

**Carlisle Conservation Commission**  
**January 26, 2023**  
**Minutes**

**7:02 p.m. Chair Alex Parra - Introduction to Remote Meeting:** This meeting was conducted remotely pursuant 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, Nick Ognibene, Helen Young  
Conservation Staff: Sylvia Willard, Conservation Administrator; Mary Hopkins, Asst to the Conservation Administrator

**New and Pending Business: (taken up throughout the meeting as time permitted)**

**Signatory Authority:** 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: Hundal – aye; Ognibene – aye; Murphy – aye; Young – aye; Parra – aye.

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

**ConsCom Applicant:**

George Shepard was present to observe the meeting as he is considering filling the open seat on the Commission. Having been a Carlisle resident for 44 years, Mr. Shepard is familiar with the town's resources and environmental characteristics. He is employed by Raytheon BBN Technologies as a Lead Scientist in the Sensing and Control Systems, focusing on underwater acoustics and the impact of manmade noise on underwater fauna. Parra thanked Mr. Shepard for his interest.

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

**Master Plan Implementation:** The Commission conducted a review of the Master Plan Implementation document that had been distributed by Town Planner Julie Mercier to town boards and committees, who are being asked to confirm the assigned items in the plan are correct and to identify items not assigned to which they would like to provide input. The Commission reviewed the assigned items and identified several additional initiatives as follows: protection and maintenance of open space, recreational assets, conservation lands and wetlands; support of the town's cultural and historic resources relative to the Greenough Land and the Cranberry Bog; determination of feasible uses or other options for underutilized Town-owned structures as they relate to the Cranberry Bog House; pursuing measures to protect water resources and wetlands; protection of land, developed and undeveloped, and native flora, fauna and fungi, with a focus on providing assistance relative to the development of residential open space alternatives which would likely utilize land that has been evaluated in the Open Space and Recreation Plan.

**7:18 p.m. (DEP 125-1152) Notice of Intent, Continued hearing**

Applicant: Federal Investment Properties Trust

Project Location: 445 East Riding Drive - Lot 1; Project Description: Construction of a single-family dwelling, soil absorption system, associated tree removal and grading.

On the motion by Murphy and seconded by Young, it was VOTED to continue the hearing for DEP 125-1152 at the applicant's request to February 16, 2023 at 7:15 p.m. Roll Call Vote: Hundal – aye; Ognibene – aye; Murphy – aye; Young – aye; Parra – aye.

**7:19 p.m. (DEP 125-1151) Notice of Intent, Continued Hearing**

Applicant: Federal Investment Properties Trust

Project Location: 445 East Riding Drive - Lot 2; Project Description: Construction of a single-family dwelling, soil absorption system, and associated grading.

On the motion by Young and seconded by Hundal, it was VOTED to continue the hearing for DEP 125-1151 at the applicant's request to February 16, 2023 at 7:15 p.m. Roll Call Vote: Hundal – aye; Ognibene – aye; Murphy – aye; Young– aye; Parra– aye. Present was Marie Paglia of 363 East Riding Drive, who requested notification in advance of the next meeting if a further continuance is requested.

**7:23 p.m. (DEP 125-1150) Notice of Intent, Continued Hearing**

Applicant: Federal Investment Properties Trust

Project Location: 445 East Riding Drive - Lot 3; Project Description: Demolition of an existing tennis court, construction of a single-family dwelling, soil absorption system, a portion of a driveway and associated grading.

On the motion by Young and seconded by Murphy, it was VOTED to continue the hearing for DEP 125-1150 at the applicant's request to February 16, 2023 at 7:15 p.m. Roll Call Vote: Hundal – aye; Ognibene – aye; Murphy – aye; Young – aye; Parra – aye.

**7:57 p.m. (125-1153) Restoration Notice of Intent, Continued Hearing**

Applicant: Derek Zanga

Project Location: 545B South Street (Off South Street); Map 5, Parcel 9, Lot A; Project description: Removal of invasive plant species and planting of native species

On the motion by Murphy and seconded by Young, it was VOTED to continue the hearing for DEP 125-1153 at the applicant's request to February 16, 2023 at 7:30 p.m. Roll Call Vote: Hundal – aye; Ognibene – aye; Murphy – aye; Young – aye; Parra - aye.

**8:20 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

Nathaniel Cataldo of Stamski and McNary presented the revised plan reflecting an expansion of the limit of work to provide additional space for stockpiling, construction vehicle parking, and equipment access. The Natural Heritage and Endangered Species Program has found that the revised plan dated 1/11/2023 does not change their original determination that this project will not adversely affect the Resource Area Habitat of state-protected species and will not result in a prohibited take.

Willard proposed several potential Special Conditions for the Commission's consideration. Parra suggested incorporating the newly revised Carlisle Additional Conditions into the Order of Conditions for this project, which would cover several of the Special Conditions proposed by Willard.

On the motion by Murphy and seconded by Ognibene, it was VOTED to close the hearing for DEP 125-1148. Roll Call Vote: Hundal – aye; Ognibene – aye; Murphy – aye; Young – aye; Parra – aye.

Parra summarized the Special Conditions as follows: site shall be maintained to control loose debris; all stockpiling shall be located behind the erosion control barriers; the foundation shall be excavated to a depth of a foot; following construction, the site shall be restored with clean fill, loam, and native seed mix; and with a Continuing Condition allowing the manual removal of invasive species within the Buffer Zone; a Request for Determination of Applicability will be required for removal by other means and/or within the BVW. Willard recommended the pre-construction meeting should include the Conservation Agent, the site supervisor and contractors, the applicant, the building inspector, neighborhood representatives and a representative of the Carlisle Conservation Foundation.

On the motion by Hundal and seconded by Young, it was VOTED to issue a Standard Order of Conditions based on the revised document, along with the parameters outlined by Parra, and with a preconstruction meeting to include the individuals recommended by Willard. Roll Call Vote: Hundal – aye; Ognibene – aye; Murphy – aye; Young – aye; Parra – aye.

**8:34 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.

On the motion by Murphy and seconded by Young, it was VOTED to continue the hearing for DEP 125-1138 at the applicant’s request to February 16, 2023 at 7:45 p.m. Roll Call Vote: Hundal – aye; Ognibene – aye; Murphy – aye; Young – aye; Parra – aye.

**8:35 p.m. (DEP 125-1147) Notice of Intent, Continued hearing**

Applicant: Town of Carlisle, MA Conservation Commission

Project Location: 750 Curve Street (Cranberry Bog Conservation Land); Project Description: Work to stabilize a regulated dam, Cranberry Bog Dam #1.

On the motion by Young and seconded by Murphy, it was VOTED to continue the hearing for DEP 125-1147 at the applicant’s request to February 16, 2023 at 7:45 p.m., pending a response from the Office of Dam Safety. Roll Call Vote: Hundal – aye; Ognibene – aye; Murphy – aye; Young – aye; Parra – aye.

**8:36 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

Applicants Martha and Kenneth Bedrosian were present. At the previous hearing, the Commission had requested a revised plan with additional mitigation plantings and monumentation to demarcate the limit of work. A revised plan dated 1/25/23 includes FENO survey markers and an extension of the pervious pavement to the extent of the existing edge of the driveway. The revised plan also reflects a reduced number of mitigation plantings, which the applicants attribute to concerns regarding access to the bulkhead and to the septic system located in the back of the property.

Parra said that at the previous hearing there was discussion regarding the treatment of the area between the proposed garage and the wetlands. He recalled the Commission had requested this area be planted with native plantings, vs converting the area to maintained lawn, to prevent potential future encroachments more effectively on the wetlands; however, the recently revised plan dated 1/24/23 shows pervious pavers in this area. He asked if there have also been changes to the mitigation planting shown on the previous plan. Mr. Bedrosian said they have relocated some of the plantings to the border of the BVW to preserve access to the bulkhead and to the backyard. Willard shared the previous plan dated 1/12/23, which includes 2 additional 24-inch plantings in the area between the proposed garage and the wetland that are not shown on the most recent plan.

Parra opened the discussion for comments from the Commission. Murphy recalled the Commission had requested that the area where a portion of the existing driveway will be removed should be planted to prevent use of the area as an excess parking area; instead, the revised plan includes pervious pavement in this area, which to him indicates they are going to drive and park in this area. He said he understands their reasoning but views it as a great departure from discussions at the previous hearing. Ms. Bedrosian suggested that if the Commission prefers, they would be willing to revert to loaming and seeding the area. Murphy said the applicants had originally proposed grass in this area, so a compromise may be to approve grass vs plantings in this area to allow access to the rest of the property. Hundal noted that a revised plan is needed prior to closing the hearing to

include not only the reversion to grass in this area, but also to include the plantings that were removed on the 1/24/23 plan and to include the permanent limit of work demarcation.

Willard noted the request for a COC for the septic system installed in 1999 is pending and will require that they first consult with the BOH.

On the motion by Murphy and seconded by Young, it was VOTED to continue the hearing for DEP 125-1153 with the applicant's approval to February 16, 2023 at 7:15 p.m. Roll Call Vote: Hundal – aye; Ognibene – aye; Murphy – aye; Young – aye; Parra - aye .

**9:10 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.

Nathaniel Cataldo of Stamski and McNary said that after reviewing the terms of the Enforcement Order (EO), he would like to understand if there is anything specific that needs to be completed in order for the applicant to move forward with either the originally approved plan or with the Request to Amend. Present was applicant Michael Napier, who said he is unable to comply with the terms of the EO in completing the restoration of the first crossing due to weather conditions. He asked if the Commission would grant permission for him to begin work on the house foundation in the interim.

Parra said the project has become a procedural mess and in order to move forward with the house construction, the Commission would first need to agree to extend the OOC, which is now expired. He explained that extensions of an OOC on which there is an existing EO is questionable, but if the Commission were able to get over that hurdle, the next hurdle is how to handle the EO, which has stood for over 15 months and which requires an iterative process. He said that if the Commission were able to also get past that, the question of the amendment of the OOC would be the last step, and part of the problem with that is that the most recent plan includes a revised delineation which is inconsistent with the work the applicant is asking to move forward with.

Parra requested comments from Commissioners regarding the question of whether to extend the OOCs. Murphy's position was that there is an outstanding EO, and procedurally the Commission cannot move beyond that until it has been resolved. Ognibene seconded Murphy's comment, stating that compliance with the EO would be a prerequisite for moving forward. Hundal and Young were also in favor of gaining full compliance before proceeding with the project.

Parra asked the environmental monitor, David Crossman of B & C Associates, to address the EO. Mr. Crossman said there were a number of items required, the first of which - the installation of the first wetland crossing associated with the driveway - had been performed. Items pending completion include the restoration of the stream channel and construction of the replication area associated with the driveway crossing, which cannot be undertaken during winter field conditions, and which must be undertaken during low flow conditions. Regarding the Water Quality Certificate Deed Restriction, Mr. Crossman believes Stamski and McNary will be handling that matter. Mr. Crossman said they are not proposing any work over the second crossing at this time; instead, Mr. Napier would like to begin work on the house this winter. Mr. Crossman suggested they could address all resource area issues by the end of April. He said he is aware the first crossing was to occur during the summer, but the work was delayed extensively due to issues beyond the applicant's control. He said that in the meantime, Mr. Napier would like to begin work on the house if possible, excluding all exterior work once the foundation is completed.

Murphy said they are essentially proposing to do work without first fulfilling the obligations under the existing EO. Ognibene agreed, stating that the terms of the EO are very clear and are not open to interpretation. Mr. Napier said there is nothing further he can do relative to the crossing until site conditions improve. Hundal said

the Commission is bound by the previously voted upon decisions and if they begin deviating from that, it undermines the process.

Parra said that in order to permit the work on the house construction to proceed, he believes the Commission would be required to either issue a new OOC or agree to an extension of the now expired OOC. He said he is of the view that the EO is outstanding not just because of delays in manufacturing of the culvert but also because of the many months before that when there was no sustained effort to respond to the EO issued in Nov of 2021. He said that if he had thought there had been a sustained effort and the delays had been truly beyond Mr. Napier's control, he may have had a different view, but the history demonstrates that unless and until things are done that the Commission has requested be done, he is not in favor of granting permission to move on to the next step.

Murphy moved to allow no further activity until the obligations of the EO are fulfilled. Ognibene seconded the motion. Mr. Crossman then offered another scenario before the Commission voted on the motion: the applicant files a new Notice of Intent, including all revisions to the plan and incorporating all requirements from the EO to be completed by April 30. Mr. Murphy said his motion had been seconded and he believes Mr. Crossman was out of order. Roll Call Vote: Hundal – nay; Ognibene – aye; Murphy – aye; Young – abstain; Parra – aye. Motion carried (3-2).

Parra said he personally thought the filing of a new NOI was a good idea in that it would relieve many of the procedural issues and would clarify what the applicant is requesting. He stated that procedurally, the EO remains in place; the Request to Amend the OOC is withdrawn; and once the new NOI has been filed, the Commission will proceed with the EO as a backdrop.

#### **Enforcement updates:**

**1215 Curve Street**, Tamara Murray (DEP 125-1089): The erosion control has been installed and the construction entrance will be re-installed shortly. Willard to meet on site with the engineer and the site contractor early next week.

#### **Conservation Land Management:**

**Foss Farm Roadside Barrier Proposal:** Land Stewardship Committee co-chairs Warren Lyman and Rhonda Michaud and member Judy Asarkof were present to continue the discussion begun last fall regarding their proposal to install a series of roadside barriers for habitat protection at Foss Farm. Mr. Lyman provided a summary of key aspects of the proposal. The purpose of the project is to keep vehicular traffic from driving on the areas that have been identified as important sandplain grassland habitat that supports a unique ecological community. The barriers would be comprised of a series of metal T-posts spaced 10 feet apart for a total length of approximately 250 feet on either side of the garden access road in the area between the horse rinks. The end result would be a single lane road throughout the section, which would require vehicle pullover areas and signage at each end of the area to allow one vehicle to stop and wait while a vehicle approaching in the opposite direction to traverse the section. LSC has received cost estimates for the posts ranging from \$350 to \$450. Mr. Lyman said the LSC understands there are issues related to the implementation and effectiveness of the proposal and they plan to monitor the situation and make mid-course corrections as needed. The LSC proposes implementing the proposal and, at the end of the first year, determining whether to make changes or to eliminate the barriers.

Ognibene asked what adverse impacts on wildlife they are aiming to prevent with the proposal. Mr. Lyman said the areas contain outstanding habitat both in terms of species diversity and relative sizes of populations for colonial nesting species; these areas have become barren on either side of the road over time as a result of vehicles parking and driving outside of the roadway. Parra noted there is a fenced in area designated as a Blazing Star protection plot which is similarly exposed ground, and he asked why LSC thinks there is a problem caused by vehicles pulling off the road. Mr. Lyman said they have observed vehicle tracks in these areas. He noted that in talking with people about the proposal it is clear there are differing views about the volume of traffic traversing the road. Concerning encroachment off the roadway, Ms. Asarkoff said there has been an effect on the sides of the road for many years, which continues to creep farther and farther into the habitat. She has visited the site with a professional entomologist in conjunction with her research on a state listed species of concern, who

indicated that one of the problems of vehicles crossing in that area is that it grinds the sand into a finer material which is unsuitable for ground nesting insect burrows.

Parra asked if the LSC had spoken with farmer Mark Duffy about the proposal. Mr. Lyman confirmed and said he plans to meet Mr. Duffy at the site to further investigate the issue. Also present was Mr. Duffy, who expressed his concern about safety and access for his farming vehicles and equipment. He needs the roadway to be wide enough for vehicles to pass without the need to back up long distances. Parra said Planning Board road width requirements for a typical road would be 18 feet and he asked Mr. Duffy what in his opinion would be an adequate distance between posts for safety purposes. Mr. Duffy said that from his perspective the roadway would need to be close to 20 feet wide to allow for safe passage for passenger vehicles and farming equipment. Murphy suggested the installation of signage at either end of the sections stating vehicles must yield to farm vehicles may alleviate Mr. Duffy's concerns. Mr. Lyman said the proposal includes pullouts at either end of the section and adding a third pullout is certainly a possibility.

Parra thanked the LSC representatives for bringing the proposal and said the Commission would be discussing it further before making a decision.

**Conservation Land Monitoring Initiative:** Land Stewardship Committee co-chair Warren Lyman provided the Commission with an update on the LSC's efforts to improve the monitoring of the 35 town-owned conservation parcels. They are in the process of implementing a more formalized program under which each property will have one or two stewards assigned with specific responsibilities and associated annual reporting based on observations and will include repair action items that will require funding and recommendations when required. Mr. Lyman said the LSC plans to prepare a site-specific checklist for each of the properties including responsibilities related to physical areas, man-made features and legalities, and annual reporting. The Commission thanked the LSC representatives for attending and expressed their appreciation for their efforts.

**Foss Farm Community Gardens:** Present for the annual review were Garden Manager Jack O'Connor and Assistant Garden Manager Jonathan DeKock. Mr. O'Connor provided an overview of last year's growing season: 62 gardeners tended the 102 plots; conditions were challenging due to the lack of rainfall, requiring more frequent watering; there were two well failures which required nearby gardeners to walk substantial distances to draw water; there are no significant proposed changes to the garden rules; there is a slight change in the layout of the pathways; several wells have been adapted to allow the use of mechanical irrigation.

Mr. DeKock provided an update on the financials: the Foss Farm Community Gardens revolving fund currently contains approximately \$5,800; the fund is increased by approximately \$1,800 per year, including plot fees and maintenance donations; there is concern that the deferred maintenance on the wells will cause the cost of performing the maintenance to grow excessively this year; the estimate of repairing each well is \$2,000; the requests for price quotes are pending; other annual maintenance requirements include plot staking and modifications to the remaining pumps for mechanical irrigation at a cost of \$400 per well.

In response to anticipating these increased expenses this year, the garden managers proposed raising the plot fee from \$15 to \$20-\$25 in order to maintain a buffer to manage ongoing maintenance. In addition, there is a \$3,000 annual cap on expenditures, which could be overcome by requesting approval through the Select Board and the FinCom to exceed the limit. Ideally the fund would be maintained with a minimum balance of \$2,000 to perform at least one emergency well correction annually. Following discussion, the Commission determined an increase in plot fees was warranted.

On the motion by Murphy and seconded by Young, it was VOTED to raise the plot fee to \$25, allowing a potential exemption for individuals who demonstrate the need. Roll Call Vote: Hundal – aye; Ognibene – aye; Murphy – aye; Young – aye; Parra – aye.

#### **Land Use Permits:**

On the motion by Young and seconded by Hundal, it was VOTED to issue a Land Use Permit to **Marlies Henderson/Hike Beautiful Billerica** to sponsor a group outing from the Greenough Land to Foss Farm and back on Saturday, February 18, 2023, from 9:30 AM to Noon. Roll Call Vote: Hundal – aye; Ognibene – aye; Murphy – aye; Young – aye; Parra – aye.

On the motion by Murphy and seconded by Young, it was VOTED to issue a Land Use Permit to **Meghan Mathews to hold a Moonlight Owl Hike** at Foss Farm on Tuesday, February 7, 2023 from 6:30 p.m. to 8:30 p.m.

9:53 p.m. On the motion by Murphy and seconded by Hundal, it was VOTED to adjourn. Roll Call Vote: Hundal – aye; Ognibene – aye; Murphy – aye; Young – 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.**