

Carlisle Conservation Commission
Minutes
May 28, 2020

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 870 1203 9096)**

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; Helen Young – aye; Alex Parra – aye; Navneet Hundal – aye; Conservation Administrator Sylvia Willard – aye; Administrative Assistant Mary Hopkins – aye. Commissioner Ken Belitz was not present.

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

7:09 p.m. Commissioner Belitz joined the meeting

Bills Approval: *Tatistcheff moved to approve the bills as presented by the Administrator: W.B. Mason \$37.30 for office supplies; Carlisle Rubbish \$55.00 for trash pickup at Foss Farm and the Cranberry Bog; Dog Waste Depot \$95.82 for bag dispenser refills. Belitz seconded the motion. Roll Call Vote: Verge - aye; Tatistcheff – aye; Belitz – aye; Parra – aye; Young – aye; Hundal – aye; Wells – aye.*

Database Update: *Tatistcheff moved to authorize the Administrator to proceed with the upgrade of the wetlands database relative to COVID-19 permitting requirements. Young seconded. Roll Call Vote: Verge - aye; Tatistcheff – aye; Belitz – aye; Parra – aye; Young – aye; Hundal – aye; Wells – aye.*

7:14 p.m. Certificates of Compliance:

(DEP 125- 0710) 50 Heald Road, Applicant: Nicholas Kalogeropoulos, Project Description: construction of a pool, concrete patio, grading and tree removal. Issued: 10/28/2003.

A letter submitted with the request for a Certificate of Compliance acknowledged clearing of additional trees beyond the permitted limit of work. Ten trees have now been planted by property owner, and several young white pines (about 2.5 feet high) are growing freely in the area as well as a natural understory. *Tatistcheff moved to accept the plan deviations with mitigation and issue a Certificate of Compliance for DEP #125-0710.*

Parra seconded. Roll Call Vote: Verge - no response, WIFI issues; Tatistcheff – aye; Belitz – aye; Parra – aye; Young – aye; Hundal – aye; Wells – aye.

Verge rejoined

7:16 p.m. (DEP 125-1091) Notice of Intent, Continued Hearing

Applicant: Alison V. Pascarelli and Elizabeth Hudson Valentine, Trustees

Trustees of the 566 Acton Street Nominee Trust

Project Location; Lot 12 West Street

Project Description: Grading associated with a single-family house and a portion of driveway within the 100-foot buffer zone of a Bordering Vegetated Wetland

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

Dan Carr of Stamski and McNary reported David Crossman of B&C Associates has renumbered the wetland flags based on comments from the recent site visit attended by Willard and several members. Crossman is aware that he will need to return to number the flags located across the street. Carr said revised plans are in process to include changes based on comments at the previous hearing, including: (1) construction fencing will be shown at the edge of the Buffer Zone and at the edge of the Conservation Restriction where possible to avoid unintentional alteration of those areas; (2) one additional iron pipe is proposed along the Conservation Restriction line that parallels West Street in front of the proposed dwelling to prevent future encroachment. The existing iron pipes and stone bounds will also be shown at the corners of the Lot 12 building envelope.

Carr said they propose to locate the additional iron pipe in the middle of the property line in front of the dwelling to designate the front of the CR boundary, subject to the commission's approval. Wells recommended two additional iron pins be provided, since the distance between the existing bounds is 170 feet, with grading proposed up to the edge of the CR boundary. He suggested one to the north of the northern edge of grading and the other south of the driveway. Carr said his clients' thought process is when the CR was granted, they determined where they wanted the bounds which they believe is sufficient.

Parra noted they are proposing extensive grading that extends into an area shown as CR land and asked if this is permitted under the terms of the CR. Carr stated this activity is permitted under the CR because it is required for the construction of the driveway. Verge said the area will be disturbed by grading associated with the driveway construction requested confirmation that the area will be allowed to revegetate with no future disturbance once the grading is completed. Carr said that is his understanding. Verge noted an area at the turnaround to the north is an area which future owners will want to clear for plantings/landscaping and suggested they provide an iron pin in that area.

There was no public comment.

Wells reviewed the locations of the boundary locations and said he would entertain a motion to continue the hearing to June 18, 2020 at 7:30 pm with the representative's approval; The motion was moved by Verge and seconded by Tatistcheff. Roll Call Vote: Verge - aye; Tatistcheff – aye; Belitz – aye; Parra – aye; Young – aye; Hundal – aye; Wells – aye.

7:31 p.m. (DEP 125-1093) Abbreviated Notice of Resource Area Delineation

Applicant: Alison V. Pascarelli and Elizabeth Hudson Valentine,

Trustees of the 566 Acton Street Nominee Trust

Location: West Street and Acton Street

Project Description: Confirmation of 16,925 linear feet of boundary delineated Bordering Vegetated Wetland

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

Dan Carr of Stamski began with a detailed overview of the 136-acre site, which consists of 15 lots surrounding the intersection of West Street and Acton Street. He noted Lots 1 and 8, consisting of approximately 20 acres, are not included in this filing. There is an existing house on Lot 14 and a combination of open fields and woods across the site. Bordering Vegetated Wetlands (BVW) have been delineated by B & C Associates across the site, and such BVW projects 100-foot Buffer Zones onto the site. A perennial stream flows through the Acton portion of Lot 5 that projects a small amount of Riverfront Area into Carlisle and the only Flood Plain on the site. There are also two intermittent streams running through the site as shown on the Drainage Area Sketch Plan. The applicant is requesting the confirmation of the extent of the BVW and Buffer Zones on the site.

Wells said he believes a peer review is in order given the substantial amount of wetlands as well as several potential vernal pools on the site. The commission supported this recommendation unanimously. Willard agreed to obtain price and availability from 3 or 4 firms in advance of the next hearing when a final selection will be made.

Wells said he would entertain a motion to continue the hearing to *June 14, 2020 at 7:30 with the representative's approval. The motion was moved by Tatistcheff and seconded by Young. Roll Call Vote: Verge - aye; Tatistcheff - aye; Belitz - no response (technical issues); Parra - aye; Young - aye; Hundal - aye; Wells - aye.*

Belitz rejoined the meeting

7:45 p.m. (DEP 125-1092) Notice of Intent, Continued Hearing

Applicant: David Chaffin

Project Location: 52 East St., Map 22, Parcel 64.

Project Description: repair of a failing subsurface sewage disposal system a portion of work to be located within 100-ft Buffer Zone of a Bordering Vegetated Wetland but greater than 50 feet.

Wells opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw and requested a motion to continue to June 18, 2020 at 7:45 p.m. at the applicant's request. The motion was moved by Tatistcheff and seconded by Verge. Roll Call Vote: Verge - aye; Tatistcheff - aye; Belitz - aye; Parra - aye; Young - aye; Hundal - aye; Wells - aye.

7:48 p.m. (DEP 125-1088) Notice of Intent, Continued 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

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

Paul Kirchner of Stamski and McNary presented the revised Sewage Disposal Plan dated May 20, 2020 in response to comments made by the Commission at the previous hearing, with the following changes: (1)

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Meeting Date: May 28, 2020

Approval Date: July 9, 2020

Proposed tree removal has been reduced from 7 to 2 trees. Both of these trees are located within existing lawn area and pose a hazard to structures or to vehicles navigating the driveway; the 12" Oak and the 14" pine that are proposed to be removed are 5'± from the cabin and 2'± from the edge of the driveway, respectively. Trees no longer proposed for removal are shown as so on the plan. The planting schedule has been revised to reflect the adjustments made to the proposed tree removal. (2) The proposed patio to the rear of the cabin has been reduced in size in order to maintain the pre-development setback. Kirchner noted that all proposed disturbance is located farther from the edge of the water than existing conditions; the existing horseshoe pits, which are at 5'± from the edge of the water, will be removed. The total disturbance within Riverfront Area calculations were updated based on these changes and included in a revised Project Narrative dated May 21, 2020.

There was no public comment.

The Commission thanked the representative and the applicant for making significant plan changes in response to their concerns expressed at the previous hearings. With no further comment, *Wells said he would entertain a motion to close the hearing for DEP 125-1088. The motion was moved by Tatistcheff and seconded by Verge. Roll Call Vote: Verge - aye; Tatistcheff – aye; Belitz – aye; Parra – aye; Young – aye; Hundal – aye; Wells – aye. Wells said he would entertain a motion to issue a Standard Order of Conditions with a Special Condition requiring 2 years of additional mitigation planting monitoring by a wetland scientist with at least 5 years of experience, ensuring success of the plantings after the second growing season with no presence of invasive species. The motion was moved by Young and seconded by Tatistcheff. Roll Call Vote: Verge - aye; Tatistcheff – aye; Belitz – aye; Parra – aye; Young – aye; Hundal – aye; Wells – aye.*

7:56 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 hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Verge recused as an abutter.

Paul Kirchner of Stamski and McNary presented the revised plan dated May 20, 2021 in response to comments made by the Commission at the previous public hearing with the following changes: 1) Bounds are now proposed to mark the edge of the Riverfront Area; 2) Highbush Blueberry shrubs are now proposed in lieu of Silky Dogwood in an area of alteration within the Riverfront Area; 3) The two previously unmarked rectangles to the north of the proposed dwelling are now identified. Kirchner noted these areas have been reserved for a future pool and cabana; however the applicant is not proposing to construct these at this time. In addition to these changes, the siltation barrier has been extended in the area downgradient of the plantings and monumentation has been added along the edge of riverfront Area to prevent future encroachment.

There were no public comments.

Hundal asked if the placeholder for the future pool and cabana on the plan may cause confusion in the future as to what was actually approved. Wells explained that area is outside the Riverfront Area and but will require a filing if any work extends beyond the areas to be marked with permanent bounds. Wells said he was inclined to lean toward a Negative Determination/B1 on good faith that the applicant will complete the restoration planting and will install the monumentation. There were no comments otherwise. *Wells said he would entertain a motion to issue a Negative Determination for DOA-361, the area described in the request is not an area subject to protection under the Act or the Buffer Zone. The motion was moved by Tatistcheff and seconded by Young. Roll Call Vote: Tatistcheff – aye; Verge – aye; Belitz – aye; Parra – aye; Young – aye; Hundal – aye; Wells – aye.*

8:04 Carlisle Deer Hunt program response to BOS: Wells thanked Parra for preparing a draft summarizing the Commission's recommendations and comments on the DCC proposal for tonight's continued discussion.

Parra then provided a brief update on matters before the Deer Control Committee:

- there is a petition circulating with over 500 signatures asking that the BOS not renew the program.
- the town of Concord has responded to USFS regarding their proposed expansion of the hunting program in 2 respects: Concord recognizes the utility of hunting to reduce deer overpopulation but seem to oppose hunting of bear and coyotes
- there is not a great level of specificity or data specific to Carlisle to support the Bow Hunting program, which is what the BOS is requesting
- the MetroWest Conservation Alliance has written to the BOS with a strong letter of support for the continuation of the program

Belitz then reviewed several changes he is proposing to the draft response memo, which he would forward to members electronically for their further consideration following the discussion. The Commission then provided their individual thoughts in response to the proposed changes and provided additional comments for consideration of inclusion. Parra agreed to comments into the final draft to be finalized at the next meeting.

Wells then opened the discussion for public comment. Jeannie Geneczko of 898 Maple Street said she was dismayed at the last meeting because she felt there is no quantification of success for an expanded hunt. Another resident agreed there was an absence of scientific data from which to determine success or failure. Wells thanked the residents for their input.

Wells requested a motion to hold a Special Meeting on June 4, 2020 at 7pm to discuss the final letter to the BOS. The motion was moved by Parra and seconded by Tatistcheff. Roll Call Vote: Tatistcheff – aye; Belitz – aye; Verge – aye; Parra – aye; Young – no response (technical issues); Hundal – aye; Wells – aye.

Young rejoined the meeting.

Extension Permit:

MassDEP 125- 0966, Applicant: Steve DeFoe, 570 West Street. Project: Construction of a subdivision roadway, including stormwater management, grading, installation of a fire cistern and pathway and portions of a single-family home. Issued: 4/20/16, extended to 6/20/20; Requesting 3 years.

Mr. Defoe has provided a list of items located within the 100-foot Buffer Zone that are to be completed by October 1, 2020, including wetland plantings, installation of a guardrail at the cul-de-sac and a defined entrance to the walking path. Willard reported there is also other work pending that she had previously communicated to the developer, including the removal of wood chips from around the fire cistern followed by loaming and seeding. There is other work to be completed for Planning Board, which is also jurisdictional. The Commission agreed that a site visit is in order to evaluate the remaining work prior to issuing an extension.

Open Space and Recreation Report – 7-Year Action Plan: The Commission will continue their review in updating the report at their Special Meeting on June 4, 2020.

Administrative Approvals: Willard reported two Administrative Approvals were issued on 5/19/2020 for removal of 3 three trees each: Rebecca Fortier at 62 Woodbine Road and to Peter Burn at 223 Partridge Lane.

8:51 p.m. *Tatistcheff moved to adjourn. Parra seconded. Roll Call Vote: Tatistcheff – aye; Verge – aye; Belitz – aye; Parra – 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