

Carlisle Conservation Commission
April 23, 2020
Minutes

Consistent with 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 imposing strict limitation on the number of people that may gather in one place due to the outbreak of COVID-19, this meeting of the Carlisle Conservation Commission was conducted via remote participation. **(Virtual Meeting Zoom ID 943 7747 3497)**

7:00 p.m. Confirming Member Access: Chair Dan Wells conducted a roll call vote to confirm all members and, staff were present: Lee Tatistcheff – aye; Vice Chair Angie Verge – aye; Ken Belitz – aye; Helen Young – aye; Alex Parra – aye; Navneet Hundal – aye; Conservation Administrator Sylvia Willard – aye; Administrative Assistant Mary Hopkins – aye.

Chair Wells - Introduction to Remote Meeting: “In order to mitigate the transmission of the virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor’s Order suspended the requirement of Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and have been encouraged to participate remotely.

The Order, which is posted on the Town’s website, allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment. For this meeting, the Conservation Commission is convening by Zoom conference as posted on the Town’s website identifying how the public may join. Please note that this meeting is being recorded. Accordingly, please be aware that other participants may be able to hear you and anything that you broadcast may be captured by the recording. All participants should keep their phones muted unless recognized by the Chair to reduce background noise and feedback. The public is encouraged to follow along using the posted agenda unless the Chair noted otherwise.” Wells concluded with a review of the meeting ground rules to allow for effective and clear conduct of the Commission’s business and to ensure accurate meeting minutes.

Bills: *Young moved to approve the payment of the invoice from Foss Farm Community Gardens Manager Jack O’Connor in the amount of \$9.99 for garden maintenance supplies (paint for stakes). Tatistcheff seconded. Roll Call Vote: Parra – aye; Tatistcheff – aye; Belitz – aye; Wells – aye; Verge – aye; Hundal – aye; Young – aye.*

Minutes:

Tatistcheff moved to approve the February 13, 2020 minutes as submitted. Parra seconded. Roll Call Vote: Verge – aye; Belitz – aye; Parra – aye; Tatistcheff – aye; Young – aye; Wells – aye Hundal – abstain (predates her membership).

7:11 p.m. (DEP 125-1088) Notice of Intent, Continues Hearing

Applicant: Gretchen Nelson

Project Location: 868 Concord Street

Project Description: Razing of an existing detached garage, construction of additions to an existing dwelling, installation of septic tanks for a new septic system and construction of a screen porch off an existing cabin, with work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland and the Riverfront Resource Area (RA)

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

Paul Kirchner of Stamski and McNary noted the previous hearing was held on February 13, 2020, which was followed by a site walk conducted on February 22, attended by several members of the Commission, Administrator Willard and Wetlands Consultant David Crossman of B&C Associates. Kirchner reported the group observed a well-defined channel through the ice, making it clear the entire water body must be treated as Riverfront Area, therefore placing the entirety of the property within 200-foot Riverfront Area.

Based on this conclusion, a revised plan and summary dated February 24, 2020 were submitted, including the following changes: (1) the resource areas were revised to reflect changes agreed upon on the site walk, showing the entire length of the water body as a stream, projecting a 200-foot Riverfront Area over the entire site; (2) proposed tree removal has been reduced; (3) the patio currently under construction that is now shown to the rear of the cabin is proposed for approval ATF; (4) existing horseshoe pits and shed are now proposed for removal; (5) the proposed bulkhead has been relocated in order to minimize changes to the adjacent slope; (6) existing overhead wires are now proposed to be buried; (7) a planting area is now proposed to mitigate the impacts of the proposed work including tree removal. Additionally, a revised Project Narrative was submitted to update the impacts to the Riverfront Area. Kirchner noted the property owners were not aware they were required to obtain approval prior to beginning construction of the patio located between the cabin and pond and reported erosion control has been installed to prevent sediment from reaching the pond.

Kirchner then reviewed the revised plan dated April 21, 2020 based on requests made by the applicant, including: (1) the proposed addition to the east of the dwelling has been removed, with proposed site grading revised accordingly; the proposed addition to the west of the existing dwelling has been modified the proposed driveway modification has been adjusted accordingly and a turnout is now proposed, preserving a net reduction to the onsite paved area. He noted these changes result in less disturbance within the Riverfront Area.

Willard said that although she had not had an opportunity to review the new plan in depth, she had counted 11 trees being proposed for removal, however the narrative accompanying the revised plan includes 9 trees proposed for removal. Kirchner acknowledged it was an error on his part and would be corrected. Willard noted the chart within the revised Project Narrative summarizing disturbance within the Riverfront Area does include tree removal as part of the proposed alteration. Willard also recommended a more substantive Riverfront Area restoration plan vs seeding with a native seed mix only. Verge agreed the proposed planting within restoration area is not sufficient. She recommended a planting plan including shrubs and small trees to replace lost wildlife habitat resulting from the tree removal. She also recommended they include ground cover planting near the bank to prevent erosion. Tatistcheff said she agreed strongly with the need to protect the inner riparian zone and therefore believes trees should be replaced with trees vs wildflowers and grasses. Kirchner agreed to provide a more detailed planting plan. Wells said he personally has an issue with trees being proposed for removal within the inner 100-foot riparian zone, noting the regulations require that the existing vegetated cover must be preserved or extended to the maximum extent feasible to approximate a 100-foot wide corridor of natural vegetation, and because of this he does not believe the plan meets the performance standards.

Wells said he would entertain a motion to continue the hearing to May 14, 2020 at 7:15 pm with the representative's approval. The motion was moved by Young and seconded by Tatistcheff. Roll Call Vote: Verge – aye; Belitz – aye; Parra – aye; Tatistcheff – aye; Young – aye; Hundal – aye; Wells - aye.

7:37 p.m. (DOA-361) Request for Determination of Applicability, Continued Meeting

Applicant: Vintage Builders, Inc.

Project Location: 901 Concord Street, Map 4 Parcel 3-0 Lot 2

Project Description: Construction of a single-family dwelling and appurtenances outside the 100-foot Buffer Zone

Wells opened the continued meeting under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Verge recused herself as an abutter. Present were Paul Kirchner of Stamski and McNary, David Crossman of B&C Associates and property owner, John Hourihan.

Willard said it was noted during a site visit held in November that ice had formed near where the current of the incoming Spencer Brook slowed. She said she contacted MassDEP Environmental Analyst Heidi Davis for guidance following the site visit for guidance regarding procedures for determining where perennial streams that enter ponds cease and where the pond begins. Davis provided Willard with a power-point presentation regarding evaluation of riverine ponds that Willard then forwarded to the Commission and to the engineer. Following the distribution of Davis' presentation, Wells requested that Willard design and implement a study to assist the Commission in determining whether Buttrick Pond has primarily riverine characteristics and therefore projects a 200-foot Riverfront Area onto the subject property.

Wells noted the WPA Regulations are clear in requirements for making a determination, citing 310 CMR 10.58(2)(a)1.h. *"A water body identified as lake, pond, or reservoir on the current USGS map or more recent map provided by the DEP is a lake or pond, unless the issuing authority determines that the water body has primarily riverine characteristics."* He said he had requested that Willard conduct the study because he felt it was the Commissioner's responsibility to gather critical information in order to make this decision. He said he believes this was a fair study, noting he and Commissioner Belitz witnessed the first hour.

Willard then provided a summary of the process used for conducting the riverine study at Buttrick Pond on April 20, 2020, when she was assisted by Commissioner Parra. Data points taken at specific locations including pond depth; deep, mid and surface water temperatures; floater movement data; clarity and color of the water. Test results were summarized in Willard's report to the Commission dated April 23, 2020.

Crossman requested an opportunity to comment in order to provide his observations. He said when he and members of the Commission conducted the first site walk to this property in late November, the pond itself was completely frozen over without any open water from where Spencer Brook enters the pond. He noted this is a criteria DEP uses in evaluating riverine characteristics.

Crossman then recalled the details of a site walk conducted across the street at 868 Concord Street associated with a current Notice of Intent filing, during which they observed open water from the culvert under the road to the dam, with the south side of the ponded area still frozen over with approx. 1-2 inches of ice. When they looked across the street at Buttrick Pond itself, it was completely frozen over, with no open water channels. He said his interpretation of that is, if there were a flow through the pond itself, considering how thin the ice was, there should have been an open water channel if it had river flow characteristics at that point.

Kirchner said he agrees with Crossman's comments as they pertain to the test the Commission conducted. He said there are two identifiers used in determining whether a water body is a river or a stream: unidirectional flow and horizontal zonation. He said he personally did not see enough consistency in the temperature measurements where he could make the determination that we are witnessing horizontal zonation. With regard to the unidirectional flow, he noted the report states the floaters were caught up in debris and branches along the bank rather than moving in a defined pathway. He said this says to him that either there is no clear unilateral flow or conditions were too windy to conduct the test, but he is inclined to say there is no unilateral flow.

Wells then asked Commissioners for comments. Parra said, in the absence of any defined channel and with water temperatures largely consistent throughout, he does not believe the pond possesses riverine characteristics. Belitz agreed with Parra's comments and said he believes the Commission has sufficient information to make the decision that it is correctly characterized as a pond. All other Commissioners agreed unanimously. Wells noted the vegetation within a river is often a good indicator, but he did not see any evidence of riverine vegetation, a point he said was fairly important in his decision-making process.

Willard noted the updated plan recently submitted shows some clearing within the Riverfront Area. She also noted there was a previous request to show an abutting property as well as the culvert located at the south end of the pond that are not shown on the revised plan. Wells noted the revised plan is a progress print and is not stamped. Kirchner said the abutting property and the culvert were inadvertently dropped when the plan was updated from the ANR Plan.

Wells remarked that the Commission typically wants to act on an official stamped plan, but in the case of an RDA he did not know if this is necessarily essential in this case. In reviewing the RDA submission, he noted the applicant is requesting the Commission determine whether the boundaries of resource areas depicted on the plan are accurately delineated and whether the area depicted on the plan is an area subject to jurisdiction of the Wetlands Protection Act. Kirchner noted the plan had been updated following the November site walk during which there had been agreement the pond is in fact Riverfront up to WF #5.

Following further discussion, the applicant agreed to provide a revised, stamped plan including the limit of work, the culvert at the south end of the pond, and the missing abutter. The Commission determined the applicant will be required to provide a restoration plan to address a small unauthorized area of disturbance within the Riverfront Area as shown on the plan which will be stated in the DOA.

Wells requested a motion to continue the meeting to May 14 at 7:15 p.m. The motion was moved by Tatistcheff and seconded by Young. Roll Call Vote: Belitz – aye; Verge – aye; Parra – aye; Tatistcheff – aye; Young – aye; Hundal – aye; Wells – aye.

8:14 p.m. (DEP 125-1085) Abbreviated Notice of Resource Delineation, Continued Hearing

Applicant: Chris Buono, All Things Real Estate

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

Wells opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Present were David Cowell and Brian Goudreau of Hancock Associates, Attorney Melissa Robbins of Deschenes & Farrell, and J. J. Cohen on behalf of the applicant.

Attorney Robbins stated they are seeking an intermittent stream determination as part of their ANRAD request based on the determination made by the Commission in 2016, when they found the evidence sufficient for a finding that the stream located within the central wetland on the property was intermittent. She said it is her understanding the Commission had raised concerns at the previous hearing about the quality of the photographic evidence documenting no flow from the now-expired 2016 ORAD submitted with this ANRAD request. She noted this has since been remedied with the submittal of high-resolution photographs in support of maintaining the prior jurisdictional determination that the stream is classified as intermittent. Robbins concluded by reporting Cowell had reached out to the DEP circuit rider, who concurred with Dr. John Rockwood's previous appraisal that the Commission is within their jurisdiction to accept the evidence from the 2016 ORAD as still valid and that the evidence does not expire and can be repurposed.

Willard said she also contacted DEP's senior wetlands analyst to ask if the evidence that was presented with regard to Riverfront Area expired with the 2016 ORAD. The analyst confirmed the evidence does expire but clarified the fact that this does not preclude the Commission from accepting it. Willard also noted the location of the evidence was off the property. Cowell said this location was downstream and therefore still validates that anything upgradient of that is intermittent.

Cowell said he believes at this point everyone is comfortable with the BVW line with the only remaining point of ongoing deliberation being the jurisdictional determination of the flow regime within the stream. He recalled that at the previous hearing there was some discussion regarding the validity of resubmitting prior evidence in making a determination relative to the stream. Cowell said addressed this when he visited the property on February 4, 2020 with copies of the 2016 photographs and was able to determine that a series of four days documented no flow was recorded at WF #177 as depicted on the current plan. In addition, they have provided current site photographs of the stream taken at the exact location and frame in which the 2016 photographic evidence of no flow were taken, which can be used to compare and contrast what the stream looks like when it is flowing versus the images provided in the 2016 ANRAD submittal detailing the stream was not flowing at that time.

Wells stated for the record that although he will not be participating in the final vote on this matter due to procedural reasons, he wanted to present his opinion to the other members. He said although the Commission voted on this matter previously when he was not a member, he believes the Commission has no obligation to repeat that vote. It is his opinion that on a property with this amount of potential Riverfront Area, multiple locations should be documented, including the location where the stream or river enters the property, with 4 or 5 intermediate documentation stations. He noted the only formally documented location is off the property. He referenced what he believes was the most relevant adjudicatory decision from 2002 (Matter of Martha Jean Eakin) when it was concluded that the regulations allow a portion of a stream that flows throughout the year to be treated as perennial, even if a portion of the downstream portion of the same stream is intermittent.

Wells then polled the Commission for additional comments. Parra was in agreement with Wells' opinion that the Commission is entitled to appraise the evidence as it views it now, in spite of the fact that is now 5 years old and is not bound in any way to accept the prior decision. He also said he would like to understand the upstream impoundment and what the affect it has on the stream previously mentioned by Willard. Verge said she had only recently joined the Commission when the previous determination was made. She noted these water bodies can change. She asked if it were possible for the Commission to request additional, current evidence vs relying on the photographs from 2015. Wells said it would be the responsibility of the applicant to do so if the Commission feels additional evidence is necessary to make a determination.

Dr. Rockwood then reiterated his comments from the previous hearing when he said he does not necessarily agree that the documentation expired with the ORAD, but he agrees the Finding has expired. He said he puts the burden on the Commission as to whether or not they want to accept the information; they must be comfortable with and agree with the evidence presented because the decision regarding the status of the stream will be valid for a period of three years moving forward.

There was no public comment on the matter.

In her closing remarks, Robbins explained that while they appreciate the fact that the Finding has expired and therefore the Commission has the authority to make a new Finding, they are taking the position that the evidence is still valid and did not expire.

In his closing remarks, Cowell addressed Parra's comment as to whether the stream is impounded upgradient. He said they looked briefly at a driveway crossing off property to the north and found it caused no impairment. He noted he did not trespass intentionally; when he was on site he became disoriented trying to make his way back out to South Street and mistakenly ended up in the woods and emerged at the driveway, where he observed two substantial metal culverts at the driveway but did not observe the stream was restricted in any case at this location. He said he would also like the opportunity to review the case law cited by Wells as to whether it makes a difference of whether the point was on the subject property or an abutting property. Cowell concluded by noting they had provided a report of the Vernal Pool Investigation performed at the Commission's request and found evidence of breeding vernal obligate amphibians in all three locations, but one of those locations was within the riverine channel on the north end of the site, where they found breeding evidence of spotted salamanders and wood frogs, which otherwise would be a riverine system and contradictory to the biological requirements of those species.

Regarding Wells comment re multiple location points, Cowell said he understands the request for several points on a gradient throughout the stream, but believes it is in excess of DEP standards required to make a Finding. He noted he has made several previous jurisdictional determinations with one discreet point at the lowest point gradient in the stream, commenting he cannot imagine if they proved no flow at the lowest downgradient point that at any point upgradient there would be perennial flow in that stream.

Parra commented that in his perspective, evidence is evidence; in this case the evidence is old, and the Commission can consider it and find it credible or not and make a determination based upon that evidence. He

said he is concerned about the methodology used since the individual who performed the study and provided the affidavit was not a “qualified person” according to the regulations. He also has questions about the upstream impoundment in the form of a man-made pond. Willard said she had confirmed the pond is included on the 1979 USGS Map, but she was unable to determine whether or not there is an actual concrete impoundment/water control device because she was unable to obtain permission from the property owner when the project was before the Commission in 2016.

Willard noted the previous ANRAD was not submitted during a “declared drought” but during an extended low water period. Cowell responded that from his client’s perspective, while they may be able to wait and catch it in a dry period again, perhaps in September, that represents a significant unnecessary delay to the issuance of a new ORAD and future permitting of proposed development and therefore presents a significant monetary delay.

Robbins requested a continuance to the next meeting in order to address the Commission’s concerns. *Tatistcheff moved to continue the hearing to May 14, 2020 at 7:30 p.m. Verge seconded. Roll Call Vote: Verge – aye; Belitz – aye; Parra – aye; Tatistcheff – aye; Young – aye; Hundal – aye; Wells – aye.*

8:45 p.m. (DEP 125-1090) Notice of Intent

Applicant: Ali Azarbajani

Location: 85 Indian Hill

Project: Installation of a six-foot wide, mulched path within the 100-foot Buffer Zone to Bordering Vegetated Wetlands

Wells opened the continued meeting under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Present for the hearing were Richard Kirby of LEC Environmental Consultants, Inc. and applicant Ali Azarbajani.

Kirby reviewed the plan proposing the addition of a 6-foot wide, mulched path extending 105 +/- linear feet from the existing driveway and turnaround, extending along the western façade of the screen porch and terminating at an existing chain-link fence gate. The path will be installed with 4 to 6 inches of compacted wood chips. In order to prevent mulch migration into the BVW, 12 +/- inch fieldstones will be installed along the path at the BVW boundary. One sapling red maple will require removal in order to accommodate the mulched path. As part of this filing, the applicant proposes native enhancement plantings to offset any impacts the mulched path may have on the 100-foot Buffer Zone and adjacent BVW associated with the proposed path and tree removal. He noted the plan dated May 8, 2019 is based on a previous NOI filing for the construction of a screen porch, revised with handwritten path and planting details dated September 30, 2019 as prepared by Timothy Lee Landscape Design. Proposed plantings 10 include highbush blueberry shrubs installed within the inner Buffer Zone east of the proposed path.

Willard asked if the property owner would be using the path year-round and if so, how the area would be maintained for snow removal to avoid an increasing accumulation of mulch migrating toward the BVW over time. Azarbajani said he did not intend on maintaining the path during the winter.

Wells asked how the newly proposed planting will fit into the existing monitoring plan for the existing mitigation planting from the previous project. Kirby said they could incorporate the additional plantings into the existing monitoring plan. Wells noted the Commission would typically require granite markers with work so close to the resource area but felt this seemed excessive for this project. Kirby suggested they could place large stones spaced along the footprint of the path from the driveway, which the property owner was amenable to.

Verge reiterated her comments from the previous NOI filing for this property when the Commission asked why the path could not be located on the other side of the house. Azarbajani said they had constructed the fencing and gate in the present location due to several reasons: there is a bank on that side of the house which would make it impracticable to stop wheeled equipment on a hill to open and close the gate; there is an existing retaining wall on the other side of the house with limited room between the house and the woods; there is a

significantly large white pine fairly close to the house. He said it was for these reasons they constructed the fencing and gate because they expected to enter on the other side of the house.

Verge expressed concern with the use of woodchips on the pathway due to the fact that the decomposition of the woodchips requires significant nitrogen from the soil, which will change the chemistry and microbiology of the soil, and because of this she would not propose this surface treatment within such close proximity to the wetland. She suggested the use of a more natural material such as shredded leaves or something native from the site. Kirby said the woodchips proposed for the path are native from the site.

Hundal requested clarification regarding the two access points that converge on the path. Azarbayejani explained there is one long section leading from the driveway to the rear chain link fence to the backyard and a second spur that occurs at the base of some stone steps that had been used by a previous owner. They are now looking to formalize it and connect it with the same treatment as the other path.

Wells said he personally believes the stone edging is likely to prevent the wood chips from migrating into the resource area. He acknowledged it is a unique request in that they are proposing work right up to the wetland edge, but noted they are providing 10 additional shrubs as mitigation and space is limited in that location. Tatistcheff said she that although agrees it would be good to find alternative location, she agrees with Well's position that the stones will keep the woodchips in place.

Willard noted there is no Limit of Work shown on the plan. Kirby said the Limit of Work is the limit of the path and said the flags can be refreshed prior to work and the stones left on the ground for inspection prior to installation.

With agreement of the above requirements, *Wells said he would entertain a motion to close the hearing. Verge moved to close the hearing for DEP 125-1090. Tatistcheff seconded. Roll Call Vote: Verge – aye; Belitz – aye; Parra – aye; Tatistcheff – aye; Young – aye; Hundal – aye; Wells – aye. Verge moved to issue a Standard Order of Conditions with the following Special Conditions: the proposed fieldstone edge of the path will include larger stones spaced no farther than 20 feet apart on both sides as demarcation of the resource area; surface material will be limited to native woodchips or shredded native leaves; the layout of the stone at the BVW edge requires approval prior to installation; the proposed planting shall be incorporated into the monitoring schedule from the previous filing for this property; and with a Continuing Condition prohibiting motorized equipment beyond the wetland side of the pathway. Tatistcheff seconded. Roll Call Vote: Verge – aye; Belitz – aye; Parra – aye; Tatistcheff – aye; Young – aye; Hundal – aye; Wells – aye.*

9:13 p.m. DEP 125-1089) Notice of Intent, Continued Hearing

Applicant: Wilkins Hill Realty

Project Location: Curve Street, Map 19, Parcel 19-39-X

Project Description: Construction of a proposed driveway, including tree clearing and grading with approximately 1,560 SF of wetland fill associated with the driveway crossing using an open-bottom box culvert; construction of a single-family home; installation of a water supply well; construction of a 1,610 SF Wetland Replication Area and associated grading

9:13 p.m. Wells opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw.

Dan Carr of Stamski provided a summary of the changes shown on the revised plan dated April 13, 2020 including: the potential vernal pool has been flagged and located on the plan as requested at the previous hearing, including the associated buffer zone; the driveway crossing has been shifted to be greater than 100' from the potential vernal pool; the wetland replication and planting schedule has been updated to address the required increase in wetland filling at this new location accordingly; trees greater than 8-inches DBH to be removed are now shown.

The Commission agreed a site visit was appropriate given the amount of additional information submitted. *Young moved to continue the hearing for DEP 125-1089 to May 14, 2020 at 7:45 p.m. Tatistcheff seconded. Roll Call Vote: Verge – aye; Belitz – aye; Parra – aye; Tatistcheff – aye; Young – aye; Hundal – aye; Wells – aye.*

9:15 p.m. (DEP 125-1065) Notice of Intent, Continued Hearing

Applicant: John Nelson for the John Power Trust

Project Location: Skelton Road

Project Description: Installation of an 8-foot high cedar fence within the 100-foot Buffer Zone and within the 200-foot Riverfront Area

Wells opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw and requested a motion to continue to May 14, 2020 at 7:45 p.m. at the applicant's request, since it had been continued to May 7, 2020 prior to a change in the meeting schedule. The motion was moved by Tatistcheff and seconded by Young. Roll Call Vote: Verge – aye; Belitz – aye; Parra – aye; Tatistcheff – aye; Young – aye; Hundal – aye; Wells – aye. The applicant will be advised that the hearing will not be continued beyond May 14 unless additional testimony is provided, as stated by the Commission at the previous hearing.

Project Updates:

Garrison Place/81 Russell Street (125-0966), Wetland Restoration: Wells noted he was not present at the previous hearing but has reviewed the minutes in advance of tonight's continued discussion of the wetland restoration plan. Present were Scott Morrison of EcoTec, Inc. and Joey LaPointe of Brendon Properties.

Morrison recalled the Commission reviewed and approved the restoration work that had been done, with a request that the plantings are monitored to confirm survival. He said they were present tonight to further discuss a change to the plan for removal of the Japanese Knotweed. The revised approach would allow Solitude Lake Management to treat any knotweed remnants or sprouts by foliar treatments vs. stem treatments as previously approved. Morrison reported Solitude Lake Management is currently in the process of obtaining the required state permits in advance of the proposed spring treatments.

Wells suggested the Commission vote on the request for approval to allow Solitude Lake Management to begin the revised treatment plan and to discuss the monitoring plan separately, since there is still a sense the Commission is not satisfied in terms of the formal monitoring proposal. With no comments from the Commission, Wells said he would entertain a motion to approve Solitude Lake Management to conduct treatment as described in the most recent monitoring proposal submitted by EcoTec, Inc. The motion was moved by Tatistcheff and seconded by Young. Roll Call Vote: Verge – aye; Belitz – aye; Tatistcheff – aye; Parra – aye; Young – aye; Hundal – aye; Wells – aye.

LaPointe said they are also requesting that the Commission accept the estimates they have received for continued wetland restoration monitoring and for herbicide treatments and submit a letter of approval to the Planning Board in order to receive a bond reduction. LaPointe has received an estimate from Solitude Lake Management in the amount of \$4,350 to conduct three additional treatments (one this spring, one this fall and one the following spring) as well as a verbal estimate from EcoTec in the amount of \$500 for monitoring.

Wells said he believes it is important to be clear with the Planning Board that the Commission wants to ensure funds are available in the event that additional monitoring or replacement plantings are required. He noted standard monitoring protocols typically require two growing seasons. Following further discussion, the Commission agreed upon an amount they believe will be sufficient to cover the additional requirements if they are needed. *Verge moved to recommend to the Planning Board that they release the bond with the exception of a holdback in the amount of \$6,350 for continued monitoring, invasive plant removal and potential plant replacements. Parra seconded. Roll Call Vote: Verge – aye; Parra – aye; Belitz – aye; Tatistcheff – aye; Young – aye; Hundal – aye; Wells – aye*

Certificate of Compliance:

(DEP 125-0991) 845 Maple Street: Applicant: Neil Barker; Project: Replacement of a portion of an existing foundation and dwelling within the original footprint of the single family home; Amended, May 2017: Construction of an addition to the existing dwelling and associated grading; lowering of the existing sewer and water line, with all work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland and the 200-foot Riverfront Area; Issued: 9/29/2015; Extended to 9/29/2019

Willard reported conducting a recent site visit with the new property owner following the submission of an As-Built Plan that includes the post and rail fencing located within the protected Riverfront Area. She noted there is evidence that the majority of the fencing was likely installed with the existing buried wire by the previous owner before the property was subdivided and prior to the implementation of the Rivers Protection Act. She also noted the fencing was not included on previous plans for work in the front of the house.

Following further discussion, the Commission agreed the fencing was not the responsibility of the new owner and therefore the work associated with this filing was completed satisfactorily in compliance with the Order of Conditions. *Tatistcheff moved to issue a Certificate of Compliance for DEP 125-0991. Verge seconded. Roll Call Vote: Verge – aye; Parra – aye; Belitz – aye; Tatistcheff – aye; Young – aye; Hundal – aye; Wells – aye.*

Deer Control Committee: Parra reported the committee voted to recommend the BOS increase the number of hunters to 34 and to add the Hart Land to the parcels included in the program.

Administrative Approval: The Commission agreed the decommissioning of an existing 500-gallon underground fuel tank at the Carlisle Fire Station is consistent with an exempt activity under the Wetlands Protection Act and can be conducted through an Administrative Approval, with the condition that a Notice of Intent must be submitted if any contamination is detected.

9:54 p.m. *Tatistcheff moved to adjourn. Young seconded. Roll Call Vote: Verge – aye; Belitz – aye; Parra – aye; Tatistcheff – aye; Young – aye; Hundal – aye; Wells – aye.*

Respectfully submitted,
Mary Hopkins
Administrative Assistant

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