

**Carlisle Conservation
January 28, 2021
Minutes**

7:03 p.m. Chair Lee Tatistcheff Introduction to Remote Meeting: Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, this meeting was conducted via remote participation via Zoom with the link provided on the Posted Agenda. 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 Participating: Lee Tatistcheff (Chair), Angie Verge (Vice Chair), Dan Wells (7:20), Helen Young, Alex Parra, Navneet Hundal
Conservation Staff: Sylvia Willard, Conservation Administrator; Mary Hopkins, Assistant to Administrator

Land Stewardship Committee - Report of Activities:

Land Stewardship Committee (LSC) members Dwight DeMay, Warren Lyman and Tom Brownrigg were present to provide the Commission with an update on activities undertaken over the past year.

As background, Mr. DeMay said the committee’s purpose is to protect and maintain the natural and cultural resources on town conservation lands. Duties included in the committee charter include monitoring use and conditions of larger conservation properties; assessing special issues associated with the land; assisting applicants/residents with special projects and proposals; providing assistance to other town boards and committees as requested. The committee is currently comprised of six members. Mr. DeMay said they would ideally have one or two additional members.

During the past year, the LSC conducted inspections of conservation land signage and submitted a proposal to the Commission for replacement and/or new signage, now under consideration pending further information. Over the summer, the LSC also addressed an increase in commercial drone use on the Towle Conservation Land by providing the Commission with formal recommendations to limit the potential negative impacts on passive recreation activities and on wildlife. These recommendations were officially adopted by the Commission and were communicated to Motorola. The LSC has also been conducting ongoing research on the impacts of deer browsing on conservation land. Special projects included assistance with an Eagle Scout project involving the installation of bat houses on the Benfield Land and the ongoing development of a public pollinator garden project put forth by a Carlisle resident.

Going forward the LSC would like to continue their work in preparing baseline assessments and management plans as time and resources allow. The committee would ideally like to have surveys done and boundaries staked in order to demarcate property lines more clearly in some locations, as there have been some issues concerning maintenance on public vs privately owned land. Mr. Lyman noted that when encroachment issues have arisen in the past and been brought to Willard’s attention, she has usually been able to work out a resolution with the abutter on an informal basis, but there have been some instances when the issuance of an Enforcement Order has been required. Tatistcheff said it is always a good idea for new homeowners to get their land professionally surveyed and marked to avoid future problems.

Verge thanked the committee for all they do to support the Commission. Tatistcheff pointed out that part of what makes it possible for the Commission to be good stewards of the conservation lands in addition to their wetlands protection responsibilities is largely due to the support provided by the LSC. She encouraged people listening who are interested in conservation efforts to reach out to the LSC.

7:23 p.m. (DEP 125-1085) Abbreviated Notice of Resource Delineation, Continued Hearing
Applicant: Chris Buono, All Things Real Estate, Continued Hearing
Project Location: 0 South Street, Map 5 Lots 54 and 56
Project Description: Review of 6,500 feet of Bordering Vegetated Wetland Resource Area delineation

Tatistcheff opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Bylaw. On the motion by Verge and seconded by Commissioner Parra, it was VOTED TO continue the hearing at the representative's request to March 11, 2021 at 8:00 p.m.

The applicant will be re-notifying abutters and submitting a new legal notice for publication prior to the continued hearing. Roll Call Vote: Verge – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

7:34 p.m. (DEP 125-1100) Notice of Intent, Continued Hearing
Applicant: Locust Construction Group LLC
Project Location: 0 Rutland Street, Map 35 Parcel 3A (421 Rutland Street NOW)
Project Description: Installation of a driveway and curb cut

Tatistcheff opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Bylaw.

Present for the hearing was applicant Douglas Mix, who said that although he was unable to attend the recent site visits, he has been to the site many times. He reported they have revised the plan based on discussions at the previous hearing and recent site walk and are willing to work with the Commission to move forward with the project.

Giovanni Fodera of Fodera Engineering then shared the revised plan dated 1/21/2021. The revised plan shows the driveway has been relocated by approximately 12 feet to avoid the need for tree removal and to obtain a greater distance from the BVW. The revised driveway location will also eliminate the potential for snow plowing into the wetland located across the street.

Tatistcheff asked if they had addressed the suggestion of a construction entrance. Mr. Fodera said they are willing to provide a 50-foot construction entrance at the revised driveway location, comprised of crushed stone to eliminate the potential runoff of sediment from trucks travelling to and from the site. He noted the Planning Board will be conducting a site walk in conjunction with their Scenic Roadway application.

Commissioner Wells noted that the erosion control detail and plan notes were not carried forward from the original plan dated November 16, 2020. Mr. Giovanni said the revised plan submitted to the Commission was more of a driveway exhibit for the Planning Board Scenic Roadway application and he would be submitting a final, stamped plan to the Commission including all plan detail from the original plan submitted with the NOI. Commissioner Wells also requested clarification as to whether their intention is to show the proposed tree line along the driveway as the limit of work. He said typically the erosion control barrier serves as the limit of work, so whether the tree line is labeled as the limit of work or some other mechanism is used, there would be no chance for trees being cut within the Commission's jurisdiction without prior approval when it comes time for the driveway constructed. Mr. Fodera confirmed they are showing the tree line as the proposed limit of disturbance.

Following further discussion, the Commission determined the hearing should be continued given the number of additional plan revisions needed, which include: construction entrance detail, limit of work to be lined with construction fencing and added to plan notes, replacement of plastic netting on straw wattles with biodegradable casing, tree protection detail for two trees straddling the driveway. The Commission agreed it would not be necessary for the representative to be present at the continued hearing if the revised plan is found to be satisfactory.

On the motion by Verge and seconded by Young, it was VOTED to continue the hearing to February 18, 2021 at 7:15 p.m. pending the submission of a stamped revised plan as discussed. Roll Call Vote: Verge – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

Enforcement Order: 155 Woodridge Road- George Kapsalis: Landscaping alterations within the Conservation Commission’s jurisdiction including work within a documented vernal pool

Discussion continued to next meeting at the property owner’s request.

Certificates of Compliance:

7:54 p.m. (DEP 125-1042) 136 Hartwell Road; Nancy Weinstein & Robert Lieb. Landscape work and After the fact tree removal; Issued: 2/22/2018

Willard provided some background on the project. The NOI was submitted following notification from an abutter reporting that trees within the Buffer Zone on his property and on the subject property had been removed. Included in an after the fact filing was the removal of 32 trees within the 100-foot Buffer Zone as well as some additional work including reconstruction of an existing brick sidewalk, expansion of an existing driveway and filling of sink holes in the yard. Also included with the submission was a Wetlands Permitting Plan and a landscape plan that includes a list of generic plants. A Special Condition within the OOC’s required that the owner submit to the Conservation Commission a list of native plants to be used for restoration of the cleared area located within the 100-foot Buffer Zone, including species, size, and spacing density. A condition allowing for the stumps to be cut flush to the soil level, but not pulled, was also part of the OOC’s.

Upon being contacted by the property owner last fall regarding the process for obtaining a Certificate of Compliance, the owner noted that the plantings had not been done but that plenty of plants were now growing back. Willard then recommended to the property owner that she obtain the services of a wetland scientist to evaluate the vegetative growth that had occurred within the disturbed area following the tree removal and provide a report of his findings to the Commission.

Wetland Biologist David Crossman of B & C Associates was present to provide a summary of his report based on a site visit conducted on October 9, 2020. Mr. Crossman said he initially found the area did not appear to have any growth at all, but upon closer inspection he found numerous small plants growing throughout the disturbed area. The report includes an emerging plant inventory as follows: herbaceous layer: dozens of Hay scented Ferns, Tree Clubmoss, Partridgeberry, Wild Sarsaparilla and Upland Grasses; shrub layer: Highbush Blueberry, Black Huckleberry, Old Field Raspberry and Sweet Pepperbush; there were a few small saplings including Chestnut, White Ash and Black Birch and hundreds of Red Maple, White Pine and a few Red Oak seedlings.

At the conclusion of his summary, Mr. Crossman said he is aware that the homeowners do not intend to do any additional plantings in the disturbed area; however, he believes the area is slowly revegetating itself and if left alone, it would likely fill in more densely than the adjacent, undisturbed area due to the increased level of sunlight now reaching the area.

Verge asked Mr. Crossman if he observed any indication of invasive plant issues. Mr. Crossman said that although he found some European Buckthorn on the site, which is common in Carlisle, all other plants he observed in the shrub layer, including Highbush Blueberry, Old Field Raspberry and Sweet Pepperbush, are native. Verge noted the OOC include a Continuing Condition allowing the manual removal of invasive plants and she asked if the homeowners are planning on staying on top of that. Ms. Weinstein confirmed.

Commissioner Wells asked Willard if a list of native plants was ever submitted in accordance with the Additional General Conditions within the OOC. Willard stated the list was never received.

Ms. Weinstein explained they had planted 20 “Green Giant Arborvitae” between the two properties, some of which are now up to 12 feet tall, are resistant to deer, grow quickly, and withstand heavy snow and ice.

Verge clarified these plants are native to the west coast. Tatistcheff noted the requirement was to plant species native to this area within the disturbed area.

Tatistcheff explained to the applicant that this request for a COC is asking for certification that all conditions have been complied with. Ms. Weinstein said they had hoped allowing the environment to recreate itself would be hardier than planting new plants and would also avoid disturbance to what has been growing in over the last few years. Tatistcheff explained that if that is the case, the applicant would be required to file a request for an Amended OOC, since they have not complied with the conditions as stated in the Order. Ms. Weinstein said she probably should have applied for an amendment, but she knew the permit would be expiring, so instead reached out to Willard for guidance. Willard noted that this permit would normally expire on 2/22/2021, but during the declared COVID state of emergency, any existing OOC is automatically extended until the state of emergency has ended.

Verge commented that it is nice to see native plant species coming back but said she believes the intent of this condition was to address the unpermitted tree removal in order to ensure we bring back native diversity and introduce some new native plants and because of this she cannot support issuing a COC indicating compliance. Ms. Weinstein said she would need more guidance as to exactly what to plant and how many. Verge said she would suggest they purchase plantings in small sizes to allow plants to establish roots and directed her to the Commission's web page which includes a native plant list and information on planting in jurisdictional areas.

Commissioner Wells agreed with this approach, suggesting that perhaps with Mr. Crossman's assistance the applicant could provide an ATF plant list, incorporating some of the existing vegetation, with additional native plants added as deemed necessary in order to provide diversity, therefore reducing the number of new plantings required. This approach would also provide a formal planting plan as required by the Order. He noted that in more recent years the Commission has made it a practice to include more detailed requirements in terms of size and density for restoration plantings and because of this he believes the Commission can be a bit more lenient.

The Commission requested that the applicant work with Mr. Crossman to provide a planting proposal based on conditions during the upcoming growing season when the extent of volunteer growth can be evaluated, by incorporating both woody and herbaceous plantings to ensure there is appropriate native plant diversity.

Conservation Land Management:

Benfield Conservation Land - Septic System Update:

Present were Mark Beaudry of Meridian Associates and Benfield Farm's Phil Giffie from the Neighborhood of Affordable Housing to provide an update on the septic system testing and present two concept plans for the replacement septic disposal system design on the Benfield Conservation Land.

Mr. Beaudry reported they have now completed three days of soil testing on the Benfield Conservation Land where the disposal system was in a state of failure. Test pits were done in 12 locations and are now staked out within the easement areas within the CR by survey. After examining multiple soil test pits, they determined that the soils in the lower part of the septic system reserve area had sufficient percolation rate to be an appropriate site for the replacement system.

Mr. Beaudry screen shared two draft preliminary design sketch plans for a Perc-Rite Drip Dispersal leaching field area and provided a detailed review – one of which provides a 3-foot separation to groundwater and the other a 4-foot separation. Beaudry noted that going with a 3-foot separation would require a Title V waiver from the BOH under the local upgrade approval process.

Mr. Beaudry then reported that after discussing the conceptual plans with the BOH at their previous meeting, they have requested that the feasibility of the 4-foot separation design be further explored. This would require a 6 to 8-inch fill above existing grade in some areas and may require grading to expand beyond the easement lines. This

would create a potential conflict with the terms of the CR that exists in this location as follows: the “Prohibited Uses” section precludes the placing, filling, storing or dumping of soil within the restricted area; the “Reserved Rights” section states ... upon installation of septic systems and wells, the existing contours, elevation, and contours shall be restored to the greatest extent possible.” Beaudry said they are hoping there is some flexibility here if they generally follow what is now there for existing grades. However, if the CCF (CR holder) and the Commission determine the 8-inch fill over the system area could not be considered reasonably consistent with the existing grades, there is the potential that this design would require a modification to the CR, which could be a lengthy process. There is the possibility that the location of the system could be adjusted to be more parallel with existing contours and they may be able to get closer to existing grades, but the question remains whether it would be possible to modify the easement to accommodate the revised location without having to modify the CR document.

Beaudry concluded by stating they did not expect a decision from the Commission given the need to consider the preferred plan further and to explore the associated potential legal matters.

Commissioner Parra asked for clarification as to whether the BOH has asked him to come to CCF and to the Commission to get their reaction on the 4-foot separation before they make a determination whether to further consider the proposal for a lesser mound calculation. Mr. Beaudry said he believes they have accepted going with a lesser mound, but they want the plan enhanced. Commissioner Parra asked if they would be required to go outside the easement area with fill with a 4-foot separation or if they could stay within the current boundaries of the easement. Mr. Beaudry said they would have to go outside the easement area with fill unless they included a retaining wall or membrane.

Commissioner Parra said that although he did not know what CCF would think about this or Town Counsel if he were asked, his initial reaction that if the BOH were going to require a 4-foot separation and the 4-foot separation would get a system that functions and provides environmental protection as it should, he could support working with that as best we can. Commissioner Wells said he agrees with Commissioner Parra’s point of having a safer system and that he could therefore accept minor grading.

Tatistcheff said she is very supportive of this housing and wants to find a good solution that will be more tenable in the long term than what we have had to date, but her concern is with the legality of what is being proposed in terms of the easement and she would like to hear from counsel before proceeding.

Present for the discussion were Select Board and Affordable Housing Trust member Kate Reid and BOH Chair Tony Mariano. Mr. Mariano clarified that NOAH and Mr. Beaudry presented a conception design to them to start the conversation, but the BOH has not approved any aspect of the proposal at this point. Ms. Reid offered to assist in coordinating consultations with Town Counsel. Commissioner Parra requested that Beaudry provide a sketch plan showing the grading that would be required beyond the limits of the easement if the location were to be adjusted, to be provided to Town Counsel.

Greenough Dam CPC Grant: Completed application to be electronically signed and submitted 1/29/2021.

Greenough Dam EOEEA Grant Application: Willard has been in contact with the state and has learned that the design and permitting phase of the grant program has opened and that the construction phase will be opened at a later time to be determined.

Greenough Dam Vegetation Management: Tatistcheff reported receiving reports from concerned residents regarding clearing activity on the dam that may be unauthorized. She thanked the residents for their concern and explained to those in attendance who may be interested that the DPW crew recently removed the trees and most of the brush from the dam, as authorized by the DEP under an open OOC.

Request from Chelmsford Conservation Commission regarding new Cranberry Bog Trail: The Commission received a request from the Chelmsford Conservation Chair David McLachlan regarding two trails known as the “unauthorized trails” they have voted to accept as official trails. They have asked Carlisle to pick 2 appropriate names consistent with the trail names at the bog, mark the trails with colored trail marker cards, and bring the trails up to our Carlisle Trails Committee standards over time. On the motion by Parra and seconded by Verge, it was VOTED TO defer the matter to the Trails Committee. Roll Call Vote: Verge – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff - aye.

Administrative Matters:

Signatory Authorization: On the motion by Commissioner Parra and seconded by Commissioner Young, it was VOTED to authorize the Administrator as signatory on all matters approved during the meeting. Roll Call Vote: Verge – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff - aye.

Bills Approval: On the motion by Commissioner Young and seconded by Commissioner Hundal, it was VOTED to approve the payment of payroll as presented. Roll Call Vote: Verge – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff - aye.

Minutes: On the motion by Commissioner Young and seconded by Commissioner Hundal, it was VOTED to adopt the minutes of December 20, 2020. Roll Call Vote: Verge – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff - aye.

FY22 Budget Update: Verge reported on the recent Finance Committee meeting she attended with Willard when they presented the Commission’s responses to the annual budget questionnaire and a summary of anticipated needs. The proposal includes a request to increase the land maintenance budget line to include additional funding to complete the Benfield Conservation Land restoration work, to continue and to expand invasive plant mitigation work on several properties, including Towle Field, the Cranberry Bog, and the Greenough Land (\$3,000). Also requested is an additional \$3,000 in the Cranberry Bog Maintenance line to address increased maintenance costs. Verge emphasized the importance as a town to being committed to maintaining the conservation lands now and into the future.

The budget proposal also includes a request that the 3 hours per week for the Assistant to the Conservation Administrator position currently funded through the Commission’s Intents Account be shifted to the FY22 General Fund budget allocations in order to have the funds available for unanticipated wetlands consulting needs.

Community Preservation Act funds will be requested to fully fund the repair of the Greenough Dam in the event the state grant application is not accepted. The Commission will also be submitting a CPA grant application to fund the next phase of the Cranberry Bog Management Plan. A formal vote on the budget proposal will be taken at the next meeting.

Goals Workshop Update: Tatistcheff and Willard reported significant progress towards completing the Greenough Dam grant applications and updating the operations manual.

Tree Removal Policy & Guidelines for Web: Discussion deferred to next meeting.

Subcommittee/Liaison Reports:

Cranberry Bog Working Group: Commissioner Parra reported the RFPs were sent out and they have received statements of interest from two of the four recipients thus far.

Municipal Vulnerability Preparedness Committee: ConsCom liaison Commissioner Hundal reported the committee is planning a workshop for March 27 when they will work to identify vulnerabilities and strengths in

Carlisle, climate actions, priority actions and more. The committee is currently in the process of identifying a list of key individuals who they will seek to attend the workshop.

Project Updates:

48/42 Bingham Road: Commissioner Wells and Willard recently visited the site with and have since sent written notification to the developer, Stacy Scott, informing him of requirements needing immediate attention including removing haybales from the stream bed, posting the correct DEP numbers, and adding the required siltation fabric per the approved Plan of Record.

Willard reported receiving an email earlier in the day from the wetlands consultant, David Crossman of B & C Associates, informing her he is no longer monitoring the site because he has not been compensated for his work in quite some time. Mr. Crossman also stated in the email that the developer has not implemented any of the erosion control measures he has requested since December.

Tatistcheff requested that Willard prepare an Enforcement Order informing Mr. Scott that further action will be taken if all requirements are not addressed immediately.

9:18 p.m. On the motion by Verge and seconded by Hundal, it was VOTED to adjourn. Roll Call Vote: Verge – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff - aye.

Respectfully submitted,
Mary Hopkins

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