

Carlisle Conservation Commission
March 3, 2022
Minutes

7:00 p.m. Chair Parra Introduction to Remote Meeting: This meeting was conducted remotely pursuant to the Acts of 2021, an Act extending to July 15, 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 (7:00-8:15); Lee Tatistcheff; Navneet Hundal; Brian Murphy; Helen Young (7:45)

Members Absent: Nick Ognibene

Conservation Staff: Sylvia Willard, Conservation Administrator

Administrative Matters/Discussion Items: (taken up throughout the meeting as time allowed)

Signatory Authorization: On the motion by Tatistcheff and seconded by Hundal, it was VOTED to authorize the Administrator to sign documents discussed at this meeting on behalf of the Conservation Commission. Roll Call Vote: Hundal – aye; Murphy – aye; Tatistcheff – aye; Wells – aye; Parra – aye.

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

May 2022 Meeting Schedule: May 12 and 26

Annual Report: On the motion by Tatistcheff and seconded by Wells, it was VOTED to approve the 2021 Annual Report as amended. Roll Call Vote: Hundal – aye; Murphy – aye; Tatistcheff – aye; Wells – aye; Parra – aye.

Beaver Control on Cranberry Bog Dam #1 & CPC application for dam repair The CPC application has now been submitted for the dam repair. Parra explained this is an interim step in addressing the dam maintenance work as required by the Office of Dam Safety, with the hope that the Commission will receive CPA funding to properly repair the dam. Willard reported having recent discussions with a trapper who has worked down-stream who has provided procedural recommendations based on site conditions and trail use. Mass Division of Fisheries and Wildlife require that the beaver be trapped prior to removing the beaver lodge built on the side of Cranberry Bog Dam #1 which is an earthen dam.

On the motion by Hundal and seconded by Murphy, it was VOTED to apply for a ten-day Emergency Permit through the Board of Health to allow trapping of the beavers at the Cranberry Bog Dam #1 once a schedule has been established with the trapper. Roll Call Vote: Hundal – aye; Murphy – aye; Tatistcheff – abstain; Wells – aye; Parra – aye. Motion passed.

Proposed Schedule Changes:

Public Office Hours: Willard reported the Board of Health has changed their public office hours to Monday through Thursday, with Fridays being closed to the public to allow staff to focus on projects without interruption. Willard said she is aware the Concord Natural Resources Commission is doing the same. Parra recalled Willard expressing frustration about the impact constant interruptions had on productivity before the pandemic and said he supports the proposed schedule change. Tatistcheff said she fully supports the idea of closing the office to the public on Fridays, as it has worked well in her experience.

Meeting Schedule: Willard recently attended a training session on improving conservation office efficiencies. One of the suggestions made was to meet every 3 weeks vs twice monthly. She said she thinks this would be helpful in providing more time to address other office responsibilities beyond wetland permitting. A three-week schedule would also alleviate some of the challenges relative to legal notice publications.

Tatistcheff pointed out a large part of the Commission's schedule is taken up with continued hearings. She suggested some changes in the hearing process to reduce the number of continuances, such as conducting site visits before hearings are opened and only opening hearings after applications have been thoroughly checked for completion. She said she would be very much in favor of changing to a 3-week schedule as long as it does not extend the length of meetings.

Murphy said they did not have an agent in the town in which he had formerly served as a member. He said it was very helpful when members conducted site visits prior to the opening of the hearings in order to avoid continuances and reduce backlog. There was a general consensus in favor of conducting site visits prior to the opening of hearings.

Hundal said in being a new member and not knowing how things evolved over time, she is open to working to figuring out ways to improve meeting efficiency. She agreed with Tatistcheff's point that reviewing filings multiple times in the public hearing process is very redundant and can create confusion for the applicant.

Wells suggested using a filing checklist when reviewing new applications, as is done in many other towns. Wells also suggested rejecting applications which are found to be incomplete.

Parra said a significant number of NOIs are continued for matters related to non-compliance with standard submission requirements and he agreed that implementing more rigid acceptance policies and a more thorough pre-review of NOIs would reduce the number of continuances.

The Commission will further consider modifying the meeting schedule for a trial period over the summer.

Conservation Land Management - Farmers' Meeting:

Dick Shohet – Fox Hill Fields:

Mr. Shohet said he did not complete his reporting and planning forms because he did not take a crop up this past year and does not anticipate doing so next year due to increased fertilizer costs. Mr. Shohet said he had a sentimental attachment to the land, as he took over the Fox Hill fields when farmer Guy Clark retired many years ago. Last season he did field edge maintenance and mowing and would like to continue to care for the fields if the Commission allows. On the motion by Tatistcheff and seconded by Hundal, it was VOTED to authorize Dick Shohet to hay and/or maintain the Fox Hill fields. Roll Call Vote: Hundal – aye; Murphy – aye; Tatistcheff – aye; Wells – aye; Parra – aye. Motion passed.

Andrew Rodgers – Woodward Fields:

Mr. Rodgers thanked the Commission for allowing him to graze sheep on the pasture last fall. He has provided photographs documenting the progress in managing invasive plant species along the fence line and hopes to continue next year. Future plans include potentially raising cows on the land.

On the motion by Tatistcheff and seconded by Wells, it was VOTED to authorize Andrew Rodgers to perform pruning to enhance access and to maintain the field. Roll Call Vote: Hundal – aye; Murphy – aye; Tatistcheff – aye; Wells – aye; Parra – aye. Motion passed.

Parra thanked farmers Shohet and Rodgers for their work in managing the fields.

7:46 p.m. (DEP 125-1130) Notice of Intent, Continued Hearing

Applicant: Chris Buono, South Street Carlisle LLC

Project Location: 0 South St, Map 5 Parcel 54 & 56; Project Description: Construction of a single-family home, water supply well, tree removal, grading, construction of a driveway with wetland crossings, wetland fill and in the 100-foot buffer zone of a bordering vegetated wetland.

Present were wetland scientist David Cowell and project engineer Brian Goudreau of Hancock Associates. Mr. Cowell confirmed a revised certified abutters list was generated and renotification has been completed since the previous hearing.

Mr. Cowell provided an overview of the project via screen share: The two abutting subject parcels are vacant forested lots. The wetlands on the property were field delineated and subject to review under an ANRAD/ORAD process. Two potential vernal pools were identified during the wetland delineation and peer review process for the ORAD. Under the issued ORAD, a USGS mapped perennial stream on the property was determined to be classified as intermittent with no associated Riverfront Area. The project includes construction of a single-family

home, septic system, water supply well, paved access driveway and retaining walls and associated grading, portions of which will occur within jurisdictional wetlands and associated buffer zones.

Access to the property is obtained from South Street; there are no practicable alternative routes to access the proposed home that would avoid or result in less alteration of the wetland. In order to provide access to the developable upland areas internal to the lot, the driveway will need to cross two BVW systems. The footprint of the house is located farther back on the property and will require some Buffer Zone alteration but no direct wetland impacts.

The wetland nearest to the frontage of the property bisects the entirety of the property. As designed, the proposed driveway aligns with the narrowest point of crossing, thereby minimizing proposed alteration to the maximum extent practicable. The proposed crossing is designed with 12-inch diameter culverts at three points along the wetland impact area to maintain hydrologic connectivity and passage beneath the driveway. The crossing incorporates the installation of a 4-foot wide by 1-foot-deep infiltration trench to capture runoff from the driveway and convey it to the wetlands. As the driveway continues, it will need to cross the BVW located in the center of the property. As with the first crossing, this crossing aligns with the narrowest point of crossing, thereby minimizing proposed alteration to the maximum extent practicable.

The second crossing, which will require crossing the intermittent stream as well, is designed with a new concrete box culvert to maintain hydrologic connectivity and passage beneath the driveway in accordance with Stream Crossing Standards. Calculations for the proposed stream crossing were summarized by project engineer Brian Goudreau of Hancock Associates as provided with the NOI submittal.

The plan provides no less than 2:1 ratio wetland replication proposed as offsetting compensatory mitigation for alterations to BVW associated with the driveway crossings. The proposed wetland replication areas will be excavated to reduce the elevations to tie in hydrologically into the water table to create hydric soil conditions. Following excavation, the wetland replications will be top dressed and planted with native shrubs and plants throughout in accordance with the provided planting schedule.

Mr. Cowell then reviewed comments received from MassDEP. He believes one of the comments was due to a misunderstanding. He explained that the total BVW replication vs alteration is proposed at a 2:1 ratio as qualified on the WPA Form 3; however, there was an error on the site plan that identified the replication as restoration, which will be corrected. Another comment was regarding an analysis of the crossings to see if they can further reduce the width of them to minimize wetland impacts. Mr. Cowell said they do not think the width can be reduced because they need to meet minimum width standards for fire apparatus. Another DEP comment questioned whether or not the pipes proposed in the wetland crossing will maintain unabatted hydrologic connectivity between the two wetlands, which Mr. Goudreau will be addressing in their written response. MassDEP also pointed out that alteration of greater than 50 feet of inland bank requires a Simplified Wildlife Habitat Evaluation, which Mr. Goudreau said they will provide as additional information for the next hearing.

Regarding the peer review for this project, Parra said Willard had approached the Commission's usual peer reviewers and neither were available. Quotes were received from two other peer reviewers, Beals Associates and BSC Group. Mr. Goudreau said the applicant prefers Larry Beals of Beals Associates due to his access to civil engineering, lower cost and in review of projects of this nature.

On the motion by Wells and seconded by Hundal, it was VOTED to award the peer review of this project to Beals Associates. Roll Call Vote: Young – aye; Hundal – aye; Murphy – aye; Tatistcheff – aye; Wells – aye; Parra – aye. On the motion by Tatistcheff and seconded by Hundal, it was VOTED to continue the hearing for DEP 125-1130 with the representative's approval to March 24, 2022 at 7:15 p.m. to allow time for a peer review. Roll Call Vote: Young – aye; Hundal – aye; Murphy – aye; Tatistcheff – aye; Wells – aye; Parra – aye.

8:18 p.m. (DEP 125-1134) Notice of Intent

Applicant: Sally and Dave Sutherland

Project Location: 147 Westford Street; Project Description: Repair of an on-site sewage disposal system with work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

Robert Melvin of Stamski and McNary presented the plan. There is BVW on site to the west which projects a Buffer Zone onto nearly the entire lot. The proposed project is for work associated with the repair of a failed sewage disposal system, with a portion of the SAS within the 100-foot Buffer Zone. The existing sewage disposal system is to be abandoned on site in accordance with Title 5 Regulations. A waiver has been granted by the BOH to allow the proposed system to be located at a minimum of 92 feet to Bordering Vegetated Wetlands. Site restrictions include a water supply well which requires a 100-foot well radius, a substantial amount of ledge, and property boundary setbacks.

Although she is not completely comfortable with the wetland delineation due to standing water on the site, she would not change the design of the system as there are no alternative locations and because the replacement of the failed system is critical. Willard noted that according to the Title 5 report, the system is failed and there is ponding of what is possibly piped effluent on the surface of the ground due to an overloaded or clogged SAS or cesspool.

Willard provided comments following a recent site visit: the driveway access to the garage is near the edge of the wetland; the driveway is severely deteriorated and with areas of broken asphalt; between the asphalt and the edge of the wetland is unstable gravel. She recommended a construction entrance to prevent soil being tracked onto Westford Street and runoff into the wetland. She also recommended a restoration plan for the driveway as well as a detailed planting plan along the gravel edge. Murphy recommended the railroad ties on the uphill side of the driveway be removed and disposed of properly when the driveway is repaired. Tatistcheff asked that in the future the Conservation Administrator should be made aware of the presence of raw sewage in advance of the scheduling of site visits.

Mr. Melvin will discuss the recommendations with the applicant and provide a revised plan at the next hearing. On the motion by Tatistcheff and seconded by Young, it was VOTED to continue the hearing for DEP 125-1134 to 7:15 p.m. on March 24, 2022 with the representative's approval. Roll Call Vote: Young – aye; Hundal – aye; Murphy – aye; Tatistcheff – aye; Parra – aye.

8:30 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 Hundal, it was VOTED to continue the hearing for DEP 125-1110 to May 27, 2022 at 7:15 p.m. at the applicant's request. Roll Call Vote: Young – aye; Hundal – aye; Murphy – aye; Tatistcheff – aye; Parra – aye.

8:32 p.m. (DEP 125-1133) Notice of Intent

Applicant: Vanessa Moroney

Project Location: 142 Bedford Road; Project Description: Garage extension, replacement of a deck with a larger deck and replacement of two retaining walls

Nathaniel Cataldo of Stamski and McNary presented the plan. Wetlands almost completely surround the house and project Buffer Zone of almost the entirety of the property. The proposed project includes the construction of a garage extension, construction of a raised walkway with a retaining wall, replacement of the existing rear deck with a larger deck, and replacement of the retaining wall in the front of the property with a field stone wall within the same footprint. The garage extension will be built over the existing driveway pavement, and the proposed walkway will replace existing stone steps adjacent to the west side of the dwelling. The proposed retaining wall that will support the walkway will have a maximum height of 5 feet and was designed by a structural engineer

and a stamped plan for the wall has been provided. The retaining wall in the front of the lot will be replaced with a fieldstone wall located within the same footprint as the existing wall.

Willard asked if they plan to widen the steps beyond the existing footprint. Mr. Cataldo said the existing steps are 2.5 feet wide and the proposed replacement steps are 3-feet wide. Willard said in consulting the previous plans for this property, she noted the septic system is located under the front yard and the wall is required for the septic system. Immediately behind the wall is a vapor barrier also required for the septic system. Mr. Cataldo said the impervious barrier runs more than a foot out from the wall. He will confirm the applicant has the previous plan and ensure they are aware of the location of the barrier prior to construction. Parra asked if they have discussed the proposal with the BOH. Mr. Cataldo said they had not. Hundal recommended a Condition requiring that the Board of Health should be consulted regarding disturbance in this area before work begins since it was part of the originally approved system. Tatistcheff noted there is post and rail fencing with wire mesh along the backyard which is required to be located at a minimum of six inches off the ground to allow for wildlife passage.

On the motion by Tatistcheff and seconded by Young, it was VOTED to close the hearing for DEP 125-1133.

Roll Call Vote: Young – aye; Hundal – aye; Murphy – aye; Tatistcheff – aye; Parra – aye.

On the motion by Tatistcheff and seconded by Hundal, it was VOTED to issue a Standard Order of Conditions with the following Special Conditions: the bottom six inches of wire mesh on the post rail fencing must be removed; the Commission shall be provided any and all permits and approvals that may be required by the BOH.

Roll Call Vote: Young – aye; Hundal – aye; Murphy – aye; Tatistcheff – aye; Parra – aye.

8:45 p.m. (DEP –1132) Notice of Intent

Applicant: Homer T. Ash

Project Location: 163 Nowell Farm Road; Project Description: Removal of a number of trees from around a residence which are diseased or present a hazard to the existing dwelling

David Crossman of B & C Associates presented the plan. The Applicant is proposing to remove twenty-seven trees and has submitted a letter from Marquis Tree outlining their opinion of the trees proposed for removal. Most of the trees are large White Pines that may damage the house should they fall during a storm event. Two Red Oaks, two White Ash and one Red Maple are also proposed for removal. The Ash trees are diseased and recommended for removal.

One of the Ash trees is located just inside the edge of the Bordering Vegetated Wetland on the south side of the property. The Applicant is willing to just top some of the trees and would also be willing to plant replacement trees and/or shrubs elsewhere on the property as mitigation in coordination with the Commission's requirements.

Willard recommended the Commission schedule a site visit before making any determinations. One of her concerns is there are wetlands on three sides of the property and the site will become wetter as you remove the pines. Tatistcheff said she would also like to see a detailed access plan. Murphy made several comments following a site visit with Willard: he would like an independent evaluation of the trees, as some of them looked quite healthy; in regards to the trees located near the road, he does not believe they would strike the house if they were to fall; he views this proposal as clear cutting the Buffer Zone and suggested perhaps four should be removed behind the house; most of the trees do not have large side limbs and are located far enough away from the house so as to not pose a hazard; the Ash trees should be completely removed and burned due to the presence of Emerald Ash Borer; the wood shed located within the BVW behind the house should be removed; he requested additional information on the point source discharge located on the right side of the house. The consensus among members was a site visit is needed before moving forward.

Abutter Judy Asarkof pointed out that the wetland that the two streams flow into is not only a BVW, but it also flows to a certified vernal pool on her property.

Responding to the Commission's comments, Mr. Ash said the plan is to stage a crane on the driveway. The drain mentioned by Murphy is a PVC pipe that runs from the corner of the house to divert roof runoff. He said their concern is all the pine trees proposed for removal are over 100-feet tall, many of which are less than 100 feet from the house.

On the motion by Tatistcheff and seconded by Young, it was moved to continue the hearing for DEP 125-1132 with the applicant's approval to March 24, 2022 at 7:30 p.m. to allow time for a site visit. Roll Call Vote: Young – aye; Hundal – aye; Murphy – aye; Tatistcheff – aye; Parra – aye.

9:06 p.m. (DEP 125-1135) Notice of Intent

Applicant: Heather Sheehan

Project Location: 19 Estabrook Road

Project Description: Removal of the existing dwelling, construction of a portion of a tennis court, retaining wall, and walkway, and associated grading with work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Nathaniel Cataldo of Stamski and McNary presented the plan. The proposal is to remove the existing dwelling and construct a sports court in the rear of the property. The court is proposed to be built within the existing lawn and to utilize the existing open space on the property and to avoid tree removal/clearing. A retaining wall is proposed to the east of the court to hold back the grades and to prevent clearing beyond what is needed for the court. The plan includes extending the driveway out a few feet in order to create a walkway. The house, which is to be removed, is within 29 feet of the wetland; the proposed court is 52 feet away from the wetland at its closest approach. Proposed plantings around the court include native plants and shrubs along the edge between the limit of work and the Buffer Zone. The chain link fence surrounding the property will be removed.

Willard asked if they plan to use asphalt vs clay for the surface of the court. Mr. Cataldo said the plan is to pave the court. There is no stormwater management proposed at this time because the increased 750 s.f. of impervious area will be offset by the removal of the house. Willard asked how they would control runoff from the court if they were to provide some stormwater management. Mr. Cataldo said they could provide a stone infiltration trench around the back of the court. Willard asked if they will be providing a planting plan. Laura Burns of Adams and Beasley said the client's desire is to blend plantings in with existing vegetation that has been used in the restoration of the abutting property, but no specific plan has been developed. Willard asked what they will use to fill the cellar hole following removal of the house. Ms. Burns said they would use clean fill in accordance with their standards.

Murphy said he had observed a number of large Birch trees on the site and asked if they will require removal. Ms. Burns said their goal would be to preserve as many trees as possible, but because they are not shown on plan, she did not know where they are located in relation to the proposed work. Mr. Cataldo will include existing trees on a revised plan. Murphy asked if the applicant would consider using porous pavers around the edge of the court vs paving the entire surface. Mr. Cataldo will consult with the applicant on this request. Tatistcheff said she believes the project presents an improvement to the existing lot with the removal of the house and she would therefore support it with the proposed modifications.

Abutter Barbara Pauplis expressed concerns regarding potential tree removal and water runoff as well as noise and light pollution that could affect her property. She asked if the owner had considered seeking an alternative location for constructing the court on another parcel under their ownership that would not impact abutters and wildlife habitat to the extent of the present proposal. She asked if the future use of the lot is consistent with zoning requirements once the house is removed. Mr. Cataldo pointed out that if the court were moved farther from the lot line, it will move closer to wetlands.

Tatistcheff said given the condition stated before, notwithstanding the discomfort the neighbors may have with it, she has not heard any authoritative reasons why this proposal would not be compliant with the Wetlands Protection Act. She said the question of whether or not it is permissible to remove the building is not within the Commission's jurisdiction. Her final comment was relative to the Commission's standard requirement for clean fill, when she explained that the Commission has had numerous sites throughout town where invasive plants or foreign matter has been introduced within close proximity to the wetland.

Hundal stated she hears the abutters concerns but is inclined to agree with Tatistcheff's assessment that the Commission is responsible for protecting the wetlands and must work within their jurisdiction. Young agreed that as long as the runoff is addressed, she sees no reason the Commission should object to the proposal.

Ms. Pauplis again asked if there is a reason the owners cannot locate the court to another property under their ownership that is not within such close proximity to the wetland. Parra said it is not within the Commission's authority to require an alternative project, only to review the project as it has been presented and either approve, condition, or deny it.

Following further discussion, the Commission confirmed the applicant's representatives understood the submission requirements moving forward: a revised plan including infiltration trenches on the outer edge of the court and showing existing trees; submission of a planting plan; a letter from the building commission stating it is permissible to construct a standalone court. Parra noted the Commission's OOC requires that all other necessary permits be obtained. In terms of verifying the quality of the fill used to fill the cellar hole, the Commission will include a Condition requiring that the material must be inspected by the Administrator before topsoil is applied.

On the motion by Hundal and seconded by Murphy, it was VOTED to continue the hearing for DEP 125-1135 with the representatives approval to March 24, 2022 at 7:30 p.m. Roll Call Vote: Young – aye; Hundal – aye; Murphy – aye; Tatistcheff – aye; Parra – aye. Roll Call Vote: Young – aye; Hundal – aye; Murphy – aye; Tatistcheff – aye; Parra – aye.

7:45 p.m. On the motion by Tatistcheff and seconded by Hundal, it was VOTED to adjourn. Roll Call Vote: Young – aye; Hundal – aye; Murphy – aye; Tatistcheff – aye; Parra – aye.

Project Updates:

48/42 Bingham Road - Enforcement: Mr. Crossman reported the applicant has stockpiled the material he had dug up previously and placed it in the driveway crossing at the far side of the brook for future removal. No further work has been undertaken. He and Willard will be scheduling a site visit to evaluate the septic area for additional erosion controls when site conditions allow.

Respectfully submitted,
Mary Hopkins

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