

**Carlisle Conservation Commission
Minutes
February 28, 2019**

Pursuant to the notice filed with the Town Clerk, Chair Angie Verge called the meeting to order in the Clark Room at the Town Hall at 7:04 p.m. Also present were Vice Chair Melinda Lindquist, Commissioners Lee Tatistcheff (7:15 p.m.), Dan Wells, Helen Young and Conservation Administrator, Sylvia Willard. Commissioner Ken Belitz was not present.

Emergency Certification: 31 Hillside Drive; Property Owners: David and Barbara St. Onge

Verge noted this emergency request was submitted by the property owner earlier in the day and requested a motion to take up this topic after the posting of the final agenda in accordance with Open Meeting Law Requirements. *The motion was moved by Lindquist, seconded by Young and all voted in favor.*

The property owners are requesting approval to remove two trees in addition to those permitted under (DOA-354) issued 1/24/2019. The request is being made due to increased safety concerns following recent high windstorms that occurred after the Determination was issued. These additional trees will be topped, leaving totems for wildlife habitat. Planting of an additional three shrubs per tree will be added to the requirements within the previously issued Determination requiring submission of a planting plan including three shrubs per tree proposed for removal, to be implemented during the growing season.

Lindquist voted to issue an Emergency Certificate to allow topping of the two trees as submitted within the request. Young seconded the motion, and all voted in favor.

Certificates of Compliance:

(DEP 125-0911) 295 Hanover Road: Applicant: Matthew & Jennifer Herweck, Owners: Jeffrey T. and Mary Beth Doyle, Project: Construction associated with a single-family house with a pool and associated grading and utilities; Issued: 2/28/2012 (COC denied)

The final requirement relative to the granite boundary markers set along the border with the adjacent conservation restricted land has been inspected and approved by Steve Hinton on behalf of the CR Holder, the Carlisle Conservation Commission, and a letter confirming their placement in accordance with previously established requirements has been submitted by the engineering firm, Stamski and McNary.

Lindquist moved to issue a Certificate of Compliance for DEP #125-0911, Wells seconded the motion, and all voted in favor.

(DEP 125-1003) Skelton Road, Map 1, Parcel 1-1-2; Applicant: Luciano Manganello; Project: After-the-fact filing for clearing of invasive plant species, removal of a stock pile within the Buffer Zone of a Bordering Vegetated Wetland, as well as the Riverfront Area of an unnamed stream; Issued: 7/7/2016

Willard noted an Enforcement Order was issued to the previous abutter to the subject project property and included this Notice of Intent requiring the Restoration Plan. David Crossman of B & C Associates was present to review his final restoration monitoring report dated February 13, 2019 and to discuss any remaining issues or concerns the Commission may wish to address.

Crossman confirmed all work has been completed in accordance with the Restoration Plan; the field has been mowed annually as required in order to keep it open and all mitigation planting has been completed along the outside of the field, near the BVW and perennial brook. Invasive plants were to be removed during the two years of required monitoring, which actually spanned a total of three years. Crossman reported in the third year of monitoring he has found Oriental Bittersweet has overwhelmed the entire edge of the field, which made locating the original plantings almost impossible. Crossman suspects the bittersweet came in from an adjacent property. The field itself contains no invasives and has been successfully maintained by mowing once per year. Crossman said that after three years they believe they have complied with all requirements within the Order of Conditions, noting the Bittersweet problem occurred after the Order had been complied with and therefore it should not hold up the issuance of the COC.

Present for the discussion was Sarah Holmes-Tucker, daughter of the current property owner, Ruth Holmes. Ms. Holmes-Tucker stated they believe they have met the requirements in order to have this matter closed out and to receive a Certificate of Compliance.

Wells noted this request for a COC was received in winter and too late to confirm planting, and he asked the Commission if they preferred to wait to inspect the site in leaf out conditions in order to make their own determination vs accept the three years of monitoring, which technically should be sufficient. The Commission agreed this was a difficult decision given the invasive plants have taken over areas during the third year that were previously cleared of invasives at the end of the required two-year monitoring period. Tatistcheff said the representative is testifying to the fact that the applicant has complied with the requirements and, despite the fact that the results are not satisfactory to us, they have met the requirements. She suggested the Order should have been conditioned more heavily. She said she was personally disappointed the owner is anxious to close out the Order without addressing the invasives; however, if the Commission denies the request, they would be open to an appeal.

With no further comments, *Tatistcheff moved to issue a Certificate of Compliance for DEP #125-1003, Lindquist seconded the motion, and all voted in favor.*

Land Use Permit:

Wells moved to issue a Land Use Permit to the Carlisle Congregational Church to hold an Easter Sunrise Service at Foss Farm on Sunday, April 21, 2019 from 5:15am to 7:15 am, Lindquist seconded the motion, and all voted in favor.

Minutes:

*Young moved to approve the minutes of **October 11, 2018** as amended for minor grammatical edits, Lindquist seconded the motion, and all voted in favor.*

*Lindquist moved to approve the **October 25, 2018** minutes as submitted, Young seconded the motion, and all voted in favor.*

*Tatistcheff moved to approve the **November 15, 2018** minutes as amended, Lindquist seconded the motion, and all voted in favor.*

*Tatistcheff moved to approve the **November 29, 2018** minutes as submitted, Lindquist seconded the motion, and all voted in favor.*

7:15 p.m. (DEP 125-1055) Notice of Intent, Continued Hearing

Applicant: Sean J. Kavanagh

Project Location: 481 Cross Street

Project Description: Replacement of an existing, failed septic system in the same general location with site grading and stabilization ground cover within the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

Verge opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. *Verge requested a motion to continue to March 14, 2019 at 7:15 pm at the representatives request. The motion was moved by Young, seconded by Lindquist and all voted in favor.*

7:16 p.m. (DEP 125-1061) Notice of Intent, Continued Hearing

Applicant: John Nelson

Project Location: Skelton Road, Map 1, Parcel 1, Lot 7 River Road

Project Description: Paving of common driveway and any minor associated grading within the 100-foot Buffer Zone of a Bordering Vegetated Wetland and the 200-foot Riverfront Area

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

Dan Gannon of Stamski and McNary, Inc. presented a revised plan dated February 25, 2019 showing the removal of the previously proposed eight-foot stockade fencing within jurisdictional areas and leaving only the paving and minor grading of the existing common driveway. Gannon said the fencing proposal will be submitted under a new Notice of Intent in the future.

Willard reported she had informed Gannon prior to the continued hearing of the immediate need to loam and seed the slopes of the bridge and wing wall area in order to adequately stabilize the loose gravel surface. At that time, she also informed Gannon of the requirement that the erosion control measures must be re-established as soon as conditions allow.

Verge recalled the primary concern at the previous meeting was the fencing and asked if there were additional comments or concerns from the Commission. Wells suggested the inclusion of a Condition requiring the removal of the erosion control in advance of the issuance of a Certificate of Compliance, upon written approval from the Commission once the disturbed areas have become satisfactorily vegetated in order to limit impediments to wildlife movement to the greatest extent possible. It was noted that Certificates of Compliance will be required for both the current filing and for the original filing for the common driveway under DEP #125-0893, which expired before the project had been completed.

With no further comments, *Verge requested a motion to close the hearing for DEP #125-1061. The motion was moved by Tatistcheff, seconded by Lindquist and all voted in favor. Tatistcheff moved to issue a Standard Order of Conditions with Special Conditions as follows: (1) slopes associated with the bridge and wing walls shall be loamed and seeded to stabilize an area proximate to the perennial stream; (2) erosion control barriers must be re-established as soon as site conditions permit; (3) the applicant shall contact the office of the Commission for approval to remove the erosion control barrier as soon as vegetation has become satisfactorily established and prior to the granting of a Certificate of Compliance for both DEP #125-1061 and DEP #125-0893; (4) a Certificate of Compliance shall be requested for DEP #125-0893 only upon completion of this project; (5) the Plan of Record contains reference to an access gate within the fencing that has been removed from this project. Lindquist seconded the motion, and all voted in favor.*

Project Updates:

570 West Street/Lion's Gate: The erosion control siltation fabric needs to be replaced due to snowplow damage as soon as site conditions allow.

Bedford Road/Woodward Village: The two water supply wells have been installed; they are artesian wells and are leaking, but runoff/erosion into the nearby wetland does not appear to be a problem due to double barrier. All required water testing must be completed prior to the amphibian migration season.

Carlisle Fire Station - Contamination Remediation Update: The Board of Health has received confirmation that all nearby water supply wells have been tested and no contamination was found. The monitoring wells will be installed behind the fire station next week following the issuance of an Emergency Certificate that has now been approved by the Board of Selectmen.

Tennessee Gas Pipeline: Annual Vegetation Management notification has been submitted. Work includes primarily cutting/mowing, with some targeted herbicide use in designated areas in the vicinity of the rectifier equipment located off Lowell Road and outside of the Buffer Zone.

7:30 p.m. (DOA-355) Request for Determination of Applicability

Applicant: Laura Marolda

Project Location: 190 Lowell Street

Project Description: Removal of 14 trees located within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Verge opened the meeting under the Massachusetts Wetlands Protection Bylaw and the Carlisle Wetlands Protection Bylaw.

Dan Gannon of Stamski and McNary, Inc. presented the plan including an overview of resource areas located on the project site. All trees proposed for removal are located within existing lawn area and will be ground in place. The plan includes siltation controls downgradient to the work to prevent any indirect alteration to the resource area. All trees

included on the plan were evaluated by ISA Certified Arborist John Marquis and were deemed hazardous due to their structural defects and to their location relative to the house.

Verge noted the plan does not include contours. Gannon said all trees proposed for removed are located in a level, low elevation on the slope. Willard reported she had not reviewed the wetlands delineation in the field due to snow conditions. She said this property was subject to a NOI/OOC in 1999 for a Title 5 septic system and received a COC in 2013. In comparing the 2013 plan with the current plan Willard said she found the delineations were very close. According to MassGIS, the source of the locus map, the pond is a Potential Vernal Pool. There is a high, level area on site that is the septic field according to the previously permitted project, but it is not marked on the current plan.

Concerns expressed by the Commission include the locations for staging the crane, stockpiling logs/brush and for parking of the logging equipment. Property owner Matt Marolda provided the proposed location for staging the crane; the stumps will be ground, and the logs will be stockpiled in the vicinity of the driveway for later retrieval - all of which met with the Commission's approval.

Tatistcheff said she was not inclined to require precise confirmation of the wetland, given the fact that an arborist has submitted recommendations for removal due to safety concerns and since they have provided adequate erosion control measures with proposed work located within the outer 20 feet of the Buffer Zone. She noted also the fact that the Request for Determination submission did not request the acceptance of the wetland delineations provided for this project. Verge suggested the inclusion of replacement plant materials including woody shrubs such as high bush blueberry or winterberry, given the number and size of trees proposed for removal and their proximity to the potential vernal pool. Wells asked if the understory is currently lawn vs leaf litter that could be providing amphibian habitat. Mr. Marolda said it is a grassy/mossy area that dries up every spring/summer.

With no further comments, *Tatistcheff moved to issue a Negative Determination, B3, the work described within the request is within the Buffer Zone as defined within the regulations but will not alter the area subject to protection under the Act; therefore said work does not require the filing of a Notice of Intent, subject to the following Conditions: the crane must be staged within the outer 20 feet of the 100-foot Buffer Zone; logs must be stockpiled in a location outside of the 100-foot Buffer Zone; planting of a minimum of eight native woody shrubs following the tree removal. Lindquist seconded the motion, and all voted in favor.*

FY20 Budget Update:

Staffing Requests:

Verge reported she and Willard will be meeting with the Personnel Committee on Tuesday, March 5 to discuss the Commission's staffing requests: confirming an increase of 5 hours per week and requesting a change from Grade 5 to Grade 6 on the Position Classification/Grade Scale for the Administrative Assistant position. The Personnel Board had approved the increase in hours for inclusion in the FY19 budget, but the request did not receive support from the Finance Committee.

Community Preservation Committee:

- **Greenough Dam Repair Update:** The Historic Commission voted to support the application but at a lesser amount of \$100k; CPC has requested the project be put out for bid in order to gain a better knowledge of potential costs associated with the project.

- **Open Space and Recreation Plan Revision Initiation:** (Expires Sept 2020): The CPC application for the OSRP Plan Revision will proceed.

7:45 p.m. (DEP 125-10xx) Notice of Intent

Applicant: Robert Silva/Septic Preservation Services

Project Location: 95 Hanover Road

Project Description: Installation of a septic system for an existing single-family house with work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Verge opened the hearing under the Massachusetts Wetlands Protection Bylaw and the Carlisle Wetlands Protection Bylaw. Property owner Chantal Nouvellon was present to discuss the plan for a newly designed system following the expiration of the previously issued permit in July 2016. *Verge requested a motion to continue the hearing to March 14, 2019 at 7:30 p.m. with the property owner's consent, pending receipt of abutter notification confirmation and issuance of the MassDEP file number. The motion was moved by Tatistcheff, seconded by Wells and all voted in favor.*

Right of First Refusal (ROFR) - 102 Stearns Street & 0 Stearns Street: In response to the Board of Selectmen's request that the Commission provide a recommendation regarding the town's ROFR under MGL Chapter 61B for the purchase of this property, the Commission gave consideration relative to whether the land should be acquired for conservation purposes and to identify any conservation interests they feel are important to note as the BOS make their decision as to how to proceed. The Planning Board had provided their recommendations to the BOS and the Commission in a memo dated February 20, 2019.

A site walk was attended by Verge, Willard, members of the BOS and other town officials in December, with the Planning Board later voting to recommend that the Town exercise its option to acquire these parcels. Verge said she believes the Commission's interest lies primarily in the potential trail connections to the Davis Corridor and to the Carlisle Public Schools via the Banta Davis Land. Tatistcheff, who had walked the land at a later date, also supported the potential for providing a connection to the Carlisle Public Schools and to other existing trails within the David Corridor. Lindquist said she would support the town purchasing the land, with the potential that at least a portion of the land be put into conservation retaining easements for potential future trail use. In response to Wells' inquiry relative to potential wetland resources on the site, Verge said the land is mostly upland.

With no further comments, *Tatistcheff moved to support the Town's acquisition of the land located at 108 and 0 Stearns Street for the purposes as stated in PB memo but also for the purposes of providing trail connections and for protecting any potential resources. Wells seconded the motion, and all voted in favor.*

Annual Report: *Young moved to accept the Commission's 2018 Annual Report as submitted, Tatistcheff seconded the motion and all voted in favor.*

ConsCom Member Resignation: Verge announced the recent resignation of Commissioner Steve Smith due to professional and personal obligations and expressed the Commission's sincere gratitude for his many contributions to the town having also served on the Deer Committee and the Cranberry Bog Working Group.

ConsCom Member Open Position: Alex Parra of Bellows Hill Road, who had submitted an application for appointment to fill the vacancy following Steve Smith's resignation, was present to discuss his letter of interest submitted on February 28, 2019. In addition to having been a practicing land use attorney for over 36 years, Parra's relative experience also includes serving as a member of the Carlisle Conservation Commission from 1994 to 1997. Parra said he left the Commission not only due to family obligations but also because he felt he could be of better service as a member of the Carlisle Conservation Foundation, allowing him to focus more on land acquisition projects vs regulatory enforcement. During his tenure with CCF from 1998 to 2005, Parra was instrumental in the acquisition of several conservation parcels, including the Benfield Conservation Land and parcels associated with the Estabrook Woods.

The Commission will take an official vote at their next meeting pending there are any additional applicants following the posting for the open seat in the most recent edition of *The Carlisle Mosquito*.

8:07 p.m. (DEP 125-1062) Notice of Intent

Applicant: Justin Delva

Project Location: 274 Heald Road

Project Description: Construction of an addition to the single-family house, a porch, a deck, and the removal of 22 trees all located within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Verge opened the hearing under the Massachusetts Wetlands Protection Bylaw and the Carlisle Wetlands Protection Bylaw.

Dan Gannon of Stamski and McNary, Inc. presented the plan. The U.S. Postal Service Certified Mail Receipts were submitted as proof of Notification to Abutters in lieu of the signed Domestic Return Receipts (green cards). A proposed mitigation area includes native plantings of 6 American tulip and 5 black willow trees, 6 leatherwood shrubs and seeding with a conservation seed mix. Siltation controls proposed downgradient of the proposed work include straw bales vs hay bales.

The Commission requested that the plan be revised to include the proposed location of the crane, log stockpile and logging truck, noting the level area on the driveway near the home is also the location of the Presby septic system and the site is very tight. The applicant was advised of the fact that this project must also be brought before the Zoning Board of Appeals due to lot line setbacks. With regard to the proposed planting plan, the Commission requested they provide a substitute for the American tulip tree, which is not native to Massachusetts, and a greater ratio per tree proposed for removal and spacing specifications. Verge noted the Leatherwood is a shrub, not a tree as stated within the plan, and may be difficult to obtain commercially.

Tatistcheff moved to continue the hearing to March 14, 2019 at 7:45 p.m. with the applicant's approval and pending confirmation of the wetlands delineations. Lindquist seconded the motion, and all voted in favor.

Municipal Facilities Committee - Carlisle Police Station:

Steve Hinton of the Municipal Facilities Committee was present to discuss a preliminary idea and obtain input from the Commission relative to a project to address space constraints at the Carlisle Police Station for health and safety reasons. Hinton said there are two areas that are problematic including the front entrance area, which not currently have a secure perimeter area to separate public visitors from booking areas, so there is a need to reconfigure the front layout of the first floor. Also, of issue is the fact that there is insufficient storage space for evidence materials. To address the space constraints, with very limited options, the MFC has determined that additional garage space would be a means of addressing these issues and have designed a preliminary plan showing a potential location for this space.

Given the potential location for the additional garage space is within extremely close proximity to the BVW, the Commission provided several suggestions for alternatives that Hinton will bring back to the MFC for further exploration.

Upcoming Meeting Schedule, Spring 2019: Approved as proposed - March 14 & 28; April 11 & 25; May 9 & 23

Conservation Land Management:

Eagle Scout Project Proposal:

Robert Nichols of Stearns Street presented his BSA Troop #1820 Eagle Scout Project Proposal to the Commission. The project consists of removing trash and debris from the area near Two Rod Road Trail /Davis Corridor in order to make the area near the trail cleaner, safer and more enjoyable to the public. The debris will be hauled in a wheelbarrow down Two Rod Road to a truck and then brought to the Carlisle Transfer Station. Any artifacts of potential historic significance will be donated to the Carlisle Historical Society. A group of 9 people comprised of troop members, friends, neighbors and family members will be recruited by Nichols to assist with the work, to be conducted over the course of several Saturdays. Supplies will be provided by the scout and his family. A request for a \$50 donation was made to cover garbage bags. All potential safety concerns were addressed satisfactorily, and a Certificate of Liability for the Boy Scouts of America was provided with the previously issued Land Use Permit associated with this project.

Tatistcheff moved to approve Mr. Nichol's Eagle Scout project as proposed and to provide support as requested with a \$50 contribution from the Conservation Gift Fund. Lindquist seconded the motion, and all voted in favor.

The Commissioners thanked Mr. Nichols for his willingness to undertake this imaginative and useful project that will be of benefit to the town and to the Commission in caring for the land.

Rockstrom Conservation Land – Conservation Restriction Violation (CR #52) - Stephen Herbst/605 School Street: Removal of approximately six red maples on the Rockstrom Conservation Land within the BVW and its 100-foot Buffer Zone, within the inner 100 feet of the 200-foot Riverfront Area and in Bordering Land Subject to Flooding: Willard reported having become aware that an arborist is currently working on a restoration planting proposal as required in accordance with the terms of the Enforcement Order (EO) issued on January 24, 2019. The proposal must be submitted to both the Conservation Commission and to The Trustees of Reservations, grantee of the CR, on or before April 30, 2019.

CR #68 Woodward Conservation Land, off Maple Street: Status and Municipal Certification Update: The EOEEA's review of the Conservation Restriction submission has been completed and the final document will be presented to the Commission along with the Municipal Certification at a future meeting.

Benfield Conservation Land:

- 1) Willard reported informing the BOH that she had observed some leakage near the septic field on the Benfield Conservation Land in January and had done so last year as well. In both cases the system has been checked out and determined the septic field to be working well. In order to know the location of the field, bluebird houses were posted at the four corners of the field. The leakage appears to be close one of the houses to but not in the field.
- 2) Also, near the field are some monitoring wells from which water is taken for testing to ensure that the septic field is working as it should. There have been some problems locating the monitoring wells and once found, their locations will need to be permanently marked in the field (should have been done when installed).

Buttrick Woods CR Violation: Release pending a final site inspection by The Trustees of Reservations (CR Holder)

Foss Farm Community Gardens - Review Rules/Application for 2019 Season:

The annual review of the FFCG rules and regulations with Garden Manager Jack O'Connor resulted in no changes for the 2019 season with a vote as follows: *Tatistcheff moved to reauthorize the Foss Farm Community Garden rule, Young seconded the motion, and all voted in favor*

Lindquist, who has held plots at the community gardens for several years, suggested an annual meeting where gardeners could gather to share ideas, perhaps at the beginning of the season when plot assignments are distributed. O'Connor said he would be in favor of this if the Commission could assist in the organization process.

9:45 p.m. With no further business, *Verge requested a motion to adjourn. The motion was moved by Tatistcheff, seconded by Lindquist and all voted in favor.*

Respectfully submitted,
Mary Hopkins
Administrative Assistant

DOCUMENTS PRESENTED:

Municipal Facilities Committee: Preliminary Concept plan for Carlisle Police Station/TSA Architects, Inc. dtd 2/25/2019