

Carlisle Conservation Commission
April 13, 2023
Minutes

7:00 p.m. Chair Alex Parra called the remote meeting to order. 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: Alex Parra (Chair), Dan Wells (Vice Chair) 7:00-8:34, Navneet Hundal, Helen Young; Nick Ognibene 8:40-8:49
Conservation Staff: Sylvia Willard, Conservation Administrator; Mary Hopkins, Asst to the Conservation Administrator

New and Pending Business:

Signatory Authorization: On the motion by Hundal and seconded by Young, it was VOTED to authorize Willard to sign documents as discussed at this meeting on the Commission's behalf. Roll Call Vote: Young – aye; Hundal – aye; Wells – 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: Young – aye; Hundal – aye; Wells – aye; Parra – aye.

Appeal: (DEP 125-1138) 384 River Road; Aileen English: Parra reported the applicant for 384 River Road has filed an appeal with DEP. The appeal noted the applicant believes the Commission was holding her to the mitigation requirements in accordance with the Commission's Tree Removal Policy, though it was adopted after the NOI application had been submitted. DEP had scheduled an initial site visit for April 29, but it is being rescheduled because the Commission was not notified within 10 business days of the issuance of the OOC in accordance with the provisions of WPA M.G.L. Ch. 131 S40.

Greenough Barn Warrant Article: On the motion by Wells and seconded by Hundal, it was VOTED to officially support the Greenough Barn Warrant Article to be presented at Town Meeting on May 8. Roll Call Vote: Young – aye; Hundal – aye; Wells – aye; Parra – aye.

Water Management Act Renewal - Cranberry Bog: The Commission has received notification from the DEP that the town's renewal application submitted in 2021, extended to April 7, 2023 due to the COVID tolling, has now been approved at the same flow rates through April 7, 2033.

Esty Road Proposal - Proposed new home abutting the Greenough Conservation Land. There is a proposal to the Planning Board presented by Jonathan DeKock on behalf of CCF requesting that prominent property bounds be placed along common boundary line between this lot and Greenough prior to construction due to the potential for tree removal and other forms of encroachment. The Commission will investigate whether there is still a venue for voicing requests and will also coordinate a site visit with LSC.

Earth Day – Route to Sustainability Day April 22: Parra and Murphy will present information relative to the Cranberry Bog Restoration NOI and the Cranberry Bog Repair of Dam #1 NOI. They also plan to provide information regarding the Commission's Tree Removal Policy and Guidelines.

7:16 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.

Parra reported the plans prepared by Stamski and McNary as well as the subsequent submittal of additional information that were submitted to the Office of Dam Safety (ODS) have received their approval, subject to conditions. The Commission will conduct a further review of the plan design for the overflow spillway relative to the 100-year storm at their next meeting and will also conduct a review of the draft Order of Conditions. On the motion by Wells and seconded by Young, it was VOTED to continue the hearing to 5/4/2023 at 7:15 p.m. Roll Call Vote: Young – aye; Hundal – aye; Wells – aye; Parra – aye.

7:32 p.m. (DEP 125-1155) Notice of Intent, Ecological Restoration Limited Project

Applicant: Danielle Zimmerman

Project Location: 620 Lowell Street, Map 27 Parcel 57A-A

Project description: Management of non-native invasive aquatic plant species in a pond.

James Treacy of TRC Companies presented the plan. The pond is an approximately 0.15-acre manmade impoundment that consists of a single, bowl-like basin adjacent to a residential driveway off Lowell Street. An overflow pipe leading north from the pond discharges approximately 100 feet from the pond. Outflow from the pond ultimately flows downslope into a forested wetland.

During the August 2022 survey, TRC scientists observed multiple species of amphibians, reptiles and insects inhabiting the pond and surrounding areas. The pond suffers from the growth of the aquatic invasive species Eurasian milfoil (*Myriophyllum spicatum*). The widespread and dense growth of Eurasian milfoil in the pond currently impairs habitat for fish and wildlife and has resulted in decreased water quality and aesthetics. The management of nuisance plant growth in the pond is intended to restore aquatic habitat and ecological function of the pond and to improve water quality and aesthetics.

The applicant is seeking approval for a variety of management strategies for improving water quality conditions and controlling the spread of nonnative, invasive aquatic plant species, including the installation of an aeration system and the use of herbicide treatments (ProcellaCOR) for the control of milfoils and Clearcast for use on select species of emergent vegetation as a foliar spray, and harvesting. The applicant is also seeking approval for the use of algaecide treatments should they become necessary to control excessive algal growths following the management of aquatic invasive species in the pond. Initial management actions would take place during the late spring and summer of 2023, with follow-up management in subsequent years as needed to gain effective control of the nuisance aquatic plant beds within the pond. The specific management techniques to be employed each year will be based on aquatic plant surveys of the pond conducted prior to treatment.

Parra requested clarification regarding the potential that the pond may exist partially on the abutting property. Willard said she had obtained this information from the BOH files. Parra said the property owner will need to verify that the pond exists entirely on the subject property or, alternatively, if there is any encroachment, that the abutting owner consents to the NOI. Mr. Treacy and Ms. Zimmerman will investigate the matter and proceed accordingly per Parra's recommendations. Hundal recommended a Condition be included in the OOC requiring that the applicant notify the adjacent property owners in advance of the treatment.

Wells commented that although the pond is not mapped as a potential vernal pool, it could potentially hold spotted salamander egg masses, and other amphibians. He believes it is worth knowing if they are present because the timing of the herbicide application should be delayed until larvae are metamorphosized in late July/early August. Wells also suggested that if the Commission is unable to schedule a site visit, TRC could coordinate a survey by a biologist to assess what amphibians may be breeding this time of year. Parra suggested a continuance pending the scheduling of a site visit and/or a biological assessment of the pond to be coordinated by TRC.

On the motion by Hundal and seconded by Young, it was VOTED to continue the hearing to 5/4/2023 at 7:30 p.m. Roll Call Vote: Young – aye; Hundal – aye; Wells – aye; Parra – aye.

7:50 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. I have not received an updated plan for this project.

Applicants Martha and Ken Bedrosian were present. Parra said the Commission would be required to continue the hearing due to the lack of quorum. He explained that under the law, in order to be eligible to vote on an application, a commissioner can only miss one meeting at which testimony is taken and is only eligible if he or she reads the minutes or listens to the recording of the missed meeting. For the current project, several commissioners have missed at least one hearing, and given Murphy's absence, the Commission cannot meet quorum requirements. He further explained that the request for a Certificate of Compliance (COC) is intertwined with the NOI, so as previously communicated, the present NOI must include the work that was done without prior approval in order for the Commission to have a procedure whereby they can issue the COC.

On the motion by Hundal and seconded by Wells, it was VOTED to continue the hearing to 5/4/2023 at 7:30 p.m. Roll Call Vote: Young – aye; Hundal – aye; Wells – aye; Parra – aye.

8:41 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.

(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.

(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 Hundal and seconded by Young, it was VOTED to continue the hearings for DEP 125-1150, 125-1151, and 125-1152 at the applicant's request to 5/4/2023 at 8:15 p.m. Roll Call Vote: Hundal-aye; Young-aye; Ognibene-aye; Parra-aye.

Certificates of Compliance:

(DEP 125-558) 44 Bedford Road: Applicant: Martha and Ken Bedrosian; Project: Installation of a septic system, well, building a barn in the rear of the house, removal of a chicken coop and outbuildings. Issued: 6/15/1999. Continued to 5/4/2023 at 7:30 p.m. per NOI discussion (above).

(DEP 125-1114) 131 Cross Street: Applicant: Molly MacCormack: Pool and landscaping: issued: 8/20.2021

Present was the applicant, who had submitted a revised planting plan subsequent to the previous hearing and following a site visit. The plan includes replacing some cultivars with straight species and the addition of straight species in other locations. The revised plan also includes reseeded of the slope within the work area. Ms. MacCormack said as clarification that there was no documentation on the previously approved plant list

indicating straight species were required. Wells commented that in his opinion the applicant clearly put a lot of thought and effort into addressing the concerns and has provided a robust plan.

On the motion by Hundal and seconded by Wells, it was VOTED to approve the revised planting plan. Roll Call Vote: Young – aye; Hundal – aye; Wells – aye; Parra – aye.

Plan Change Request:

(DEP 125-1062) 274 Heald Road, Justin Delva, removal of 22 trees and an addition to a single-family home. Issued: 2/15/2019.

Nathaniel Cataldo of Stamski and McNary presented a revised plan which addresses the deviations from the approved plan including the planting of cultivars vs straight, native species in an alternative location. The revised plan dated 3/30/2023 is being submitted in advance of a Request for a Certificate of Compliance with the following proposed mitigation: a new mitigation planting area, with 15 non-cultivar, straight species native shrubs and trees derived from the list of approved plants; the shed was not constructed, providing less impervious surface and disturbance to the buffer zone; detail for the locations of the Feno markers required to denote the no disturb line is now shown on the plan.

Commissioners expressed frustration in accepting the proposed revisions given the amount of time and energy they had put into crafting the OOC, only to have it ignored. Parra said while he shares the frustration, the question is whether the proposal provides the equivalent wetlands protection as the original OOC. Following further discussion, the Commission requested a site visit to determine whether they can accept the revised plan vs requiring retroactive compliance with the original Plan of Record. The discussion will be continued at the 5/25/2023 meeting.

(DEP 125-1111) Curve Street: Applicant Gary Davis, Installation of roadway guardrails on Curve Street over River Meadow Brook; Issued 7/7/2021.

The OOC for this project includes a Condition stating that the revised trail access shall provide comfortable access for trail users including equestrian passage to the existing Otter Slide Trail, subject to input from the Trails Committee. Alan Ankers of the Trails Committee presented a proposed plan change relative to the trail access in order to avoid it being impeded by snowbanks from snowplowing and which will also provide a gentler slope. The revised location behind the guard rail will require the same amount of regrading and will not require any tree removal.

On the motion by Hundal and seconded by Young, it was VOTED to approve the red line change as presented. Roll Call Vote: Ognibene-aye; Young-aye; Hundal-aye; Parra-aye.

Enforcement:

212 Acton Street, Artem Fandin (DEP 125-1146): An Enforcement Order was issued on 4/3/2023 for unpermitted landscaping, including removal of shrubs, grading, and the installation of hardscape, possibly within Riverfront Area and the 100-foot Buffer Zone of a BVW. It was noted that when the NOI application was withdrawn by the applicant on 9/28/2022, the Commission had explained to the property owner that the resource area delineations were not approved and emphasized that no landscaping work could be undertaken without first consulting with the Commission to determine necessary procedures.

Requirements outlined within the Enforcement Order include confirmation by a wetland scientist that the existing erosion control has been installed to adequately protect the wetland resource areas; submission of a report regarding required plan changes that are needed to protect the Interests of the Act no later than 4/6/2023; any missing wetland flags noted on the plan dated 9/12/2022 shall be replaced by survey; submission of a NOI to include a restoration plan appropriate for restoration of the Riverfront Area, the 100-foot Buffer Zone and any altered BVW must be submitted to the Commission no later than 5/8/2023 in advance of a public hearing on 5/25/2023.

Representing the property owner was Nathaniel Cataldo of Stamski and McNary, who presented a draft plan which reflects existing conditions, includes the siltation barrier, and highlights the area that was cleared of vegetation and loamed and seeded up to the siltation barrier.

Parra recalled the Commission had issues concerning the delineation during the site visit for the NOI. Wells said the Commission had recommended that one of the BVW flags to the immediate west of the house be relocated. He said the bigger issue was the Riverfront Area was not accurately represented. There is a mapped perennial stream that runs along the western property boundary as shown on the U.S.G.S. map, which may be off the property. He suggested that if the owner is unable to gain permission to delineate the abutting property, use of the aerials and the U.S.G.S. map could be used to provide at least as an approximation of the mean annual high water line in order for the Commission to know if any of the unpermitted work took place in Riverfront Area in addition to BVW.

Mr. Cataldo confirmed a report by wetland scientist David Crossman of B & C Associates has been submitted in accordance with the requirements of the EO. He noted that the Riverfront Area flagging was off due to a survey equipment error and said they have since revised the BVW flagging, which has been reviewed and confirmed as accurate by Mr. Crossman. Parra agreed the principal issue is with the delineation of the Riverfront Area; he would like the delineation to be independently reviewed given that the Commission is not satisfied that it is correct. Wells recommended that in addition to providing a revised delineation of the Riverfront Area, they should also provide a detailed narrative to address how the proposed restoration meets the General Performance Standards for both the Riverfront Area and for the BVW.

Parra summarized the additional requirements including (1) a written request from the owner to the abutting property owner at 232 Acton Street requesting permission for a wetland scientist to delineate the stream shown as perennial on the U.S.G.S. map and partially shown to be on their property and for survey work to locate the Riverfront Area on a plan for 212 Acton Street; (2) the NOI shall provide an accurate depiction of the delineated Riverfront Area on the plan for 212 Acton Street; (3) the NOI shall provide a detailed narrative to address how the proposed restoration meets the General Performance Standards for both the Riverfront Area and for the Bordering Vegetated Wetland. On the motion by Wells and seconded by Hundal, it was VOTED to ratify and amend the EO as discussed.

Present was the property owner Artem Fandin, who said the property is currently on the market and asked what the requirements would be for a new owner. Parra explained that if a new owner purchases the property, they are purchasing a property in violation and will be liable for fulfilling all of the conditions of the EO.

42 Bingham Road, Michael Napier (DEP 125-1026). The terms of the EO will remain in effect until an Order of Conditions is issued for DEP 125-1154.

1215 Curve Street, Tamara Murray (DEP 125-1089) Willard has informed the owner and her wetlands scientist that no work to cross the stream or to install the wetland replication area can occur until she has been contacted.

Administrative Approval:

129 Russell Street: Relocation of a small shed (tool house, less than 120 sf) located close to BVW to a location outside of jurisdiction.

Willard had contacted the property owner in December when she became aware of a newly installed shed located within close proximity to a wetland. A complication for the property owner was determining a revised location that met zoning setback requirements. A proposed revised location outside of the Buffer Zone has since received approval from the Building Inspector; however, the shed is currently sited on a gravel pad and will require restoration following removal.

Present was the property owner, Daniel Gebhart, who said the new location is up a hill closer to the house. The 10' x 10' shed is currently located on a base of crushed bluestone gravel surrounded by 4' x 4' wooden planks on top of the ground in an area that was previously lawn; there was no digging involved in the installation process. He has contracted with a company that will move the shed to the new location using minimally disruptive equipment and Mr. Gebhart will then loam and seed the area after removing the gravel by hand.

Parra viewed the work as a voluntary restoration which did not require any enforcement action, since there will be no excavation. The work was authorized by the Commission under an Administrative Approval contingent upon notification one day prior to the work and to be followed by an inspection upon the completion of work. Willard will be following up with Mr. Gebhart regarding the newly installed split rail fence backed by wire mesh that is located within the 100-foot Buffer Zone and therefore 6-inch gaps to allow wildlife passage.

Land Use and Camping Permit:

Foss Farm; Waltham Amateur Radio Association, Eric N. Balles, 105 Nowell Farme Rd. Carlisle; June 25 to June 26, 2023. Mr. Balles has made alternative plans and may return with a request for a future event.

8:58 p.m. On the motion by Hundal and seconded by Young, it was VOTED to adjourn. Roll Call Vote: Ognibene-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.