

Carlisle Conservation Commission
January 13, 2022
Minutes

7:03 p.m. Introduction to Remote Meeting: This meeting was conducted remotely pursuant to the Acts of 2021, an Act extending to April 1, 2022, certain Covid 19 measures adopted during the State of Emergency in order to mitigate the transmission of the virus. 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. 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 Present: Alex Parra (Chair), Dan Wells (Vice Chair), Navneet Hundal, Brian Murphy, Nick Ognibene, Lee Tatistcheff and Helen Young
Conservation Staff: Sylvia Willard, Conservation Administrator
Mary Hopkins, Assistant to Conservation Administrator

Administrative Matters/Discussion Items: (taken up throughout the meeting as time permitted)
Signatory Authorization: On the motion by Tatistcheff and seconded by Young, it was VOTED to authorize the Administrator to sign documents approved at this meeting on behalf of the Commission. Roll Call Vote: Young-aye; Murphy-aye; Wells-aye; Ognibene-aye; Tatistcheff-aye; Hundal-aye; Parra-aye.

Approval of Bills: On the motion by Young and seconded by Tatistcheff, it was VOTED to approve the bills as presented. Roll Call Vote: Young-aye; Murphy-aye; Wells-aye; Ognibene-aye; Tatistcheff-aye; Hundal-aye; Parra-aye.

Minutes:

On the motion by Tatistcheff and seconded by Young, it was VOTED to adopt the 9/23/2021 minutes as circulated and amended. Roll Call Vote: Young-aye; Murphy-aye; Wells-aye; Ognibene-aye; Tatistcheff-aye; Hundal-aye; Parra-aye.

On the motion by Tatistcheff and seconded by Young, it was VOTED to adopt the 10/14/2021 minutes as submitted. Roll Call Vote: Young-aye; Murphy-abstain; Wells-aye; Ognibene-aye; Tatistcheff-aye; Hundal-aye; Parra-aye.

FY23 Budget Guidelines: Willard reported the budget guidelines for FY23 are unchanged from FY22 with the exception of transferring the funding for three hours per week for the Assistant position to the WPA Intents Account.

ARPA Funding Request: Willard reported a request for funding for conservation land signage improvements as recommended by the Land Stewardship Committee has been submitted for ARPA funding.

7:23 p.m. (DEP 125-1129) Notice of Intent, Continued Hearing

Applicant: Kevin Belmonte

Project Location: 101 Arrowhead Lane, Map 26 Parcel 20 Lot 2

Project Description: Landscape improvements including patio, steps, walls, lawn renovation and new plantings

Landscape architect Sallie Hill provided an overview of the plan via screen share. The proposed plan includes landscaping work to improve what exists under the starter landscape plan. Ms. Hill noted the portion of the yard that is located on a steep sloping lawn which will be mowed once per year in order to provide meadow habitat, with boulders to be located at the top of the slope to provide stability. Existing walls will be reconstructed to provide improved stability and for aesthetic purposes. The applicant is also requesting approval to strip the lawn installed by the developer and reseed due the presence of glass fragments.

Willard requested clarification regarding the low voltage lighting shown on the plan. Ms. Hill said this type of lighting requires a transformer that will be connected to the house in order to reduce the voltage to 120. Willard said there are concerns with up lighting relative to dark-sky issues but there is currently nothing within the local wetlands bylaw that addresses them. Tatistcheff asked if the up lighting is absolutely necessary. She said it seems inappropriate to be located so closely to wetlands and wildlife and, although the Commission cannot prohibit the lighting, they can leave that as a request for the applicant to consider.

Wells asked if it is their intention to replace the existing silt fencing. Ms. Hill said she believes the engineered plan includes a new siltation barrier. Wells recommended the OOC should clearly state that the siltation fencing must be replaced.

Ms. Hill asked if there were any way to wrap the prior OOC for this property into the current filing; the prior OOC expired in August, 2021. Wells recalled the work remaining from the prior OOC was discussed at the site walk for the current project, including planting of some shrubs and a few other items. Ms. Hill asked if they would be required to submit a separate NOI submittal to address the remaining work in the expired OOC. Willard suggested the applicant could amend the current application to include the work not completed under the previous Order. Wells suggested this could be accomplished with submittal of a revised plan, incorporating work that was not completed under the prior OOC and including a description clearly defining the discrepancies. Mr. Belmonte said he did not fully understand and asked if there are other options. Parra said alternatively they could submit a separate NOI to complete the work not done under the previous OOC. Following further discussion and with Mr. Belmonte's approval, Ms. Hill said she would be contacting Willard to arrange a time to review the documentation on file.

On the motion Hundal and seconded by Tatistcheff, it was VOTED to continue the hearing to January 27, 2022 at 7:30 p.m. pending the submission of a revised plan as discussed. Roll Call Vote: Young – aye; Murphy – aye; Wells – aye; Ognibene – aye; Tatistcheff – abstain; Hundal – aye; Parra – aye.

7:50 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 Tatistcheff and seconded by Young, it was VOTED to continue the hearing to January 27, 2022 at 7:30 p.m. Roll Call Vote: Young – aye; Murphy – aye; Wells – aye; Ognibene – aye; Tatistcheff – aye; Hundal – aye; Parra – aye.

7:55 p.m. (DEP 125-1116) Abbreviated Notice of Resource Area Delineation, Continued Hearing

Applicant: Douglas Frizzell

Project Location: 445 East Riding Drive

Project Description: Confirmation of Resource Area Delineation

Commissioner Hundal confirmed she had listened to the recording of the previous hearing in order to participate in the vote for this ORAD.

Parra said the Commission reviewed a draft of the ORAD at the previous meeting and final revised plans dated January 5, 2022 were submitted. He recalled there had been a concern regarding inaccuracies within the locus map on the Plan set, which he understood resulted from an issue with the town assessor's maps. Paul Kirchner of Stamski and McNary shared the plan and confirmed the locus map issue does not impact the delineation, as it is included to provide context only. Peer reviewer John Rockwood confirmed the documentation provides all the necessary notes relative to the ORAD.

Parra said he personally does not have any issues with the locus map being slightly incorrect, as its only purpose is to provide a general location within town. Tatistcheff suggested that if there is a concern, it could be noted within the ORAD; otherwise she has no issue with it. Willard noted that this ORAD requires recording of the final approved Plan Set at the Registry of Deeds along with the ORAD, clearly defining the area not covered by the ORAD. There were no further comments from the Commission and none from members of the public.

On the motion by Tatistcheff and seconded by Hundal, it was VOTED to close the hearing for DEP 125-1116. Roll Call Vote: Young – aye; Murphy – aye; Wells – aye; Ognibene – aye; Tatistcheff – aye; Hundal – aye; Parra – aye.

On the motion by Tatistcheff and seconded by Ognibene, it was VOTED to issue the ORAD as circulated and discussed. Roll Call Vote: Tatistcheff – aye; Ognibene – aye; Hundal – aye; Parra – aye.

8:30 p.m. Wells left the meeting

Enforcement Updates:

48/42 Bingham Road: Willard reported visiting the site earlier in the day and provided an update on activity since the previous meeting. Weekly updates have been submitted by David Crossman regarding progress in addressing the requirements of the EO, which he reports are consistent with what was approved at the previous meeting. Willard said she had noted at the previous meeting that logs had been placed over the second stream to reach the area in which no work had been permitted. Mr. Napier explained he placed the logs over the crossing to allow access for the survey crew.

Mr. Napier provided an update on progress toward meeting the requirements discussed at the previous meeting. He said he is hoping the Commission will now grant approval to the install sandbags and the dewatering still at the stream crossing so they may move beyond the second stream crossing to begin stump removal in advance of constructing the septic system. Parra said that before moving forward he wants to ensure the work associated with the initial approved phase of work has been completed and that erosion control measures are in place as required. Willard confirmed she is satisfied with the erosion control improvements and site work associated with the first phase of work.

With respect to the second stream crossing, Parra asked Mr. Crossman if he recommends steel plating. Mr. Crossman said he would recommend steel plating in order to provide elevation over the stream and stability for heavy equipment access. Mr. Crossman also recommended logs be placed on either side of the stream, set five feet back where the ground rises up, in order to provide additional elevation under the steel plating to prevent impacts to stream flow. Parra asked Mr. Crossman if he recommends stone on either side of the crossing as was required for the first crossing. Mr. Crossman said he did not think this would be very effective in this location because it would be difficult to clean up and return to more natural conditions post construction, given they would first be required to dig up the soft ground in order to remove the stone and then bring in replacement soil. He noted the pipe leading to the septic system will run under the stream and adding stone could create conditions that are not beneficial to the site in the long run.

Parra asked Mr. Crossman about the status of the erosion controls on the other side of the second stream crossing. Mr. Crossman reported no additional erosion control work has been done beyond the second crossing, as this was not included in the work approved at the last meeting. Willard noted the updated survey markers have now been installed and the erosion control will need to be adjusted accordingly.

Parra asked the Commission if they are comfortable giving Mr. Napier permission to stump on the other side of the crossing once it has been installed satisfactorily. Mr. Murphy suggested the Commission should see the crossing before approving work beyond at the next meeting. Tatistcheff agreed with this approach. There were no further comments.

On the motion by Tatistcheff and seconded by Murphy, it was VOTED to permit the stream crossing to be installed as discussed, with the condition that no further work beyond the second stream crossing shall occur until the crossing has been inspected by the Administrator and approved by the Commission at the next meeting. RCV: Roll Call Vote: Young – aye; Murphy – aye; Ognibene –aye; Tatistcheff – aye; Hundal – aye; Parra – aye.

178 Brook Street, Lars Bernard - Unpermitted Tree Removal and Landscape Alterations within the 100-foot Buffer Zone: Mr. Bernard informed the Commission that he has been working with David Crossman of B & C Associates and a site visit has been scheduled for next week. Mr. Bernard expects to contract with a survey company within the next week. He will advise Willard in advance of the March 3 deadline for a restoration plan if there are delays in completing the site evaluations due to winter conditions.

Certificates of Compliance (COC):

(DEP 125-1042): Applicant: Nancy Weinstein; Location: 136 Hartwell Road; Project: Restoration of unpermitted tree removal; Issued: 2/22/2018.

Parra noted the COC request was not addressed at the last meeting due to a lack of quorum to vote on this particular property. Willard has confirmed the plantings which had previously been placed on the abutting property have been moved to this property with permission of the neighbor.

Parra asked Willard if continuing monitoring requirements were included in the OOC. Willard said there were none, since Commission had anticipated the project would be undertaken immediately following the issuance of the OOC; however it was several years before the restoration work was undertaken. She said the OOC states the plantings shall be monitored for the next two growing seasons, with reports provided to the Commission on October 15 of each of the following years to ensure viability of the late plantings. Ultimately, the planting was not done until October of 2021; some were required to be relocated in December of 2021, with the understanding that wetlands consultant David Crossman of B & C Associates would provide reports to the town in the fall of 2022 and, if necessary, again in the fall of 2023.

Tatistcheff said this sounds like a compliancy plan and asked if this will require that the Commission wait for confirmation of successful establishment of the plants in order to consider issuing the COC. Parra said he thinks at most the Commission can require the two-year monitoring period as a Continuing Condition. Ms. Weinstein said she had not been aware of the ongoing monitoring requirements and asked if there were any way to amend them. Parra said this depends on the vote and his sense of the Commission at this point is they would vote to issue the COC with a Continuing Condition requiring two growing seasons of monitoring. He explained that would mean that when the COC is recorded, the purchasers would be on notice that there would be a two-year monitoring period.

Ms. Weinstein requested clarification regarding what would constitute viability in order to advise the new owners. Willard said the approved proposal provided by Mr. Crossman states the monitoring reports will include species, relative abundance of each species, and viability of the plantings and proposed remedial measures to ensure at least 75% survival rate of the plantings; the plants will be monitored for one full growing season with the report the following year for Oct 15; if the mitigation area does not achieve the required 75% survival rate, additional plantings will be provided followed by two years of monitoring and reporting. Willard suggested the Commission could include the monitoring requirements within the COC in order to clarify the requirements for the new owners.

Ms. Weinstein asked the Commission if the new owners could provide photographs of the plantings to the Commission as an alternative to hiring a consultant. Hundal said she had been in a similar situation in the past and since homeowners are not always qualified to make these determinations, they may incur a cost. Wells said that because the OOC required that the plant identification tags be left in place, it seems reasonable that the new owners could identify and provide quality, dated photographs of the restoration plants vs incurring the cost of hiring a consultant. There were no other comments.

On the motion by Wells and seconded by Hundal, it was VOTED to issue a COC for DEP 125-1042 with the discussed Continuing Conditions allowing the manual removal of invasive plants and the monitoring of the plantings as read by Willard from Mr. Crossman's report of 10/15/2021. Roll Call Vote: Young – aye; Murphy – aye; Wells – aye; Ognibene – abstain; Tatistcheff – aye; Hundal – aye; Parra – aye.

(DEP 125-1067) Applicant: Ali Azarbayejani, Location: 85 Indian Hill Road. Project: replacement of a screen porch with a larger screen porch on sonatubes, installation of a chain link fence and tree removal and mitigation planting. Issued: 6/18/2019.

On the motion by Tatistcheff and seconded by Young, it was VOTED to issue a COC for DEP 125-1067. Roll Call Vote: Young – aye; Murphy – aye; Ognibene – aye ; Tatistcheff – aye; Hundal – aye; Parra – aye.

(DEP 125-1090) Applicant: Ali Azarbayejani; Location: 85 Indian Hill Road; installation of a mulched pathway close to the bordering vegetated wetland, including removal of red maple tree and addition of enhancement plantings. Issued: 5/7/2020.

On the motion by Tatistcheff and seconded by Ognibene, it was VOTED to issue a COC for DEP 125-1090. Roll Call Vote: Young – aye; Murphy – aye; Ognibene – aye ; Tatistcheff – aye; Hundal – aye; Parra – aye.

Conservation Land Management:

Towle Conservation Land - beaver dam flooding: Parra thanked Steve Tobin of the Trails Committee for the significant investigation and plotting of the beaver activity on the Towle Land. Mr. Tobin will be providing a detailed report at the next meeting.

Cranberry Bog Updates:

Annual Cranberry Report for 2021. The Cranberry Bog Working Group voted to submit the report again this year, with the Conscom chair providing the signature. Vote by the Commission was deferred to the next meeting.

Cranberry Bog Phragmites control Notice of Intent: Parra thanked Willard for the outstanding work she has done in terms of preparing the NOI for this project. As required by this type of filing, the NOI will be submitted to MEPA for public comment prior to being presented to the Commission by the Cranberry Bog Working Group (CBWG) on February 10, 2022.

Cranberry Bog Dam #1 Maintenance: Parra reported the CBWG has been working to address maintenance to the Cranberry Bog Dam #1 including stabilization of the dam for trail safety and to satisfy the requirements of the Office of Dam Safety (ODS). At their recent meeting, they discussed the matter with input from Mark Duffy.

Parra said one of the issues the Commission needs to revisit is impacts from beaver activity, as a beaver lodge has been built into the dam structure. He recalled the Commission had discussed trapping beavers at the dam 2 years ago and the Commission's view was not to go forward at the time. The CBWG would like to get the Commission's view on trapping now that a lodge has been built into the dam structure. Parra noted the presence of animal holes was one of the issues identified as needing to be addressed within the 2015 report from the ODS.

Tatistcheff recalled that when the Commission last discussed potential beaver trapping, it was their understanding that the lodge could not be removed irrespective of whether it is being occupied. She said she would therefore not be comfortable voting on the matter until the Commission receives a statement from Mass Division of Fisheries and Wildlife's furbearer biologist approving the removal of the lodge. Willard agreed to retrieve the documentation of her recent communications with Mass Wildlife regarding the matter and provide it to the Commission.

CPC Application for Cranberry Bog Cranberry Bog Dam #1: The dam was last inspected, per order of the ODS in 2014 and a report issued in 2015. At that time, the dam was rated in poor condition and the report provided some recommended maintenance actions. ODS inspections for this classification of dam are on a 10-year inspection cycle. The Commission would like to address at least some of the maintenance recommendations so that when the next inspection takes place in 2-3 years, the dam's condition could be considered improved.

These improvements include leveling the crest of the dam, filling holes caused by animal activity, and stabilizing the upstream bank because it is being undercut by wave action. The Commission has been advised this work is appropriate for CPA funding under Preservation of Open Space.

Cranberry Bog House Maintenance - Municipal Facilities Committee (MFC): Site visits were held at the Cranberry Bog House by the building inspector and the fire department at the invitation of the Land Stewardship Committee. A report from those departments was issued and the Land Stewardship Committee developed a cost estimate for the repairs. The estimate was submitted to the MFC, including updating the Bog House fire alarm system to make it consistent with other town buildings and addressing some electrical wiring issues. The MFC has determined that the Cranberry Bog House is a town building that comes under their purview. They have agreed to fund the repairs identified within the report and would also like the Commission to request CPC funds (protection of historic structures) for the work on the alarm system.

MFC has recommended that a formal agreement be established between the town and the tenant. They have requested a copy of the current Cranberry Bog Maintenance Agreement. Parra said that when he reviewed the agreement, he thought it was very tangential in terms of occupancy of the bog house and that while the agreement may have been appropriate when the bog was being actively farmed, he has some questions as to whether that is appropriate now.

8:52 p.m. On the motion by Young and seconded by Tatistcheff, it was VOTED to adjourn. Roll Call Vote: Young – aye; Murphy – aye; Ognibene –aye ; Tatistcheff – aye; Hundal – aye; Parra – aye.

Respectfully submitted,
Mary Hopkins

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