

Carlisle Conservation Commission
June 22, 2023
Minutes

7:08 p.m. Chair Alex Parra called the 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.

Members Present: Alex Parra (Chair), Navneet Hundal, Brian Murphy, George Shepard
Conservation Staff: Sylvia Willard, Conservation Administrator; Mary Hopkins, Asst to the Conservation Administrator

New and Pending Business/Administrative Reports: (taken up throughout the meeting as time permitted)

Continuances: Parra reported the Commission does not have an eligible quorum for most of the Wetlands Protection Act filings on the agenda except for DEP 125-1151 and DOA-377. All other hearings will be opened and continued to 7/22/2023.

Signatory Authorization: On the motion by Hundal and seconded by Murphy, it was unanimously VOTED to authorize the Administrator to sign documents on behalf of the Conservation Commission. Roll Call Vote: Murphy-aye; Shepard-aye; Hundal-aye; Parra-aye.

Approval of Bills: Payroll 6/2/23 & 6/16/23; Stamski and McNary - Cranberry Bog NOI Hearings & Prep 4/30/23-6/3/23 \$379.35; MACC FY24 Dues \$844.00; Mark Duffy - FY23 Cranberry Bog Maintenance \$12,000.00.

The Commission discussed several issues regarding payment of the **FY23 Cranberry Bog Maintenance invoice**, including the fact that no formal maintenance agreement was ever signed for FY23 which may prohibit the Commission from authorizing payment. The signing of the agreement had been delayed due to setbacks in completing the Ecological Restoration Limited Project NOI for the Cranberry Bog, which was needed in order to allow mowing. The delay was also due in part to a lack of detail provided by Mr. Duffy regarding completed maintenance activities and time spent completing those activities. In addition, some of the work included in the original plan for maintenance for this year was not possible due to the expiration of the agricultural exemptions. There was agreement among members that the invoice submitted did not provide sufficient details regarding the completed work, despite repeated requests for this information over the past several years.

Following further discussion, the Commission determined as a workaround Parra would sign the Maintenance Agreement prior to 6/30/2023 in order to encumber the funds and time will be scheduled on the next agenda when they will further discuss the costs outlined in the invoice submitted by Mr. Duffy to determine an appropriate payment.

On the motion by Murphy and seconded by Hundal, it was unanimously VOTED to table discussion of payment of the Cranberry Bog maintenance invoice to 7/20/2023. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

On the motion by Hundal and seconded by Shepard, it was unanimously VOTED to approve the remaining bills as submitted. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

Minutes: 5/4/2023 and 5/25/2023 deferred to 7/20/2023 pending review

MassDEP SOC Decision - 384 River Road: The applicant, Eileen English, had originally submitted a Notice of Intent to remove 42 trees within the 100-foot Buffer Zone, 5 of which were located within the Bordering Vegetated Wetland (BVW). Following several continued hearings and plan revisions, the request was reduced to include the removal of 22 trees and an Order of Conditions (OOC) was issued, which included additional mitigation planting requirements consistent with the Commission's Tree Removal Policy (a 1:1 tree replacement

ratio or 2:1 shrub replacement ratio). Following an appeal by the applicant, DEP issued a Superseding OOC under which the applicant is not required to provide plantings beyond what was included in the revised plan; however, the SOC requires significant monitoring and oversight of the project by a wetlands consultant. Parra said this outcome reinforces the need for the Commission to move forward with the effort to strengthen and expand the local wetlands bylaw to include, among other regulations, the provisions of the Tree Removal Policy. He noted a previous effort to revise the bylaw was stalled by the pandemic. Parra explained that as it stands, the Tree Removal Policy can be enforced only to the extent that it is necessary to meet the Performance Standards of the Wetlands Protection Act and Regulations. Parra recommended the Commission reestablish the Wetlands Bylaw Committee and offered to consult with Town Counsel for assistance in completing the revision following the completion of his current term as ConsCom Chair.

Cranberry Bog Phragmites Control Treatment: The Commission reviewed the two quotes received for treatment: Land Stewardship, Inc. \$3,150 spanning 2023-2025 and Oxbow Associates \$875 to be completed during FY24. Following discussion of current conditions following one year of treatment in FY23, it was agreed an additional one-year program would best meet the Commission's needs; future treatment requirements will be reassessed following this year's treatment program. On the motion by Murphy and seconded by Hundal, it was unanimously VOTED to accept the quote from Oxbow Associates for \$875. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

7:20 p.m. (DEP 125-1110) Notice of Intent, Continued hearing

Applicant: Derek Zanga

Project Location: Off South Street: Map 5, Parcel 9, Lot A

Project Description: Construction of a paved driveway and replacement of an existing stone culvert that crosses an intermittent stream with work in the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

On the motion by Murphy and seconded by Hundal, it was unanimously VOTED to continue the hearing due to a lack of quorum and with the applicant's permission to 7/20/2023 at 7:15 p.m. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

7:21 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,

Due to a lack of quorum for this project, this hearing, with the applicant's permission, must be immediately continued

On the motion by Hundal and seconded by Murphy, it was unanimously VOTED to continue the hearing due to a lack of quorum to 7/20/2023 at 8:00 p.m. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

7:35 p.m. (DEP 125-1156) Notice of Intent, Continued Hearing

Applicant: Tully Foote, The Woodside Trust

Project Location: South Street. Map 5, Lots 54-X & 56-X

Project Description: Reconstruction of a single-family home and appurtenances, a barn and driveway with 2 wetland crossings.

On the motion by Hundal and seconded by Murphy, it was unanimously VOTED to continue the hearing due to a lack of quorum and with the applicant's permission to 7/20/2023 at 8:00 p.m. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

7:36 p.m. (DOA-377) Request for Determination of Applicability

Applicant: Christopher Petersen

Project Location: 120 Evergreen Lane

Project Description: Replacement of a sewage disposal system with some access to the location of the system in the Buffer zone

Nathaniel Cataldo of Stamski and McNary presented the plan. The purpose of the project is to replace the existing sewage disposal system. The existing system is in failure and is located within 100 feet of the water supply well. Work within the 100-foot Buffer Zone is limited to minor excavation for the installation of the force main and pump chamber and for providing a construction access path to the area where the leach field will be installed. The owner of the property has noted that part of the reason for the presence of the wetland is due to a blocked culvert that crosses under the road. All proposed system components will be outside of the Buffer Zone. All work including the access path leading to the leach field is within existing lawn and disturbed area. A silt fence will be provided downgradient of the work and access areas to prevent indirect alteration of the resource areas during construction. Any disturbed areas will be restored to existing conditions.

Present was property owner Christopher Petersen, who said the DPW had determined that the culvert that runs under Carlisle Pines Drive is in failure, causing the road itself to be damming an intermittent stream that would otherwise have flowed under the road; therefore, the adjacent wet area is not a naturally occurring wetland. He requested that this be noted when the town repaves Evergreen Lane in the future. Mr. Petersen also noted that the reason the current system was deemed failing is due to the pipes being located below the inferred high ground water level.

On the motion by Murphy and seconded by Hundal, it was VOTED to issue a Negative Determination/B3 – the work described in the Request is within the Buffer Zone, as defined in the Regulations, but will not alter an Area subject to protection under the Act; therefore said work does not require the filing of a Notice of Intent, subject to reseeded if the existing lawn area is disturbed during construction. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

7:48 p.m. (DEP 125-1161) Notice of Intent

Applicant: Darryl Forgione/Comm of Mass DCR

Project Location: Great Brook Farm State Park –Pine Loop Trail - Lowell Street Map 33, Parcel 4, Lot 0

Project Description: Repair of a culvert headwall and additional culvert to be left in place as a permanent flow equalizing pipe beneath the Pine Point Loop Trail/access road.

Anthony Damiano of GZA Environmental presented the plan for the retroactive approval of the installation of a flow pipe and for maintenance of an existing culvert replaced in December 2019 under DEP 125-1060, which included the demolition of two structures and the replacement of a collapsed culvert on the Pine Loop Trail. In addition to the removal of the two structures and the replacement of the primary culvert structure, a separate 15-inch pipe was installed during the replacement of the collapsed primary culvert as a temporary stream bypass structure to maintain flow downstream was installed and left in place. The new pipe was installed approximately 25 inches above the existing pipe culvert at the same location. After the primary box culvert was completed, the new 15-inch pipe was left in place at the conclusion of construction and is currently functioning as part of the overall hydraulic system for passing flow under the access road.

The applicant is now requesting approval to leave the bypass pipe in place permanently under the current NOI. The purpose and need for leaving the flow pipe in place are based on conditions they have observed over the past couple of years. They believe leaving the pipe in place is beneficial in that it provides a flow equalizing function, particularly during high intensity rain events or snow melt, when the culvert to the east may be taking on large volumes of water and the bypass pipe allows flow on the other side of the trail to pass more efficiently and continue to move downstream. Additionally, there has been no observed erosion or negative impacts or obstruction to downstream flow over the last couple of years following the installation of the bypass pipe. Mr. Damiano noted that during construction the contractor had removed some debris from the existing pipe that was in place, which is likely now partially collapsing or may be fully blocked. Also proposed as part of this project is approval to conduct maintenance of the stone masonry associated with the uppermost portion of the northern culvert headwall.

Murphy asked if they had any sense of how much additional flow the pipe is carrying and whether there may be any alteration to the upper wetland. Mr. Damiano said they did not have flow measurements, but they have been out to the site periodically over the past few years and the flow has been very consistent through this area. Also present was DCR Regional Engineer Darryl Forgione, who said that although they do not have data points on the flow, they have been seeing more water in this area, which impacts the trail and the farmer's operation as well. Parra asked if the water would be flowing through the replaced culvert if they did not have the new proposed pipe. Mr. Damiano said water was flowing through both pipes, which is why they located a bypass pipe in the other location during construction, and the fact that they were able to use that successfully as a bypass, they are confident water was flowing through prior to work and will continue to do so in a natural fashion.

Willard reported a discrepancy between what was shown for the location of the temporary bypass culvert within the access road vs what was constructed. Mr. Damiano said that they had retained the proposed pipe drawing on top of what was submitted in the new filing to maintain consistency between filings and to demonstrate less impact in the vertical direction.

Parra asked when the work under the previous NOI was completed. Mr. Forgione said the work was completed in 2019 prior to the pandemic, and there were many delays since then including the lapsing of the contract with GZA and the determination that the OOC had expired when they had wanted to amend the previous OOC.

On the motion by Murphy and seconded by Hundal, it was unanimously VOTED to close the hearing for DEP 125-1161. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

On the motion by Murphy and seconded by Hundal, it was unanimously VOTED to issue a Standard Order to Conditions with an additional Condition requiring that the erosion control barrier associated with the previous project be removed. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

8:24 p.m. (DEP 125-1155) Notice of Intent, Ecological Restoration Limited Project, Continued hearing

Applicant: Danielle Zimmerman

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

Project description: Treatment of invasive plant species in a pond. You received a printed email in your packet regarding this project.

On the motion by Hundal and seconded by Murphy, it was unanimously VOTED to continue the hearing due to a lack of quorum and with the representative's permission to 7/20/2023 at 7:15 p.m. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

8:25 p.m. (DEP 125-1154) Notice of Intent, Continued Hearing

Applicant: Michael Napier/East Coast Development

Project Location: 42 Bingham Road

Project Description: Construction of a driveway with an open bottom box culvert to cross an intermittent stream providing access to a proposed single-family dwelling and deck, a water supply well, elements of a sewage disposal system, a second, and temporary disturbance and reconstruction of an intermittent stream to allow installation of a septic system leaching field. Work is within Bordering Vegetated Wetland and Bank resource areas and within the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

On the motion by Hundal and seconded by Shepard, it was unanimously VOTED to continue the hearing due to a lack of quorum and with the representative's permission to 7/20/2023 at 7:30 p.m. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

8:26 p.m. (DEP 125-1158) Notice of Intent, Continued Hearing

Applicant: Colin Moriarty

Project location: 291 Skelton Rd & 0 River & 383 River Road, Map 1, Parcels 1-2,1-7, & 7-1

Project description: After-the-fact filing for completing construction on a common driveway providing access to four single-family lots as approved in the amended OOC for DEP File #125-0893.

On the motion by Murphy and seconded by Hundal, it was unanimously VOTED to continue the hearing due to a lack of quorum and with the representative's permission to 7/20/2023 at 7:45 p.m. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

8:27 p.m. (DEP 125-1160) Notice of Intent, Continued Hearing

Applicant: Artem Fandin

Project Location: 212 Acton Street

Project: Unpermitted work within Bordering Vegetated Wetland, within 100' of Bordering Vegetated Wetland and within the 200' Riverfront Area. Work will include restoration of Bordering Vegetated Wetland and mitigation plantings, replacement of a walkway, replacement of underground wires, repaving of the existing driveway, and construction of a post and rail fence, walkway, and patio.

On the motion by Hundal and seconded by Murphy, it was unanimously VOTED to continue the hearing due to a lack of quorum and with the representative's approval to 7/20/2023 at 7:45 p.m. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

8:33 p.m. (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 Murphy and seconded by Hundal, it was unanimously VOTED to continue the hearings for DEP 125-1151 and DEP 125-1152 due to a lack of quorum and with the representative's permission to 7/20/2023 at 8:15 p.m. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

8:34 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.

On the motion by Murphy and seconded by Hundal, it was unanimously VOTED to continue the hearing due to a lack of quorum and with the applicants' permission to 7/20/2023 at 8:15 p.m. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

Request for a Red Line Change

(DEP 125-1109) 75 Blaisdell Drive; Applicant: Deborah Abel; Replacement of an existing deck within the 100-foot buffer Zone; Issued 6/29/2021.

Property owner Lee Pearlman was present to request approval to replace the existing deck under the existing OOC based on a recommendation by his building contractor, who has determined the structure was not built to code and poses a safety hazard. The proposed deck will be constructed within the same footprint with appropriate decking

material and support posts. The project will not require any excavation or changes to the pilings. Construction materials and debris will be manually transported to the driveway vs locating a dumpster in the project area. Being there were no proposed changes in dimensions of the deck and no site disturbance within the resource area, the Commission determined a red line change vs a request for an Amended OOC was sufficient. On the motion by Hundal and seconded by Murphy, it was unanimously VOTED to accept the red line plan change as proposed. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

Tree Removal Applications:

120 Wolf Rock Road: Applicant: Diane Staheli; Removal of 7 trees within the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

On the motion by Murphy and seconded by Hundal, it was unanimously VOTED to approve the request as submitted. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

194 Nowell farm Road: Applicant: Norman Rolfe; Removal of one 24-inch diameter deteriorating white pine tree in proximity to a structure on a single-family home lot and within the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

On the motion by Hundal and seconded by Murphy, it was unanimously VOTED to approve the request as submitted. Roll Call Vote: Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

Certificates of Compliance:

(DEP) 125-1134) 147 Westford St. Applicant: Sarah & David Sutherland: Project: Installation of a sewage disposal system, red line change issued 9.20.2022 for installation of a new well.

On the motion by Murphy and seconded by Hundal, it was unanimously VOTED to issue a Certificate of Compliance for DEP 125-1134. Roll Call Vote: Murphy-aye, Shepard-aye, Hundal-aye, Parra-aye.

Conservation Land Management:

Towle Conservation Land - Invasive Plant Management: Two proposals have been submitted by Maddie Kiszewski for hand pulling at Towle: (1) completion of the work in the main field begun last year, which ended due to lack of funding; the estimated cost for completing that work is \$1,160; (2) manual removal of poison ivy in the west field is \$2,240.

Willard will obtain estimates for chemical treatment in order to evaluate at the next meeting the relative costs vs effectiveness of manual removal vs treatment by a licensed applicator.

8:56 p.m. On the motion by Hundal and seconded by Shepard, it was VOTED to adjourn.

Prepared by: Mary Hopkins

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