

Carlisle Conservation Commission
March 24, 2022
Minutes

7:01 p.m. Vice Chair Wells Introduction to Remote Meeting: This meeting was conducted remotely pursuant to an Act extending to July 15, 2022 certain Covid-19 measures adopted during the State of Emergency. 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: Dan Wells, Vice Chair; Lee Tatistcheff; Helen Young, Navneet Hundal, Nick Ognibene, Brian Murphy
Members Absent: Alex Parra, Chair
Conservation Staff: Sylvia Willard, Conservation Administrator
Mary Hopkins, Assistant to the Conservation Administrator

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

Signatory Authorization: On the motion by Young 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: Young – aye; Hundal – aye; Tatistcheff – aye; Ognibene – aye; Murphy – aye; Wells – aye. Motion passed.

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; Hundal – aye; Tatistcheff – aye; Ognibene – aye; Murphy – aye; Wells – aye. Motion passed.

Minutes:

On the motion by Hundal and seconded by Young, it was VOTED to approve the minutes of 12/2/2021 as submitted. Roll Call Vote: Young – aye; Hundal – aye; Tatistcheff – aye; Ognibene – aye; Murphy – abstain; Wells – aye. Motion passed.

On the motion by Hundal and seconded by Young, it was VOTED to approve the minutes of 12/16/2021 as submitted. Roll Call Vote: Young – aye; Hundal – aye; Tatistcheff – aye; Ognibene – aye; Murphy – abstain; Wells – aye. Motion passed.

On the motion by Hundal and seconded by Young, it was VOTED to approve the minutes of 1/13/2022 as submitted. Roll Call Vote: Young – aye; Hundal – aye; Tatistcheff – aye; Ognibene – aye; Murphy – abstain; Wells – aye. Motion passed.

7:15 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.

On the motion by Ognibene and seconded by Tatistcheff, it was VOTED to continue the hearing at the applicant's request to April 14, 2022 at 7:15 p.m. Roll Call Vote: Young – aye; Tatistcheff – aye; Hundal – aye; Ognibene – aye; Murphy – aye; Wells – aye. Motion passed.

7:16 p.m. (DEP 125-1134) Notice of Intent, Continued Hearing

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.

Project engineer Robert Melvin of Stamski and McNary presented the plan revisions pursuant to the previous hearing as follows: (1) a note stating “Sheet ‘x’ of 2” was added to the title block of both sheets; (2) a proposed Stabilized Construction Entrance is shown on the plan view with associated details on Sheet 2; (3) a label stating “Existing Railroad Ties to be Removed” was added to the plan view in the approximate location of said railroad ties; (4) removal of gravel, sediment buildup, and debris is now indicated on the plan in an area downgradient of the driveway; the plan also indicates that these areas are to be restored with 4 inches of loam and seed; (5) the existing driveway is proposed to be repaired according to the plan note, “After septic installation is complete, remove eroded material from driveway and patch driveway where needed to prevent any future erosion into the wetland area”.

Murphy said the railroad ties to be removed on the upgradient side of the driveway are not shown in the correct location on the plan. Ognibene asked Murphy and Willard, who visited the site recently, if they believe the proposed patching of the driveway will adequately address the deterioration. Murphy believes the driveway is too far gone for patching and should be repaved. Willard noted paving is considered an exempt activity for single family houses but would require a NOI if it involves excavating a base and/or grading.

Wells said he had attempted to inspect the wetland delineation it but was unable to use a hand auger due to the presence of sewage on the surface and to the amount of surface water in the vicinity of the well. He found the majority of the flags located at the edge of the yard appeared to be accurate. He concluded the best approach is to include a Finding that the wetland line is not approved and requiring that any future filings must include a wetland new delineation.

On the motion by Young and seconded by Tatistcheff, it was VOTED to close the hearing for DEP 125-1134. Roll Call Vote: Young – aye; Tatistcheff – aye; Hundal – aye; Ognibene – aye; Murphy – aye; Wells – aye. Motion passed.

On the motion by Tatistcheff and seconded by Young, it was VOTED to issue a Standard Order of Conditions, with a Finding that the wetland boundary was not approved in this Order, and with the Condition that the railroad tie wall is to be removed after being accurately located on a revised plan to be submitted prior to starting work on the project. Roll Call Vote: Young – aye; Tatistcheff – aye; Hundal – aye; Ognibene – aye; Murphy – aye; Wells – aye. Motion passed.

7:30 p.m. (DEP–1132) Notice of Intent, Continued hearing

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.

Wells said the applicant had provided the Commission with an annotated plan at a recent site visit. During the site visit the Commission discussed the need for a mitigation planting plan, as is typically required for tree removal projects within jurisdictional areas.

Wells asked commissioners to provide the applicant with their observations from their recent site walk. Murphy noted the Buffer Zone is located between two flows of water. He said it looks like a number of trees had to come down many years ago and the resource areas appear to be well preened, and as a result the Buffer Zone is not as healthy as it could be due to lack of understory. He recommended the planting plan should encompass the entire Buffer Zone, including the area beyond the trees to the southwest. He also noted there are two-point source discharges into the stream as well as a shed located within the BVW. He said he would feel more comfortable if a third party viewed the trees to confirm they are hazardous, as he found that most of the trees proposed for removal appeared healthy.

Tatistcheff shared Murphy’s concern regarding the point source feeding into the wetland but they appear to have been there for a long time. She believes this is a well measured approach to tree removal, particularly if some trees are left as totems, given the experiences the Commission has had with trees coming down during storm

events. She agreed there needs to be some mitigation planting to offset the tree removal and to prevent the site from becoming even more wet. She would support the plan for removal upon submission of a planting plan.

Wells identified two trees proposed for removal located on either side of the entrance from Nowell Farme Road for which he does not see justification for removal, as they appeared healthy. He is more open to removal of the trees in the rear. He recommended the applicant should provide a robust mitigation planting plan with a 1:1 ratio for replacement trees and a 2:1 ratio for shrubs. He recalled the Commission had discussed with the applicant the need for permanent demarcation of the limit of lawn for future owners. He said removing the shed as mitigation would be seen as a benefit to the resource area, but he does not believe the Commission can require its removal.

Abutter Judy Asarkof said while she understands the Commission is concerned about hazardous trees, she has greater concerns about the impact on the wetland. She is particularly concerned about the trees located at the edge of the wetland due to potential water quality impacts and due the presence of a vernal pond in the vicinity. She has no concerns about the trees proposed for removal on the far right but would have a tendency to appeal the decision if the Commission allows removal of all trees as proposed. Wells said certainly there would be some amphibians that breed in the certified vernal pool and live in the trees or within the leaf litter. He said the wildlife habitat aspect of the proposal has to be strongly considered, preferably to be prepared by someone familiar with the biology of vernal pool amphibians, which may affect which trees are cut.

Mr. Ash said three different firms have evaluated the trees, all of which confirmed his fears about uprooting. He said there have been numerous large white pines that have come down in the neighborhood during storm events over the last several years. He is concerned about the trees at the front of the property given their height and proximity to the house. He said there have been several hurricanes and devastating ice storms over the past several years and the fear and concern are significant.

Wells asked if the Commission believes an opinion is needed from a certified arborist vs a commercial tree removal company. Ognibene said while he is sensitive to the homeowner's concerns, he believes it may be good to have an opinion from an arborist. Tatistcheff said that although she does not disagree, the Commission has not required this of other applicants, and given the likelihood of an appeal regardless of the decision, she believes the Commission needs to be very meticulous about what they require of other applicants making similar requests. Ognibene suggested that if the Commission thinks that having an independent arborist evaluation in this situation in general would be the right thing to do, then perhaps they should consider implementing that as a consistent practice going forward as well. Mr. Ash said he has no problem with hiring an arborist if they could assure him the trees are not going to come down.

Ms. Asarkof said the applicant had originally included trees proposed for removal that are located on her property. She said she obtained an opinion from an arborist to provide his recommendations regarding the health of these trees, who reminded her that under all storm circumstances, trees located 3-4 houses away can be picked up and thrown, so it is not just about trees within 100 feet, there are trees within the entire area that potentially could be moved by storms. She said the arborist recommended pruning the tops of trees vs cutting so they are less susceptible to wind power taking them down, which she believes is a good solution as an abutter. She believes pruning the trees that are most threatening would keep the trees growing, supporting the soil, and taking up water.

Wells asked the Commission if they thought they should consider hiring an independent arborist in this case at their own expense vs requiring the applicant to pay for it. Willard said there is no funding for this in the budget. Ms. Asarkof offered to pay for an evaluation by an independent arborist because she is specifically interested in an opinion on the health of the trees. Tatistcheff thanked Ms. Asarkoff for her generous offer and said the Commission cannot require the applicant to contract with a specific person, so that would need to be worked out outside of the hearing process.

Wells said it is clear the Commission needs more information and is not ready to close the hearing. He asked Mr. Ash if he is agreeable to continuing. Mr. Ash said he needs some sense of what the Commission is going to approve in order to provide a planting plan. Wells asked if any commissioners would like to see fewer trees

removed than proposed. Murphy said that is the reason it would be helpful to have an opinion from a neutral third party. Wells said he is looking for the right mitigation, particularly in the area next to the wetland and the vernal pool. He would be agreeable to removal of the trees in the back if they are mitigated sufficiently. Hundal said how the Commission feels about removal will be based on the plan to counter the disruption. Wells said the Commission is willing to consider the proposal, taking into account the comments heard from the Commission and the abutter, as long as sufficient mitigation is provided within a detailed plan.

Mr. Ash said there is a fair amount of work to be done and requested the hearing be continued to May. On the motion by Hundal and seconded by Young, it was VOTED to continue the hearing to May 12, 2022 at 7:15 p.m. Roll Call Vote: Tatistcheff – aye; Young – aye; Hundal – aye; Ognibene – aye; Murphy – aye; Wells – aye. Motion passed.

8:09 p.m. (DEP 125-1135) Notice of Intent, continued hearing

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 revised plan in response to comments at the previous hearing, including: an infiltration trench has been provided to capture runoff from the proposed tennis court; sizing calculations and an Operation and Maintenance plan have been provided; a planting plan has been added to the plan; permeable pavers are proposed for the patio between the proposed tennis court and driveway; the walkway has been removed; the existing trees around the proposed tennis court are shown on the plan, there are no trees proposed for removal within the Buffer Zone; the proposed tennis court has been moved 5' to the east to preserve vegetation and increase the buffer between the proposed work and abutting property.

Wells requested additional details regarding the proposed pavers. Landscape designer Laura Burns said they have submitted two options of equal permeability because availability can be challenging. Tatistcheff asked if they have confirmed this is a permitted use of the lot as discussed at the previous hearing. Heather Sheehan said they have received a determination letter from the Building Inspecting stating it is permissible because the two properties are under the same ownership and the court is considered an accessory to the dwelling.

On the motion by Young and seconded by Tatistcheff, it was VOTED to close the hearing for DEP 125-1135. Roll Call Vote: Young – aye; Hundal – aye; Ognibene – aye; Murphy – aye; Wells – aye. Motion passed.

On the motion by Tatistcheff and seconded by Young, it was VOTED to issue a Standard Order of Condition based on the plan dated March 17, 2022 with a Special Condition prohibiting night lighting of the court where it exists in the Buffer Zone.

Certificate of Compliance:

(DEP 125-703): Michelle Kudirka & Julie Marie Voila;(original applicant: Christopher Spriano) Project Location: 588 Bedford Road; Project: Construction associated with an abutting lot associated with the transfer of land; Issued: 4/12/2005

The OOC for this project was attached to the subject property under a multi-property subdivision of land; there is no wetland jurisdiction on this property. On the motion by Tatistcheff and seconded by Hundal, it was VOTED to issue a Certificate of Compliance for DEP 125-703. Roll Call Vote: Young – aye; Hundal – aye; Tatistcheff – aye; Ognibene – aye; Murphy – aye; Wells – aye. Motion passed.

Enforcement Updates:

42 Bingham Road, Michael Napier: Willard and Mr. Crossman will be meeting with Mr. Napier to evaluate the erosion control barrier before any further work is done beyond the second crossing.

178 Brook Street: J. Lars Bernard: David Crossman of B & C Associates reviewed the proposed restoration plan as required for unpermitted tree cutting within the Buffer Zone as follows: yard waste located below the

wood chip foot path shall be removed and disposed of offsite; there will be no changes to the existing topography; no soils will be brought into the mitigation area; 24 shrubs shall be planted within the mitigation area; the plantings will be placed randomly throughout the mitigation area so as not to create a row of plants; all work will be performed with hand tools; the plantings will be monitored for two full growing seasons, with a monitoring report and photographs to be provided to the Commission by October 15th of the two years following the plantings; the report will include a comprehensive observed species list, will clearly describe the relative abundance of each species, the viability of the plantings and proposed remedial measures to ensure at least a 75 percent survival rate for the plantings; ; if the mitigation area does not achieve the required survival rate, additional plantings will be provided and monitored for the next two growing seasons with reports provided to the Commission by October 15th of each following year in order to ensure the viability of these late plantings.

Willard provided comments as follows: the Enforcement Order required a stamped plan identifying all lot lines at a 1"=20' scale; not all lot lines have been provided; the submitted plan is at a 1"=30' scale; there is a 100-year flood zone on the property but she is unable to determine where that is relative to the woodchips, as it is not shown on the plan; the plan does not show the 200-foot Riverfront Area relative to where Pages Brook forms part of the property line. Mr. Crossman said there is a distance of 260 feet to Pages Brook, which is the property line. Mr. Bernard said he would be happy to remove the wood chips if that is a concern.

Wells said he appreciates the property owner's willingness to remove the yard waste. He was expecting the wood chips would be eliminated, as the Commission tends to look at wood chips as something that can smother natural vegetation and it would have required a permitting process. He commented that a very mature tree canopy was eliminated by the unauthorized cutting resulting in what is now essentially a new lawn. He was expecting to see plantings to restore the tree canopy and/or leaf litter of the westernmost stumps.

The consensus of the Commission was that they would like to see a revised plan that includes adjustments to the mitigation plan as discussed. The Commission will allow the submission of ortho photos to approximate the mean annual high-water line in order to establish the Riverfront Area as was done for another project on Brook Street. They will also consider submission of a FEMA Firm map along with justification of why they believe surveying in the 100-year Flood Plain is not necessary, as this could cause a significant delay in getting the Buffer Zone restored as quickly as possible due survey scheduling. A site visit will be scheduled prior to the April 14 meeting when the discussion will be continued. Mr. Crossman will provide a revised plan based on the Commission's comments no later than noon on April 8.

On the motion by Tatistcheff and seconded by Young, it was VOTED to continue the discussion to April 14. Roll Call Vote: Young – aye; Murphy – aye; Tatistcheff – aye; Hundal – aye; Ognibene – aye; Murphy – aye; Wells – aye. Motion passed.

Conservation Land Management:

Land Use Permit: Warren Lyman: Mr. Lyman was present to discuss his request to plant perennial native wildflowers on town conservation land. He has submitted a proposal to plant second year *Hibiscus moscheutos* (Crimson-eyed Rosemallow) at the edge of Greenough Pond and *Liatris novae-angliae* (New England Blazing Star) in several locations at the Cranberry Bog. His submittal includes maps with proposed locations along with a narrative including species information, proposed quantities, and identifying seed sources.

On the motion by Tatistcheff and seconded by Murphy, it was VOTED to issue a Land Use Permit to Warren Lyman for planting as proposed. Roll Call Vote: Young – aye; Murphy – aye; Tatistcheff – aye; Ognibene – aye; Hundal – aye; Wells – aye. Motion passed. The Commission thanked Mr. Lyman for his efforts.

Land Use Permit - Dawn Eriksen: Ms. Eriksen was present to discuss her proposal to conduct a biodiversity study on the open space land associated with Woodward Village as a volunteer project to complete her certification in the Naturalist in Training program through Mass Audubon. She has worked with Steve Tobin of the Trails Committee in selecting the location for the study. She proposes to spend the next few seasons to get a biodiversity assessment across several different seasons to gain an understanding of the types of flora and fauna that are present on the land. She will work with a small team of individuals from the naturalist course who will

assist her in the assessment. Their biggest priority for investigation is vernal pool certification through the Natural Heritage and Endangered Species Program. Another priority will be invasive species mapping. She will provide interim reports to the Commission at the end of each season and a comprehensive report at the conclusion of the project.

On the motion by Young and seconded by Tatistcheff, it was voted to issue a Land Use Permit to Dawn Eriksen as proposed. Roll Call Vote: Young – aye; Murphy – aye; Tatistcheff – aye; Ognibene – aye; Hundal – aye; Wells – aye. Motion passed. The Commission thanked Ms. Eriksen for her efforts and wished her good luck.

Mark Duffy – Farming Reports and Farming Plans: Foss Farm, Cranberry Bog corn field, Bisbee, Greenough, Fiske Meadow, Hutchins, and Robbins fields.

Mr. Duffy expressed his appreciation for use of town fields to grow corn and grass to feed his cows at Great Brook Farm. He has tried to grow cover crops on some of the fields, but it has been a challenge and not as successful as he had hoped due to Canada geese consuming the seed and muddy field conditions preventing access. He applies herbicides (Prowl, Atrazine, and/or glyphosate) only when needed due to field conditions and typically spot sprays to address weed pressure. The Commission thanked Mr. Duffy for his time and efforts in maintaining the fields and for his continuing help in tilling the plots at the Foss Farm Community Gardens.

Beaver control on Cranberry Bog Dam #1: Willard reported the beaver trapper she had been working with has informed her he will be unable to proceed with the work. She is now working with another trapper. The Commission will request an Emergency Permit through the BOH if the trapping has not been completed done by the end of the trapping season on April 15.

Benfield Conservation Land: Bird houses have been installed at the critical areas for the new septic system as required by the OOC. There are now 11 bird houses, 4 of which will be relocated to another conservation land at the end of the season. Seeding has been done and walkers are being asked to avoid the area until grasses have become established.

Tennessee Gas Pipeline: A public hearing regarding ROW vegetation management (mowing/herbicide application) will be held via remote access on April 7. The Commission’s concern is that the gas line travels through an area designated as Priority Habitat due to the presence of a state listed plant species and on land held under a Conservation Restriction. Willard will follow up to confirm Tennessee Gas is aware of the location of the plant.

Project Updates:

1215 Curve Street: Willard will be visiting the site with environmental monitor Mitch Maslanka next week. There is additional maintenance work needed on the erosion control barrier, particularly at the stream crossing. There is concern regarding the vernal pool on Curve Street regarding a proliferation of algae growing on the surface. Mr. Maslanka will be attending the April 14 meeting to provide an update.

9:04 p.m. On the motion by Hundal and seconded by Young, it was VOTED to adjourn by roll call vote.

Respectfully submitted,
Mary Hopkins

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