (125-1148) Notice of Intent, Continued Hearing**

Applicant: Ryan McLane for the Carlisle Select Board

Location: Off Maple Street (Greenough Land); Project Description: Removal of a dilapidated barn

Willard reported having recently reviewed the plan with the Building Inspector, Jon Metivier, who recommended the plan be revised to increase the limit of work to provide additional stockpiling area for construction vehicle parking, materials that could be reused/recycled, and equipment access. The results of the environmental assessment are pending.

On the motion by Young and seconded by Hundal, it was VOTED to continue the hearing with the applicant's approval to 1/26/2023 at 7:45 p.m. Roll Call Vote: Murphy-aye; Young-aye; Hundal-aye; Parra-aye.

**7:39 p.m. (DEP 125-1147) Notice of Intent, Continued hearing**

Applicant: Town of Carlisle, MA Conservation Commission

Location: 750 Curve Street (Cranberry Bog Conservation Land)

Project Description: Work to stabilize a regulated dam, Cranberry Bog Dam #1.

On the motion by Murphy and seconded by Hundal, it was VOTED authorize Willard to forward the Chapter 253 Part B Application as provided by Stamski and McNary to the ODS and to continue the hearing to 1/26/2023 at 7:45. Roll Call Vote: Murphy-aye; Young-aye; Hundal-aye; Parra-aye.

**7:45 p.m. (DEP 125-1138) Notice of Intent, Continued hearing**

Applicant: Aileen English

Project Location: 384 River Road; Project Description: Removal of 42 trees within the 100-foot Buffer Zone of a Bordering Vegetated Wetland, 5 of which are located within the BVW.

Willard reported the revised mitigation plan was submitted just prior to the meeting. Applicant Aileen English recalled that the Commission had discussed allowing the removal of 28 trees at the previous meeting, subject to additional information being provided during a site visit with the arborist and submittal of a revised mitigation plan. The recently submitted revised plan includes leaving 4 totems/snags providing 20 shrubs and 24 ferns to be planted throughout the property; removal of yard waste within the BVW and in areas bordering the BVW; permanent Limit of Work demarcation.

Parra asked if the revised plan includes proposed locations for the permanent LOW markers. Ms. English said specific locations are not yet determined; she is tentatively planning to install two to -four markers, pending recommendations from the Commission. Parra said the Commission requires that permanent markers be shown on the Plan of Record so that they may be confirmed when a COC is requested.

Murphy questioned whether the removal of Tree #11 can be allowed under the WPA regulations. Ms. English said they are proposing to leave this tree as a totem. She considers this tree to be of the greatest concern and it was her understanding from discussions at the previous hearing that the Commission was willing to approve the revised removal plan pending a revised mitigation plan. Murphy said he has expressed his disapproval of the removal of Tree #11 since the hearing was initially opened. Parra said he is not comfortable with its removal unless it is found to be either diseased or a danger to the house. He said the varying points of view of members have been made clear and it will ultimately be a question of a vote for the Commission as a whole.

Parra shared several comments regarding the mitigation plan: it is limited to plants and does not include any trees, which is not consistent with the Commission's prior decisions in terms of mitigation; the plan does not include specifications on the heights of the shrubs; the locations of the permanent limit of work markers are not shown. Ms. English said the Commission's "Tree Mitigation Requirements and Conditions" within the posted Tree Removal Policy states that landowners are encouraged vs required to replant native trees at a 1:1 ratio or shrubs at a 2:1 ratio for hazardous trees. Parra noted that the policy also states that if the removal of healthy trees is permitted, landowners may be required to mitigate a total of 50% caliper of new native trees for the total caliper lost. He noted that the proposed planting of shrubs does not represent a 2:1 ratio. Ms. English said the policy states homeowners are encouraged vs required to provide the stated replacement plantings and suggested the policy should more clearly define requirements vs guidelines.

Parra polled the Commission for comments. Hundal said she could not comment on the health of the trees, and if some are healthy, they should be replaced with trees. She said it would be difficult for her to accept the proposal to remove this number of trees without at least a 2:1 ratio of shrub plantings. Murphy said he believes some of the trees are healthy, and he reiterated his concerns regarding the removal of trees within the wetland. Parra said although the number of trees has been reduced significantly, it is still an aggressive tree cutting plan and he believes the mitigation plan should be more robust to include the planting of trees in addition to the proposed shrubs. He stated he would not be prepared to vote in favor of the issuance of an OOC with the current plan.

Ms. English said she felt like the Commission was taking several steps back from the previous meeting and asked to hear exactly how many trees the Commission would require in order to approve the request. Parra said, while not formally approved, the applicant was left with the impression at the last meeting that the Commission would permit the revised tree removal plan with an appropriate mitigation plan. He said that although he is not happy with the removal of Tree #11, he would be willing to go forward with a vote if the mitigation plan were acceptable to him. Hundal said if there are healthy trees proposed for removal that the Commission had previously approved, then there should be a 1:1 ratio for each with a tree at 50% caliper, per the policy. Murphy said he would like to see a revised mitigation plan which also includes the heights of trees proposed for removal. He expressed concern that allowing the removal of Tree #11 will set a precedent by allowing cutting of a healthy tree located within a wetland.

Ms. English expressed her confusion regarding next steps. She said Commissioner Wells and Willard had attended the site visit with the arborist and Wells had agreed at the following meeting that all trees proposed for removal could potentially hit the home and could therefore be allowed for removal. Parra suggested the hearing be continued to the next meeting when Wells will have reviewed the minutes and can provide additional input. He suggested to Ms. English that she request additional guidance from her arborist in the meantime in determining which trees are healthy and which are hazardous to the house in order to label the plan accordingly. With regard to the mitigation plan, he encouraged the applicant to not look at the word “encouraged” to mean optional/at the choice of the applicant. He said that even if all trees were determined to be hazardous, he does not believe the mitigation plan is adequate.

On the motion by Young and seconded by Murphy, it was VOTED to continue the hearing with the applicant’s approval to 1/26/23 at 8:15 p.m. Roll Call Vote: Murphy-aye; Young-aye; Hundal-aye; Parra-aye. Willard requested that the applicant provide any additional information no later than noon 1/20/2023 so that it can be included in the meeting packets in advance of the next meeting.

### **8:16 p.m. (DEP 125-1140) Notice of Intent, Continued hearing**

Applicant: Martha and Kenneth Bedrosian

Project Location: 44 Bedford Road; Project Description: Construction of a detached three car garage, installation of utilities, mitigation plantings and paving of an existing dirt driveway with work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

Parra reported the revised plan was submitted earlier in the day and said future revisions must be submitted well in advance of the next meeting in order to provide fair opportunity for the Commission to review the changes. Nathaniel Cataldo of Stamski and McNary apologized for the late submittal. He presented the revised plan which includes replacing the previously proposed asphalt driveway with a pervious paver driveway to mitigate stormwater runoff. Also included in the revised plan as previously requested by the Commission is the approximate location of the septic tank.

Murphy requested clarification regarding the revised setbacks from the wetland. Cataldo said the previously proposed detached garage was located within three feet of the wetland; the revised plan includes an attached garage which is at 17.9 feet from the wetland; the current parking area is at 6.8 feet from the wetland; the revised parking area is 10.6 feet from the wetland; the area where the current parking area is located will be restored with loam and seed. Willard asked how they propose to maintain the seeded area. Mr. Cataldo said the area would be maintained as lawn. Murphy suggested this area could be planted vs loamed and seeded, which would be a more beneficial buffer to the adjacent wetland. Willard noted many of the plants are shown beyond the limit of work. Mr. Cataldo

said one of the concerns was leaving space in the event they needed to access the Septic system. Willard suggested the plants could be pulled to allow for access and replanted once the work was completed.

Parra asked if they are proposing any permanent markers to demarcate the limit of work. Mr. Cataldo said that although the limit of work is evident by the tree line, they would be willing to add some demarcation if the Commission determines it is necessary. Willard noted the plan has not been submitted to the Historical Commission. Mr. Cataldo said the architect is looking to resolve any outstanding comments before starting that process. He said the applicants are eager to close the hearing and asked if the Commission would consider closing, subject to the Condition that a revised plan be submitted with planting and monumentation requirements as discussed. Parra said the Commission's standard policy is to wait for a final plan before voting.

On the motion by Hundal and seconded by Murphy, it was VOTED to continue the hearing for DEP 125-1140 with the representative's approval to 1/26/2023 at 8:30 p.m. Roll Call Vote: Murphy-aye; Young-aye; Hundal-aye; Parra-aye.

### **8:36 p.m. (DEP 125-1026) Request to Amend the Order of Conditions, Continued hearing**

Applicant: Michael Napier

Project Location: 42 Bingham Road, Map 15, Parcel 15-27-A; Project Description: Construction of a single-family home with a different footprint than previously permitted and with the addition of a pool and patio, all within the previously approved limit of work.

The Commission had requested a peer review of the wetland delineation in order to determine if the line had changed before considering the request. The review was completed by Dr. John Rockwood in November and the revised flags were survey located and placed on the former ORAD plan. The wetland depicted on the revised plan has been approved by Dr. Rockwood. The plan for the current project was also recently revised to reflect the new flagging.

Present on behalf of the applicant was Nathaniel Cataldo of Stamski and McNary. He said that in response to the changes in the wetland line, the applicant wishes to withdraw the Request to Amend and obtain an extension to the approved plan of record if that is acceptable to the Commission; the approved plan includes a smaller house box and does not include the pool and deck. He said the change in the wetland line requires that they relocate the soil absorption system outside of the revised Buffer Zone, with all limits of work remaining unchanged.

Parra requested clarification on the request, which as he understood, was to withdraw the request to amend the OOC and request a red line change to the approved plan. Mr. Cataldo said they would request a red line change for the septic system, but the Commission had voted not to approve the extension until the wetland line was peer reviewed and reflagged. Parra said the request to extend the OOC was timely filed, but the Commission voted not to approve it because they had not yet received full compliance with the terms of the Enforcement Order. He said that at the previous hearing the Commission had wanted to receive confirmation that the crossing had been installed in accordance with the Stream Crossing Standards (SCS), but instead were told the work was not yet complete. He said the Commission has made it very clear for many months that until the first stream crossing is complete and the other requirements of the EO are met, they are not going to authorize work on the second stream crossing to proceed. Additionally, he said it is unlikely the Commission will vote to extend the OOC, and without an extension, the question of whether you amend the plan is premature in his view.

Present was the applicant, Michael Napier, who recalled that Dr. Rockwood had stated at the previous meeting that it was his opinion that the culvert was in the proper location and that the restoration work would need to be done in the spring. He asked what remains to be done in order to be in compliance with the EO. Present was peer reviewer Dr. John Rockwood of EcoTec, Inc., who clarified that he cannot certify that the culvert was located per the plan because he is not a professional land surveyor. He said what needs to happen is the channel needs to be recreated within the culvert and, once that is done, an opinion from a P.E. can be provided as to whether it meets SCS and was done in accordance with the approved plan of record. Mr. Napier said they cannot begin work to restore the channel because the ground is frozen. Parra said the Commission has been trying to get compliance with the EO

for many months and their expectation was that the work was going to be completed in July and August when the conditions were appropriate, but it was repeatedly delayed. Mr. Napier attributed the delays to scheduling conflicts and supply issues and requested permission to move forward with the stump removal for the second crossing.

Parra opened the discussion to comments from the other Commissioners. Murphy and Young agreed that the Commission must have compliance with the terms of the EO before allowing other work to proceed. Hundal also concurred. She said that while she understands what Mr. Napier is saying with regards to delays, the Commission gave the green light to proceed, and nothing happened over the summer. Parra said the process was laid out very clearly in the EO and discussed at many meetings: because of the extensive damage to the site that was created by ignoring the OOC, the Commission was going to proceed in an iterative way to correct the issues. He said it was made very clear that before moving onto other work, the first crossing needed to be in complete compliance with the Plan of Record.

Parra requested additional input from Dr. Rockwood. Dr. Rockwood said his work on the project was limited to defining the BVW boundary, making revisions, and then reviewing the revised ANRAD plan. He said he had recently submitted an email to Willard confirming the modifications that were recommended were shown currently on the revised ANRAD plan and suggesting that the revised flags be shown on a plan that includes the project. Mr. Cataldo stated that the project plan with the revised flags had been submitted earlier in the day. He requested confirmation that the purpose of Dr. Rockwood's review of the revised project plan is to confirm that the line is being shown correctly. Dr. Rockwood said it was a simple review of the wetland boundaries. He explained that if the wetland boundaries have changed at all, an extension can be allowed only in order to submit a request for an amended order; an extension can only extend a previously approved plan – it cannot extend a revised plan that is not revised through an amendment.

Parra agreed with Dr. Rockwood's assessment. He said that if the boundaries have changed, one of two things are going to happen, subject to a vote by the Commission: (1) the Commission denies the extension of the OOC; or (2) approve the extension for the purpose of considering an amendment to the OOC based upon new wetland lines. Mr. Napier asked Parra to provide the sequence of activities the Commission requires. Parra provided the terms EO and suggested that Mr. Napier consult with David Crossman or with a consultant of his choice if he needs additional assistance.

On the motion by Hundal and seconded by Murphy, it was VOTED to continue the hearing for DEP 125-1026 with the representative's approval to 1/26/2023 at 8:30 p.m. Roll Call Vote: Murphy-aye; Young-aye; Hundal-aye; Parra-aye.

#### **Certificates of Compliance:**

**(DEP 125-1114) 131 Cross Street;** Applicant: Molly MacCormack; Project: Installation of an inground pool, hardscape changes including refiguring retaining walls, granite pavers and steps, extending an existing bluestone patio and providing plantings including native trees and shrubs with work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland; Issued: 8/20/2021.

Willard reported having been unable to confirm the plantings were in accordance with the approved planting plan because the plant ID tags had been removed and the provided plant list is not consistent with the planting plan. Parra requested that the owner work with her landscaper to provide an annotated plan with botanical names included as well as locations where the plants comply with the OOCs and where they do not, as a guide for any corrective steps that may be required. Present for the discussion was property owner Chad Darling, who said he would work with their landscaper to provide the requested information.

**(DEP 125-427) 45 Red Fox Drive (formerly Lot 4 Maple Street);** Applicant: Andy Hajducky; Project: Construction of a house, sewage disposal system and associated grading within the 100 ft. Buffer Zone of Wetlands; Issued: 12/21/1995.

On the motion by Young and seconded by Hundal, it was VOTED to issue a Certificate of Compliance for DEP 125-427. Roll Call Vote: Murphy-aye; Young-aye; Hundal-aye; Parra-aye.

**(DEP 125-596) 45 Red Fox Drive:** Applicant: Andy Hajducky; Project: Addition of detached garage and driveway; installation of drainage improvements, stone retaining walls, terraces, walks, screened pergola, landscape plantings and lighting; Issued: 5/3/2000.

On the motion by Murphy and seconded by Hundal, it was VOTED to issue a Certificate of Compliance for DEP 125-596. Roll Call Vote: Murphy-aye; Young-aye; Hundal-aye; Parra-aye.

**Tree Removal Request: Applicant:** Mayra Garcia; Location: 979 Concord Street; Description: one co-dominant eastern white Pine tree located within the 100-foot Buffer Zone which could cause property damage.

On the motion by Murphy and seconded by Hundal, it was VOTED to issue an Administrative Approval contingent on the requirement that the tree be left as a snag at a minimum of ten feet high for wildlife habitat value. Roll Call Vote: Murphy-aye; Young-aye; Hundal-aye; Parra-aye.

**Elliott Farms Way (off Skelton Road) (DEP 125-0893):** Willard reported the previously permitted gravel driveway had been paved sometime after June. The Order of Conditions for this project expired in 2018 and to her knowledge nothing had been done since then. She reported her findings to the Town Planner and the Building Inspector, and a site visit was conducted earlier in the week. The owners will be cooperating and have been in contact with the engineer, who has also been in contact with Willard. Willard will be issuing an enforcement letter outlining to them the violations that will need to be addressed in a new Notice of Intent, including remediation.

9:24 p.m. On the motion by Hundal and seconded by Murphy, it was VOTED to adjourn. Roll Call Vote: Murphy-aye; Young-aye; Hundal-aye; Parra-aye.

Respectfully submitted,  
Mary Hopkins

**All supporting materials that have been provided to members of this body can be made available upon request.**