

**Carlisle Conservation Commission
Minutes
January 7, 2021**

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 with the link 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.

Members Participating: Lee Tatistcheff (Chair), Angie Verge (Vice Chair), Ken Belitz, Dan Wells (7:57 pm), Helen Young, Alex Parra, Navneet Hundal
Conservation Staff: Sylvia Willard, Conservation Administrator; Mary Hopkins, Assistant to Administrator

Enforcement Order: 155 Woodridge Road- George Kapsalis: Landscaping alterations within the Conservation Commission's jurisdiction including work within a documented vernal pool.

The discussion was continued to January 28, 2021 at the representative's request.

**7:21 p.m. (DEP 125-1099) Notice of Intent, Continued Hearing
Applicant: Joanna Faith Hass, 211 Bellows Hill Nominee Trust
C/O Anna and Peter Kolchinsky**

Project Location: 211 Bellows Hill Road, Map 2 Parcel 24 Lot 0

Project Description: Ecological restoration of a Bordering Vegetated Wetland and its 100-foot buffer zone by removal of invasive plants and planting native plants to improve habitat values as provided by 310 CMR 10.53 (4) 3

Chair Tatistcheff opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. She reported the project was reviewed by the Conservation Restriction Advisory Committee in December and determined to be consistent with the CRs on the property.

Matthew Charpentier of Oxbow Associates, Inc. noted a revised plan was submitted at the correct scale as requested. Administrator Willard reported finding an area in the wetlands that had been used for depositing yard waste and recommended an alternative location should be determined.

Chair Tatistcheff took the opportunity to thank the property owners for voluntarily taking on this Resource Area restoration project. On a motion by Vice Chair Verge and seconded by Commissioner Young, it was unanimously VOTED to close the hearing for DEP 125-1099. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Parra – aye; Hundal – aye; Tatistcheff – aye. On a motion by Vice Chair Verge and seconded by Commissioner Wells, it was unanimously VOTED to issue a Standard Order of Conditions with Special Conditions including the submission of a detailed planting plan and with the requirements that the leaf storage area be relocated and that the plant identification tags remain on the plantings until they can be inspected. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

7:31 p.m. (DEP 125-1100) Notice of Intent

Applicant: Locust Construction Group LLC

Project Location: 0 Rutland Street, Map 35 Parcel 3A

Project Description: Construction of a driveway and curb cut located within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

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

Giovanni Fodera of Fodera Engineering shared the plan. Wetlands were delineated by Steven Eriksen of Norse Environmental in November of 2020. All work will be conducted at least 33 feet from the wetlands located across the Rutland street at its closest approach. Work shall consist of installing a 12-foot wide impervious driveway for access to the newly proposed single-family dwelling. Fodera said he has observed drivers travelling upwards of 50-60 mph and for this reason as well as due to the configuration of Rutland Street, the proposed driveway is located to provide the safest access point relative to stopping sight distance to the undeveloped lot for vehicles exiting the driveway and for vehicles travelling southwest.

Chair Tatistcheff said she travels Rutland Street frequently, also finding that people sometimes use excessive speed on what she described as a twisty, curvy roadway. She believes the representative's statement that he has observed drivers in excess of 50 mph is in the extreme; however, she said the representative's point about public safety is well taken. She said then expressed her concern with the potential for siltation runoff travelling to the other side of the road into the wetland, since the grade is fairly steep within the proposed work area that is located outside of the Buffer Zone.

At Chair Tatistcheff's request for comments, Administrator Willard referenced email correspondence she exchanged with Fodera in early November 2020 when he asked whether they could use approximate wetlands based upon previous flagging done in 2006 for the purposes of this plan. At that time she advised Mr. Fodera that they will be required to provide current wetland flagging, also noting some wetlands were located on land owned by the Town of Carlisle through the Conservation Commission. Ultimately, the private land was flagged for this filing and found to be accurate, but the flagging for the Mannis Conservation Land is approximate, based upon flagging done in 2006. The current plan includes a line depicting those estimated wetlands; the estimated flags were not set in the field. Administrator Willard suggested that it be stated in the OOC that the estimated flags depicted on the plan are not accepted. Commissioner Wells referenced the Plan notation that states, "... the wetlands across the street were delineated in November, 2020... additional wetlands are approximate based on record plans from the Chestnut Estates development project from 2007 +/-". He agreed any OOC should clearly state those flags are not approvable and suggested this Plan note could be updated to provide further clarification.

Willard noted the location of the driveway as staked in the field raises concerns about the two trees located on either side of the driveway, one of which is located within the town right-of-way and could be subject to a review by the Planning Board if removal is proposed. The other tree, located farther onto the property and within the Buffer Zone, is a large, double oak. There is the concern these trees could be subject to root damage during construction. Commissioner Wells asked if it would make sense to require relocating of the alignment of the driveway to avoid tree removal and/or damage, since the alignment of the driveway has not been finalized. Chair Tatistcheff said the site is located within what she considers a heavily wooded area. Commissioner Wells asked the representative if there is the intention to avoid the trees. Mr. Fodera said they are open to avoiding trees where possible but have scheduled a Scenic Roadway Hearing with the Planning Board in the event removal is unavoidable.

Commissioner Young questioned why the driveway exit point is located between two large trees that could increase sight constrictions if the reason for locating it within the Buffer Zone is due to safety concerns. The Commission determined a site visit is needed in order to further evaluate the proposal.

With no further comments from the Commission, Chair Tatistcheff opened the discussion for public comment. Abutter Cynthia Sorn of 433 Rutland Street said she has no objections or concerns regarding the proposal since the area is full of large trees and it would be difficult to locate the driveway without requiring some tree removal. At Sorn's request, the representative agreed to inform her of the date and time of the site visit once he has coordinated with the owners.

On a motion by Vice Chair Verge and seconded by Commissioner Wells, it was VOTED to continue the hearing to January 28, 2021 at 7:30 p.m. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

7:52 p.m. (DEP 125-1088A) Request to Amend Order of Conditions

Applicant: Gretchen Nelson

Project Location: 868 Concord Street

Project Description: Amendments include a new addition to the east side of the existing home, reduction in size of a previously permitted addition to the west side of the home and to the porch of the existing cabin. A covered entry and a walkway are also proposed.

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

Nathanial Cataldo of Stamski and McNary, Inc. shared amended plan dated December 2, 2020. The entirety of the property is within the 200-foot Riverfront Area associated with Spencer Brook. Other resource areas located on site include Bank, Land Under Water, Bordering Land Subject to Flooding, and Bordering Vegetated Wetland. Work permitted under an OOC issued in June of 2020 includes: razing of an existing detached garage, construction of an additions to an existing dwelling on northwest side, installation of septic tanks for a new septic system and construction of a screen porch off an existing cabin.

The amended plan includes a new addition proposed on the east side of the house. The previously permitted addition to the northwest side of the house has been reduced in size. The proposed addition to the cabin has also been reduced in size and is still located greater than the existing 22-foot setback from the cabin to the wetland. According to Cataldo, the property owner will no longer be required to replace the septic system based on the newly configured additions. An increase of 635 square feet of alterations is proposed within the Riverfront Area vs the previously permitted increase of 279 square feet of RA alterations. This increase in permanent alterations is due to the newly proposed second addition included within this request. There are no changes to the mitigation planting plan or to the number of trees proposed for removal.

Commissioner Wells requested clarification regarding the number and locations of the trees proposed for removal. Mr. Cataldo stated the amended request includes the same number of trees; the same 2 trees located near the cabin and 5 trees to the west of the proposed home addition to allow grading; specific trees t/b/r in this location have been updated. Commissioner Wells suggested the addition of plantings in order to balance out the increase in Riverfront Area disturbance. Following further discussion, the applicant will be required to plant 6 additional native plantings in addition to the 12 required under the previous OOC in locations as noted on the plan.

On a motion by Commissioner Young and seconded by Commissioner Wells, it was VOTED to close the hearing for DEP 125-1088A. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye. On a motion by Commissioner Wells and seconded by Vice Chair Verge, it was VOTED to issue a Standard Order of Conditions with the following Special Conditions: (1) seeding of the 3:1 slope created northeasterly of the home addition with a native seed mix; (2) planting of 6 additional native plants added to the previously issued Order of Conditions; these plants shall extend along the edge of the pond between the previously located plantings and Concord Street. (3) two-year monitoring reports for all mitigation plantings shall be submitted by a qualified wetland scientist. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

(DEP 125-1096) 49 Concord Street: Red Line Change Request

Project Description (as permitted): Construction of an addition to an existing dwelling, an associated driveway, and replacement of the existing, non-confirming sewage disposal system within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Paul Kirchner of Stamski and McNary, Inc. was present to discuss the request for a red line change to the Plan approved under the OOC issued 10/13/2020. Since the public hearing closed, the BOH has determined the applicant will be required to obtain an easement within the town right-of-way (ROW) to protect the over-excavation required for the septic system. This would require Town Meeting approval in the spring at an unknown date, pushing construction months out with a degree of uncertainty the property owner is not comfortable with. They are now proposing a slight adjustment to the location of the system in order to maintain a minimum of 5 feet from the ROW, resulting in a slight adjustment to the proposed grading. The revised plan maintains the 50-foot setback to the BVW with no adjustments to the limit of work or to the tree clearing, with all work still within the previously approved work area.

Administrator Willard reported some discrepancies exist between the previously approved erosion control line and the line shown on the proposed plan. Kirchner said this was an oversight in bringing forward the final approved plan that included additional plantings. Commissioner Wells said he would be comfortable approving the revised plan as a red line change conditional upon the submission of a new plan showing the LOW consistent with the previously approved plan.

On a motion by Commissioner Young and seconded by Commissioner Hundal, it was VOTED to issue a red-line plan change approval for DEP 125-1096 conditional upon the submission of a revised plan reflecting the accurate erosion control barrier line as discussed. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

Administrative Matters:

Signatory Authorization: On a motion by Commissioner Young and seconded by Commissioner Wells, it was VOTED to authorize the Administrator as signatory on all matters approved during the meeting. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

Approval of Bills: On a motion by Commissioner Young and seconded by Vice Chair Verge, it was unanimously VOTED to approve the payment of bills as presented. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

Beaver Activity Updates:

Maple and Brook Streets: Ongoing removal of debris as necessary and in accordance with the approved procedures is proving to be very effective

Otter Slide Trail: Commissioner Hundal reported increasing concerns with rising water levels; she and Administrator Willard will be scheduling a site walk to evaluate conditions

2022 Budget Update: Vice Chair Verge agreed to assist Willard with the completion of the FY22 FinCom Questionnaire due January 18, 2021; the Commission is scheduled to meet with FinCom for a preliminary budget discussion on January 25, 2021

Upcoming Meeting Schedule: February 18; March 11; April 1, 2021

Conservation Land Management:

Conservation Land Signage:

Land Stewardship Committee members Dwight DeMay and Warren Lyman were present to discuss potential funding sources for replacing signs on several conservation properties. The LSC has been conducting assessments relative to placement, content, and condition of signage over the past year and has identified those signs that are in declining condition and needing replacement within the next 1-3 years. The current proposal includes replacement of 7 signs that are considered high priority and the purchase of 2 new signs for the recently acquired Russell Land. The LSC is now in the process of determining costs, with estimates received thus far ranging from \$4-6k, with a third estimate pending. Additional refining of the material specifications is not yet complete.

Several potential sources of funding were considered. CPC liaison Vice Chair Verge noted CPC funding is not an option for sign replacements since maintenance projects are not classified as an allowed purpose under the CPA. Funding. The Commission's Maintenance budget was also ruled out since this would not be an annual expense. Following discussion, the Commission agreed to include the signage funding request into a fall Town Meeting Warrant Article that will also include conservation land funding for the Cranberry Bog restoration and the Greenough Dam repair projects.

On a motion by Commissioner Belitz and seconded by Vice Chair Verge, it was unanimously VOTED to accept a proposal to plan for the FY23 budget, to include a one-time replacement of signs, amount t/b/d when the time approaches. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Parra – aye; Young – aye; Hundal – aye; Tatistcheff – aye.

Land Use Permit: On a motion by Vice Chair Verge and seconded by Commissioner Young, it was VOTED to issue a Land Use Permit to Marlies Henderson of Hike Beautiful Billerica to lead a hike from Greenough to Foss Farm and return on Saturday, January 16, 2021 from 10 AM to Noon. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

Benfield Land Clearing: Vice Chair Verge reported she is in the process of researching potential options for restoring the site following the edge clearing. She is currently evaluating alternative approaches that would be feasible under the limited budget available for this work.

Farmers Reports/Licensing Agreements: Annual reporting and planning forms are due in February. The Land Stewardship Committee will be reviewing the field edge clearing to determine if in-kind service requirements are being satisfactorily met and will report their findings to the Commission at the next meeting. The current three-year agricultural agreements expired last fall and will be advertised in the Carlisle Mosquito soon.

Subcommittee/Liaison Reports:

Cranberry Bog Working Group: Next meeting - January 28, 2021

Municipal Vulnerabilities Program Coordinating Committee: Committee liaison Commissioner Hundal reported. The committee held their second meeting this week. They are in the early planning stages of determining the format for the agenda for the two-session workshop scheduled for March 27, 2021. They are currently in the process of enlisting community leaders to assist in developing a plan for identifying vulnerabilities in the community. Future plans include a listening session in May, 2020 and a broad-based Public Meeting to review draft information in June. There is also requirement for a public presentation by MAPC staff before a local board in late February, likely to be conducted at a Select board meeting to provide greater public access.

Master Plan Steering Committee (MPSC): Vice Chair Verge reported the MPSC has reorganized following the resignation of the planning consulting firm. She is now the Commission's liaison to a sub-group focusing on open space, recreation, and energy/environmental sustainability. The group is currently reviewing departmental goals and objectives identified in the Open Space and Recreation Report.

Project Updates:

Woodward Village: Administrator Willard reported on the recent soil transfer public hearing with the ZBA. Permission was granted to transfer approximately 15k cubic yards of soil from the Anderegg side of the Woodward Village property line to the Woodward Village site. This approach will likely avoid the potential for bringing in soil from elsewhere that could introduce invasive plants.

48/42 Bingham Road:

Commissioner Wells will be joining Willard to conduct a site walk to inspect recent site work and to assess erosion control barriers following heavy rains/snow melt and evaluate progress on addressing erosion control deficiencies previously identified to the developer.

On a motion by Vice Chair Verge and seconded by Commissioner Young, it was VOTED to adjourn. Roll Call Vote: Verge – aye; 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