

**Carlisle Conservation Commission
Minutes
May 16, 2019**

Pursuant to the notice filed with the Town Clerk, Chair Angie Verge called the meeting to order in the Clark Room at the Town Hall at 7:07 p.m. Also present were Vice Chair Melinda Lindquist, Commissioners Ken Belitz, Alex Parra, Dan Wells (7:28 p.m.) and Helen Young and Conservation Administrator Sylvia Willard. Commissioner Lee Tatistcheff was not present.

Minutes:

The Commission discussed the current process used by the Administrative Assistant for drafting meeting minutes and considered potential ways of reducing the time required to complete them given the current backlog and the need to accomplish other pressing requirements. It was agreed that omitting superfluous background information and the reducing level of detail regarding how decisions are made would aid in reducing drafting time requirements. Willard noted the meeting minutes had been current prior to the implementation of the deer hunting pilot program that was rolled out last summer and which required a substantial amount of time that was an unfunded mandate. *Lindquist moved to accept the minutes of December 13, 2018, January 10, 2019, January 24, 2019, February 2, 2019 and February 28, 2019 as submitted. Belitz seconded the motion and all voted in favor.*

Michael Schmidt (33 Pilgrim Path), and Don Allen, (61 Pilgrim Path): Unauthorized tree removal, grading, and installation of a maintained lawn on property within the 100-foot Buffer Zone of a Bordering Vegetated Wetland (BVW)

Parra reported on a recent site visit he, Young and Willard had conducted with property owner Don Allen to assess the impacts of the areas where the unauthorized tree clearing had occurred. Parra said that based upon the most recent Google Earth satellite photographs as of May, 2016, there was no evidence of continuing violations and therefore nothing that would get beyond the two-year statute of limitations. The Commission concurred and informed the property owners they had no legal authority to act. Verge requested that the property owners inform the Commission if they observe any evidence of new activity in the future.

Certificates of Compliance:

(DEP 125-0972) 493 Baldwin Rd: Applicant: Marc Raibert, Project: Construction of a barn and extension of a driveway and removal of two trees within the 200-foot Riverfront Area and the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

Based on Willard's report that she found the project has been completed in compliance with the Order of Conditions (OOCs) and the area around the barn is now adequately vegetated, *Lindquist moved to issue a Certificate of Compliance for DEP 125-0972, Parra seconded the motion and all voted in favor.*

(DEP 125-1036) 142 Bedford Road: Applicant: Ray and Vanessa Moroney; Landscaping within the 100-foot buffer zone of a Bordering Vegetated Wetland; Issued 10/4/2017.

Willard reported having found the project to have been completed in compliance with the OOCs. She noted observing the presence of an informal fire pit on the edge of the BVW which is used once a year for brush burning. *Wells moved to issue a Certificate of Compliance for DEP 125-1036, Lindquist seconded the motion, and all voted in favor.*

7:30 p.m. (DEP 125-1064) Notice of Intent, Continued Hearing

Applicant: Dan Gainsboro, NOW Communities, LLC

Project Location: Bedford Road, Map 10 Parcel 4 Lot X

Project Description: Construction of 18 dwelling units, 9 of which proposed within the 100-foot Buffer Zone of a Bordering Vegetated Wetland, a 20-foot wide roadway with a crossing of an intermittent stream with an

open bottom box culvert, sidewalks, stormwater management infrastructure and associated tree removal and grading

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

Dan Carr of Stamski and McNary presented a review of the revised plan dated May 3, 2019. He stated the Landscape Plan has been revised based on comments at the previous hearing to include the 100-foot Buffer Zone, straight plant species vs cultivars and a note that pine and hardwood saplings in the areas of clearing are to be transplanted to the previously disturbed cleared area around the constructed wells. A proposed area of plantings at the four corners of the wetland crossing is included to mitigate the area of wetland shaded by the crossing. Carr noted this area is presently sparsely vegetated. An easement for the public trail access has been included, which provides the Trails Committee with flexibility in determining the locations where it will need to be rerouted.

With regard to proposed exterior lighting, written testimony was recently submitted by Carlisle resident Bert Willard requesting that outside lighting only illuminate downward as recommended by the International Dark-Sky Association www.darksky.org. Carr confirmed all proposed lighting is in accordance with Dark-Sky recommendations as shown on the Landscape Plan.

With regard to the proposed plant list, Verge advised the representative that the Cornelian Cherry (*Cornus mas*) is not native to this area and a substitute will be required. She also noted that the Jelena Witch Hazel is a cultivar, but the botanical name shown on the plan, *Hamamelis virginiana*, is the straight species of the native plant. Carr said this was an oversight missed during the last revision cycle. Wells noted they will be required to provide annual monitoring reports of the mitigation plantings at the crossing, to be prepared by a wetland scientist and submitted by October of each of the two years following installation. He requested that the Landscape Plan be revised so the area to be monitored clearly defined.

Willard referenced the Planting Notes within the Landscape Plan indicating that planting in private yards is to be determined by the individual owners. She suggested and the Commission agreed the applicant should be provided with a list of native plants that would be appropriate in these areas. Parra reiterated his previous request that the Commission be provided with the condominium documents from the Homeowners Association in order to learn what activities the individual homeowners will be permitted to undertake. Gainsboro said they are scheduled to deliver these documents to the Planning Board within the next week and will include the Commission on the distribution list.

Addressing concerns relative to maintenance of erosion control barriers, Carr confirmed a Stormwater Pollution Prevention Plan will be provided which includes requirements for weekly monitoring reports on erosion control measures and following every major storm event. He confirmed these records will be kept on site in a construction trailer.

Parra requested further clarification relative to the revised cut and fill calculations as they relate to construction sequencing. Carr said they currently are working on revisions to the Construction Sequencing Plan based on feedback from the Commission and the Planning Board.

Verge requested a motion to May 30, 2019 at 7:30 p.m. The motion was moved by Young, seconded by Parra and all voted in favor.

7:45 p.m. (DEP 125-1063) Notice of Intent, Continued Hearing

Applicant: Robert Silva/Septic Preservation Services

Project Location: 95 Hanover Road

Project Description: Installation of a septic system for an existing single-family house with work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Verge opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Belitz recused himself stating he is a member of the Hanover Hill Homeowners' Association.

Chantal Nouvellon reported attending the recent wetlands delineation review conducted by Dr. John Rockwood during which the BVW boundary was reviewed and recommendations for adjustments, deletions and confirmations were determined. The changes must now be located by instrument survey and shown on the site plan to be submitted to the Commission and to Dr. Rockwood for review under the filing.

The Commission agreed to continue the hearing to allow additional time to review Dr. Rockwood's report and for the applicant's surveyor to update the plan in accordance with those recommendations. *Verge requested a motion to continue to the hearing to May 30, 2019 at 8:00 p.m. with the applicant's approval. The motion was moved by Wells, seconded by Lindquist and all voted in favor.*

8:00 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 Resource Area

Verge opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw and requested a motion to continue to May 30, 2019 at 7:45 p.m. at the representative's request. The motion was moved by Belitz, seconded by Lindquist and all voted in favor.

Extension Permit Request:

(DEP 125-0971) 61 Judy Farm Road: Adam Ostrow; Project: tree clearing, expansion and extension of a driveway to a common driveway and installation of a dry hydrant standpipe into an existing pond. No specific length of extension has been requested. Issued: 10/22/2014; Previous Extensions: 7/31/18, 12/31/2018, 4/30/2019

Willard reported conducting a follow up site visit with peer reviewer Dr. John Rockwood of Ecotec, Inc. and the surveyor to resolve flag location discrepancies and the Plan of Record. The discussion of the request for an additional extension was continued pending receipt of a letter from the surveyor stating that the work was completed in accordance with professional requirements.

Applicant Adam Ostrow provided a brief update on his status relative to meeting ConsCom and Planning Board requirements and indicated he is in the process of scheduling a Preconstruction Meeting.

Tree Removal Requests:

52 Evergreen Lane: Five trees were proposed for removal, three of which Willard had determined pose a possible threat to structures and could be addressed with the issuance of an Administrative Approval. The Commission will require a letter from a certified arborist indicating the other two trees proposed for removal, which are located within close proximity to the BVW, pose a hazard. Alternately, if the property owner is unable to provide this documentation, a Request for Determination of Applicability will be required in order to remove the two other trees.

Land Use Permit: Lindquist moved to issue a Land Use Permit to the **Old North Bridge Pony Club** to hold Spring Riding Lessons at *Foss Farm Conservation Land* on Fridays from 3:30pm to 5:30pm. Young seconded the motion, and all voted in favor. Willard noted the club has rescinded their request to park vehicles down by the riding rings for this series.

Project Updates:

Arrowhead Lane/Rutland Street:

(DEP 125-1018) 269 Rutland Street, Lot 2; Applicant: Turnkey Builders, LLC. Project: Construction of a single family home, septic system, well and grading. Willard reported she has provided the project engineer and the homeowner with her findings as follows: 3 of the 5 required bounds were installed nearly flush to the ground vs the required 18 inch reveal; erosion is occurring and soils settling against the limit of work (LOW) due to the inadequately vegetated lawn; a deck, stairway and retaining wall was added during construction without submittal of a Request for an Amended OOCs; pieces of asphalt and broken glass was found scattered throughout the exposed, inadequately vegetated soil in the lawn; plantings included cultivars vs required straight native plant species.

(DEP125-1019) 269 Rutland Street (Common Driveway); Applicant: Turnkey Builders, LLC; Project: Construction of a common driveway including an open bottom box culvert over an intermittent stream. An As-built plan has been submitted for the Common Driveway. There are several aspects of the Common driveway that are not satisfactory and will need to be addressed including the driveway shoulders and plantings before the project is eligible for a COC including the fact that the crossing was not constructed in accordance with the Plan.

(DEP 125-1020) 267 Rutland Street, Lot 1; Applicant: Turnkey Builders, LLC., 269 Rutland Street, Lot 1; Project: Construction of a single-family home, septic system, well and grading. Willard reported she has provided the project engineer and the homeowner with her findings as follows: pieces of asphalt and broken glass were found scattered throughout the exposed, inadequately vegetated soil in the lawn with erosion occurring; permanent Limit of Disturbance was installed on the wrong side of the property; bounds installed flush, without 18" reveal; cultivar vs straight species woody shrubs were planted; shoulder of roadway unstable, with deep ruts from vehicles and erosion occurring down to LOW.

The Commission will give further consideration to potentially requiring that the developer hire a Licensed Site Professional to conduct soil testing within the lots on Arrowhead Lane to determine the extent of potential soil contamination.

Benfield Conservation Land Septic Field: Mark Beaudry of Meridian Associates provided an overview of their recommended approach to investigating the septic field breakout discovered on the Benfield Conservation Land. He reported conducting a site evaluation on May 10, 2019 with BOH Technical Consultant Rob Fredo, BOH member Tony Mariano, a representative from the drip dispersal system vendor and Benfield Maintenance Manager, Allen Pelky. The plan moving forward is to conduct additional testing to determine whether the drip tubing may have been damaged during the installation of the system. Beaudry reported they have staked and cordoned off the area around the disposal area at the request of the BOH to prevent walkers from entering the potentially contaminated area.

Chestnut Estates/Rutland Street: The OOCs issued for the construction of the Common Driveway have expired and a Notice of Intent is in process; a monitoring report on the status of the three Wetland Replication Areas is forthcoming from Norse Environmental Services.

Lion's Gate/570 West Street: Willard reported recently discovering that the erosion control matting installed per the Erosion Control Plan dated November 28, 2019 is a double layer of fine plastic mesh with embedded straw vs jute matting as required on the plan submitted as a result of the Enforcement Order. She said the grasses in this area are currently growing well and recommended requiring that the material be removed from the slopes to allow it to become more adequately vegetated and to remove the potential barrier to underground wildlife. The Commission will reevaluate the site following the removal of the plastic mesh to determine whether reseeding will be required.

967 West Street - Heidi and Andrew Williams: A preliminary plan has been submitted by Oxbow Associates in advance of the ATF NOI pending since 3/29/19 to address unpermitted Buffer Zone and potential BVW alteration

Enforcement Orders:

Rockstrom Conservation Land/ CR Violation Tree Removal – Steve Herbst 605 School Street: Willard reported being contacted by a wetland scientist who has indicated he will be on site within the next couple of weeks to begin the Restoration Plan that was due 4/30/19.

162 Nowell Farme Road – Eric Fleming: A preliminary plan has been submitted by Oxbow Associates in advance of the ATF NOI that was due on 5/13/19.

FY20 Budget Final Report:

Verge said the BOS is in the process of revising the process for addressing personnel requests. She said that in light of their decision not to support the Commission's FY20 requests, the BOS is also requesting that a succession plan be included in the FY21 request. Verge said she and Willard have modified the existing Administrative Assistant position description and the question is now whether the Commission wants to modify the position further to be filled by someone who would be qualified to assume the current Conservation Administrator position upon her retirement. Verge said she hopes the FY21 process is smoother with better communication.

Committee Liaison Reports:

Cranberry Bog Working Group: Lindquist reported they recently had their first meeting since December during which they looked at options and determined they would revisit the potential for farming cranberries prior to presenting the two previously selected options for future uses. A site visit has been scheduled with MassDEP Wetlands Analyst Gary Bogue regarding future maintenance options.

9:20 p.m. *Lindquist moved to adjourn, Young seconded the motion, and all voted in favor.*

Respectfully submitted,
Mary Hopkins
Administrative Assistant