

Carlisle Conservation Commission
August 6, 2020
Minutes

7:00 p.m. Chair Lee Tatistcheff Introduction to Remote Meeting: Pursuant to 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 concerning imposition on strict limitations on the number of people that may gather in one place, this meeting was conducted via remote participation via Zoom and the link was provided on the Posted Agenda. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public could adequately access the proceedings. In order to allow for effective and clear conduct of the Commission's business and to ensure accurate meeting minutes, all participants should keep their phones muted unless recognized by the Chair to reduce background noise and feedback. Members of the public wishing to be recognized by the Chair shall notify the organizer by typing your name, address and role in the discussion. Please note that this meeting is being recorded.

Members Participating: Lee Tatistcheff (chair), Ken Belitz, Helen Young, Dan Wells ,Alex Parra, Navneet Hundal
Members Absent: Angie Verge (vice chair)
Staff: Sylvia Willard, Conservation Administrator

Contingent Meeting Date: *On a motion by Young and seconded by Belitz, it was unanimously voted to hold a special meeting on August 20, 2020 in the event of premature termination of this meeting due to ongoing electrical storms. Roll call vote: Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye*

Maple Street Beaver Management: *On a motion by Parra and seconded by Young, it was unanimously voted to authorize the Conservation Administrator to enter into a contract with Beaver Solutions for a site evaluation and management proposal at a cost not to exceed \$225. Roll Call Vote: Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye*

Conservation Land Naming: Naming of recently acquired Conservation land that have come to the Conservation Commission for care and management since the previous Open Space and Recreation Plan was completed:

(1) Two parcels located off Harwell Road which span lands that are mostly wetlands and flood zone between Hartwell Meadow in Concord and Bisbee Conservation Land in Carlisle. Part of the land was granted by the Irwin family and part of it was taken by the town due to unpaid taxes on the land.

*On a motion by Wells and seconded by Hundal, it was unanimously voted to name the parcels **Hartwell Woods**. Roll Call Vote: Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.*

(2) Two parcels located off Rutland Street that came to the town as a gift from the developer of Arrowhead Lane. The previous owner was a long-time Carlisle family who owned Blanchette Gardens, no longer in business.

*On a motion by Young and seconded by Parra, it was voted to name the parcels the **Blanchette Conservation Land**. Roll call vote: Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye*

7:25 p.m. (DEP 125-1093) Abbreviated Notice of Resource Delineation, Continued Hearing

Applicant: Alison V. Pascarelli and Elizabeth Hudson Valentine, Trustees of the 566 Acton Street Nominee Trust

Project Location: West Street and Acton Street

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

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

Present were project engineer Dan Carr of Stamski and McNary, Inc. and peer reviewer Dave Pickard of Ecological Resource Consultants. Pickard introduced himself and briefly discussed the field review, which was completed on August 3. The updated plan with revised flagging is in progress.

Pickard provided an overview of his findings, including 9 flag location adjustments—6 new flags to encompass areas outside the limits of wetlands shown on the plan and 3 areas where flags were accurate in the field but not shown on the plan; and (9) and replacement flags where the flags were missing in the field or not legible. Of note was a stream located in the southwest corner of Lot 5 that is shown as intermittent on the USGS map, where Pickard and Willard observed the stream was flowing continuously for several hundred feet, even during the current drought conditions. Upon further research, Pickard reported

finding both the size of the watershed and predicted flow rate meet the characteristics referenced in the WPA Regulations when defining rivers vs intermittent streams. These findings were based on further research including a Stream Stats Analysis done to the other side of Acton Street, which showed the watershed, when combining the two tributaries, was greater than half a square mile and the 99% flow duration was greater than .01 CFS, confirming the stream meets the criteria to be classified as a river and bordered by Riverfront Area.

Also of note are 8 potential vernal pools identified during the field review, which appeared to hold enough standing water during the spring for a significant period of time to at least provide the hydrologic and geomorphic characteristics that are needed for breeding. Whether they meet the certification requirements or not must be determined during the appropriate time of year. Pickard agreed to provide photographs with locations to be used for future certification with the submission of his final report.

Carr confirmed the revised plan, including flag revisions and addressing the riverfront issue, will be submitted in accordance with deadline requirements in order to be reviewed at the next meeting.

On a motion by Young and seconded by Hundal, it was unanimously voted to continue the hearing to September 10, 2020 at 7:15 p.m. with the representatives' approval, when both the revised plan and the peer review report will be discussed. Roll Call Vote: Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye

7:43 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.

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

Dan Carr of Stamski and McNary presented the revised plan dated July 9, 2020 including changes based on discussions at the previous hearing: the wetland replication area (WRA) is now located in its originally proposed location, at a slightly smaller size at 1.2x the filled wetland, to avoid two red maple trees in the area; one 14-inch maple tree is still proposed for removal within the WRA due to its location; ten red maple trees are proposed to be planted in the WRA; a note has been added that the woody debris removed for the driveway crossing is to be reused in the WRA.

Willard recommended the addition of a construction entrance at the beginning of the driveway. She asked if lighting guidelines may be appropriate due to the location of the driveway relative to the vernal pool habitat. Wells did not consider the driveway lighting to be an issue since the project is for a single-family lot only and the vernal pool habitat is at or greater than 100 feet from the driveway. Wells noted the construction schedule is unknown at this point and expressed concern that there will be silt fencing that could potentially block migration in and out of the vernal pool. He said ideally there would be timing restrictions where no fencing could be in place that could interfere with wood frog and spotted salamander migration. In this case, he suggested an alternative would be to leave a gap in the fencing to allow for wildlife passage, particularly in places that will not require substantial grading. Wells requested clarification as to why the plan includes one tree still proposed for removal within the WRA. Carr explained the tree is in the center of the WRA, and they will be required to cut back some soil in this area in order to get the hydrological connection to the wetland.

On a motion by Young and seconded by Parra, it was unanimously voted to close the hearing for DEP 125-1089. On a motion by Wells and seconded by Parra, it was unanimously voted moved to issue a Standard Order of Conditions with the following Special Conditions: (1) prior to activity commencing on the site, a plan for a construction entrance shall be submitted to the Conservation Commission administrator for her review and her approval. The approved plan shall be implemented prior to clearing activity on the site; (2) from Curve Street to the stream crossing, provide critter gaps at least every 50 feet along erosion control on both sides of the driveway. Also, provide critter gaps every 50 feet on the stretch of erosion control east of the crossing and north of the driveway, from the stream crossing to its terminus. Roll Call Vote: Belitz – Aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

7:52 p.m. (DEP 125-1094) Notice of Intent, Continued Hearing

Applicant: Justin Fishlin

Project Location: 54 Judy Farm Road

Project Description: Construction of a 2-story garage and extension of the existing driveway within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

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

Kurtis Platteel of Stamski and McNary presented the revised plan dated August 6, 2020 in response to comments at the previous hearing, including the following changes to the plan: the structure has been rotated away from the Bordering Vegetated Wetland with a slight reduction in length; an infiltration trench has been proposed between the driveway and the BVW. The closest corner of the structure is now at 31 feet from the wetland and the Limit of Work is at 25 feet.

Platteel said there is another plan now in progress with several additional modifications. They would like to include a 5-foot by 20-foot extension on the southern side of the building to allow for a stairwell to be located there in order to avoid any major modifications to the internal architecture. This extension will still be located at 31 feet from the wetland and will preserve the 25 foot no disturb zone. Wells asked if the extension could affect the sizing of the infiltration trench. Platteel responded that the proposed extension is roughly 100 sf in size and will not result in a significant increase in runoff, noting that anything that is affected will be caught by the second infiltration trench located farther downslope. Platteel noted one of the trees proposed for removal on the plan came down and destroyed the existing shed in the last severe storm event. Applicant Justin Fishlin shared photographs of the resulting damage. He noted the location of a large boulder on the plan and indicated he would like to relocate it to a location t/b/d subject to the Commission's approval.

Tatistcheff said the Commission greatly appreciates the applicant's willingness to make significant changes to the plan in order to protect the wetland resources. There were no objections to the proposed extension given the inclusion of two infiltration trenches to manage the increase in impervious surface.

On a motion by Wells and seconded by Hundal, it was unanimously voted to continue the hearing for DEP 125-1094 to September 10, 2020 at 7:15 p.m. with the applicant's approval and pending the submission of a stamped plan. Roll Call Vote: Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye

8:07 p.m. (DOA -364) Request for Determination

Applicant: W. Gordon Means & Lee F. Means (c/o) Wind River Environmental

Project Location: 94 East Meadow Lane

Project Description: Work associated with installation of a septic system

Tatistcheff opened the meeting under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw.

Robert Carlezon of Grady Consulting, LLC presented the plan for the replacement of the existing, failed septic system and installing a 1500-gallon septic tank and a 1500-gallon pump chamber as well as a 35'L x 25'W x 6"D leaching field system. All proposed components are located outside the 100-foot Buffer Zone. Access through the site is over an existing asphalt driveway located between the 50-foot setback and the 100-foot Buffer Zone.

There is BVW along the easterly end of the property which will not be impacted by this project, as no work is proposed within 50 feet of the wetland and the limit of work is at 64.4 feet to the wetland at its closest point.

Siltation fencing is proposed to mitigate sedimentation into the resource area and until slope stabilization has occurred.

Willard reported that according to Linda Fantasia, the BOH is reviewing some minor plan deficiencies that will not affect the Commission's review of the proposal. Parra asked if they would be stockpiling material during construction. Carlezon said they would do so outside the 100-foot Buffer Zone or remove it off site if that is the Commission's preference.

On a motion by Hundal and seconded by Wells, it was unanimously voted to issue a Negative Determination/B3 for DOA-364: the work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area; therefore, said work does not require the filing of a Notice of Intent; Condition: any stockpiling shall be located outside the 100-foot Buffer Zone. Roll Call Vote: Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye

On a motion by Wells and seconded by Hundal, it was unanimously voted to authorize Willard to sign the permits to be issued for DOA-364 and DEP 125-1094 on the Commission's behalf. Roll Call Vote: Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye

8:15 p.m. (DEP 125-1096) Notice of Intent

Applicant: Sylvia Sillers

Project Location: 49 Concord Street

Project Description: Construction of an addition to an existing dwelling, driveway and replacement of a sewage disposal system with all work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

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

Paul Kirchner of Stamski and McNary presented the plan. The 0.50± acre site contains an existing dwelling, sewage disposal system, and gravel and cobblestone driveway. The lot is primarily lawn and landscaped area with some wooded area located along Concord Street. There are Bordering Vegetated Wetland (BVW) located to the east and west of the dwelling. The existing sewage disposal system is located within the 100-foot Buffer Zone of the BVW and within 100' of the existing well. Previously, there was a barn located to the rear of the existing dwelling along Concord Street that was demolished in 1950.

The applicant is seeking a permit for the construction of an addition to the existing dwelling, construction of a paved driveway to serve the addition, and the replacement of the septic system. The addition is proposed in order to provide indoor parking for the homeowner as the existing driveway frequently ices up in the winter and poses a hazard. The addition is proposed to the rear of the existing dwelling, in the same location as the historic barn, in order to preserve the character of the property to the extent feasible and to meet Historic Commission requirements. This location places the addition within the Buffer Zone, at a minimum of 56.2 feet± from the BVW. A driveway to serve the indoor parking is also proposed within the Buffer Zone, at a minimum of 40.3 feet± from the BVW in order to provide an adequate turnout. The septic tank, distribution box, and soil absorption system are proposed within the 100-foot Buffer Zone, with the soil absorption system located a minimum of 51 feet from the BVW. The system has been designed to keep components as far as possible from the BVW while still complying with the requirements of Title 5. Waivers have been requested to Carlisle's Supplementary Requirements for Sewage Disposal Systems to allow for the construction of the soil absorption system within 100' of the BVW. Due to the location of the existing well, it is not feasible to construct the soil absorption system outside of the Buffer Zone. The plan includes a Presby Advanced Envirotech System which allows a reduction in the amount of fill needed.

Kirchner reported a plan revision is in process that includes locating all trees on the plan and accurately locating the driveway on the plan with a one-foot adjustment, with the adjusted distance to the wetland at 39.3 feet vs 40.3 feet. (Error due to carryover from a previous architectural drawing.) They will be relocating missing wetland flags in the field prior to a site inspection and will incorporate recommended changes into the revised plan. There are several trees that they have yet to determine whether they are located on the subject property or within the town's right of way and would therefore require additional steps. All trees will be shown on the revised plan accordingly. Kirchner confirmed they have received project approval from the ZBA and from the Historic Commission and are now awaiting a public hearing before the BOH on August 11, 2020.

On a motion by Wells and seconded by Young, it was unanimously voted to continue the hearing to September 10, 2020 at 7:30 p.m. with the representative's approval. Roll Call Vote: Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye

Subcommittee/Liaison Reports

Cranberry Bog Working Group (CBWG): Commissioners Ken Belitz and Alex Parra provided updates from their meeting of August 3:

- (1) The group gave consideration to the public request for circulation control and alternatives. It was decided they will work with the Land Stewardship Committee to come up with some public awareness signage that will then be presented to the Commission for approval.
- (2) Also discussed was the maintenance and clearing of woody vegetation (Maples). The group believes the town is still within the 5- year period of maintenance for land in agricultural use. On the basis of the agricultural exemption, Parra and CBWG member Susan Provenzano and will approach Mark Duffy to discuss adjusting the parameters of the existing Cranberry Bog Maintenance Agreement within the scope of the budget allotted for Cranberry Bog maintenance.

(3) Status of a Warrant Article for Cranberry Bog Notice of Intent: CBWG agreed this is a critical item in laying out a plan for preserving the area as natural open space that should be included on the Fall Town Meeting Warrant and they will advocate for support in working with the BOS.

(4) ORDER from the Massachusetts Office of Dam Safety for regular five-year visual inspection of the Curve Street Dam: CBWG discussed the question of whether to move forward with the inspection at a cost of approximately \$5k (the cost of the inspection five years ago) in order to preserve the town's options moving forward since there has been no final decision on the future management of the bog. Also considered was the alternative to request through the Office of Dam safety that the dam be reclassified as non-jurisdictional (culvert) at an estimated cost of approximately \$1,500. This option would require removal of the flumes and alteration at the bog outlet so that they could not be used to impound water.

On a motion by Belitz and seconded by Wells, it was unanimously voted to inform the BOS the Commission would like to move forward with the Phase I Dam Inspection at an approximate cost of \$5,000. Roll Call Vote: Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye

Deer Control Committee: Parra reported the committee regrettably received Jonathan DeKock's resignation. The BOS has voted to suspend the hunt for one year and to work toward including an Article on the spring 2021 Town Meeting Warrant to obtain a definitive vote as to whether the town wants to proceed with the program in the future. There has been no election of new officers for FY21 and the BOS has not defined any role for the DCC going forward.

Certificates of Compliance:

(125-1078): Applicant: Blade of Grass, for Jeffery Blue, Project Location: 29 Buttrick Lane; Project description: landscaping including patio, tree removal and plantings. Issued: 10/1/2019

On a motion by Parra and seconded by Young, it was unanimously voted to issue a Certificate of Compliance for DEP 125-1078 and to authorize the Administrator to sign the permit on their behalf. Roll Call Vote: Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye

(125-0897) Applicant: Rainbow Builders. Project location: 82 Chestnut Lane (lot 7)

Project Description: construction of a single-family home, water supply well, grading, paving, drywell. Issued: 11/23/2010, 3-year extension to 11/23/2020

The Commission deferred their decision pending the submission of a Request to Amend an Order of Conditions to include a screen porch currently under construction within the 100-foot Buffer Zone that was not included on the Plan of Record.

Project Updates:

Woodward Village: Clearing work has begun following adjustments to and implementation of the Tree Protection Plan.

480 South Street: Additional erosion control deficiencies have been identified and are now being addressed.

81 Russell Street: Willard reported giving approval to remove some of the erosion control at the base of the meadow. The erosion control must be left in place in some areas that have not yet become satisfactorily vegetated.

901 Concord Street Appeal: Site visit undertaken on July 27 with MassDEP; no response has been received

Lion's Gate – 570 West Street, Lot 1: The owner of Lot 1 has placed stone to interrupt the flow of water onto a property on West Street, adjacent the Lion's Gate development (no current Order of Conditions)

211 Bellows Hill: Willard reported work began on the installation of a gas line with no notice to the office of the Commission for a preconstruction inspection. In communicating with the project supervisor, Willard learned they had no instructions regarding the wetlands permit and associated requirements. In addition, the OOC's were never recorded at the Registry of Deeds. Willard walked the site with the project manager for the installation who explained that they had not found or interfered with any rocks that may have been part of the drainage system for an intermittent stream that flows under Bellows Hill Road. The applicant's representative has been notified of the need to record the Order of Conditions.

Maple Street Beaver Management: Brook Street resident Frank Dolis, who had missed the earlier discussion of the matter, expressed concerns with the Commission's plan to implement a formal beaver management plan. He said he has walked the area on a regular basis for many years monitoring water levels and has observed considerably fewer beavers this year than in years past. He is concerned that the issues may be related to the bridge structure rather than to beaver activity and asked that the Commission reevaluate whether there is actually a need to implement a management plan.

Tatistcheff thanked Mr. Dolis for his input and informed him that the Commission had voted earlier in the meeting to obtain a proposal for beaver management plan from Beaver Solutions, which will then be presented to the BOS for further consideration along with other alternatives.

Wetlands Database Revision: The updated database with revisions relative to COVID-19 procedures will be installed during the week of August 16.

9:15 p.m. Adjourn: *On a motion by Hundal and seconded by Young, it was voted to adjourn. Roll Call Vote: Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye*

Respectfully submitted,
Mary Hopkins

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