

Carlisle Conservation Commission
March 30, 2023
Minutes

7:00 p.m. Chair Alex Parra - Introduction to Remote Meeting: This meeting was conducted remotely pursuant an Act extending to 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: Alex Parra (Chair), Dan Wells (Vice Chair) 7:00-9:25, Navneet Hundal, Brian Murphy, Nick Ognibene, Helen Young

Conservation Staff: Sylvia Willard, Conservation Administrator; Mary Hopkins, Asst to the Conservation Administrator

New and Pending Business: (taken up throughout the meeting as time permitted)

Interview - ConsCom Open position: Having lived in Carlisle for 44 years, Mr. Shepard is acquainted with the town's resources and environmental characteristics and is interested in helping to preserve the town's environmental heritage. He is currently employed by Raytheon BBN Technologies as a Lead Scientist, focusing primarily on the impact of manmade noise on underwater fauna. After having observed several recent meetings, Mr. Shepard has decided he would like to add his voice to the Commission. Parra thanked Mr. Shepard for taking the time to attend the past few meetings and conveyed the Commission's enthusiasm for having him come on board.

On the motion by Hundal and seconded by Young, it was VOTED to recommend to the Select Board the appointment of George Shepard. Roll Call Vote: Ognibene – aye; Young – aye; Hundal – aye; Murphy – aye; Wells – aye; Parra – aye.

Interviews - Land Stewardship Committee:

Claudia Talland has been a resident of Carlisle since 1991 and has enjoyed walking on the town's conservation lands over the years. Recently retired, she now has the time to learn what she can do to assist the committee in their work to protect the land. **Shane Usher** has lived in town for several years and is an avid hiker who wishes to assist the Land Stewards in managing town-owned conservation land. Both candidates were previously interviewed by the Land Stewardship Committee and recommended for approval to the Commission.

On the motion by Murphy and seconded by Young, it was VOTED to recommend to the Select Board the appointment of Claudia Talland and Shane Usher to the Land Stewardship Committee. Roll Call Vote: Ognibene – aye; Young – aye; Hundal – aye; Murphy – aye; Wells – aye; Parra - aye.

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

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

Minutes: On the motion by Hundal and seconded by Young, it was VOTED to approve the minutes for 1/12/2023 and 1/26/2023 as drafted. Roll Call Vote: Ognibene – aye; Young – aye; Hundal – aye; Murphy – aye; Wells – aye; Parra – aye.

Route to Sustainability Day/Earth Day April 22: The Land Stewardship Committee, the Trails Committee, and the Conservation Restriction Advisory Commission will be hosting an exhibit that will include large format plans from the Open Space and Recreation Plan. Parra and Murphy will provide information regarding the

Commission's plans for the Cranberry Bog restoration project as well as ongoing conservation land maintenance needs and the ways in which various projects can be funded.

Greenough Dam: Willard reported her observations during monitoring of the spring runoff. She said that although the dam is functioning as designed, she recommends the Commission consider proceeding with the plan amendment for adapting the spillway in order to have the ability to install boards in the summer months. The Commission will discuss moving forward with the amendment at a future meeting following further discussions with the DPW regarding monitoring requirements.

7:17 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 Young and seconded by Murphy, it was VOTED to continue to 7:15 p.m. on May 25, 2023 at the applicant's request. Roll Call Vote: Ognibene – aye; Young – aye; Hundal – aye; Murphy – aye; Wells – aye; Parra – aye.

7:19 p.m. (DEP 125-1153) Restoration Notice of Intent, Continued Hearing

Applicant: Derek Zanga

Project Location: 545B South Street (Off South Street); Project Description: Removal of invasive plant species and planting of native species.

Matt Charpentier of Oxbow Associates provided a recap on the status of the application: the project was presented in December, followed by several meetings during which additional testimony was provided; a site visit was conducted with members of the Commission in February; at the previous hearing it was recommended that a decision should be postponed until DEP has rendered their decision regarding the supplemental control methods submittal. Mr. Charpentier has since reached out to DEP for feedback and they have stated that based on the standards of the Regulations, this project did not include any dredging or filling and would therefore not require a 401 Water Quality Certification or any higher-level applications in order to proceed.

Parra asked Mr. Charpentier if they wished to submit any further information in support of this application. Mr. Charpentier did wish to provide any further testimony.

Willard provided several recommended Conditions: the proposed straw wattles shall be encased with organic material vs plastic netting; the plant and seed mixes to be used shall be submitted to the Commission for approval prior to use; a preconstruction site meeting shall be held with the applicant, owner, representative and contractors to review the project; a planting plan shall be submitted to the Commission for approval prior to implementation; a progress report shall be provided after two weeks of site work; a site report shall be provided at the completing of planting and seeding, with information regarding maintenance and progress; photographs shall be provided by December 31 following the first full growing season; a photographically illustrated final report shall be provided by December 31 of the second full growing season.

Willard noted the narrative stated there will be a request for a COC after two years, and she asked Mr. Charpentier if he anticipates that there will be no regrowth. Mr. Charpentier said they did not believe they could realistically achieve complete eradication for a property of this size within two years and may need to submit a Request for an Extension of the OOCs.

On the motion by Young and seconded by Murphy, it was VOTED to close the hearing for DEP 125-1153. Roll Call Vote: Ognibene – aye; Young – aye; Hundal – aye; Murphy – aye; Wells – aye; Parra – aye.

On the motion by Hundal and seconded by Ognibene, it was VOTED to issue a Standard Order of Conditions with the Special Conditions as proposed by Willard. Roll Call Vote: Ognibene – aye; Young – aye; Hundal – aye; Murphy – aye; Wells – aye; Parra – aye.

7:30 p.m. (DEP 125-1140) Notice of Intent, Continued Hearing

Applicant: Martha and Kenneth Bedrosian

Project Location: 44 Bedford Road

Project Description: Construction of a detached three car garage, installation of utilities, mitigation plantings and paving of an existing dirt driveway with work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

Parra opened the hearing and requested a motion to continue given that neither the applicant nor a representative was present. On the motion by Ognibene and seconded by Wells, it was VOTED to continue the hearing to April 13, 2023 at 7:45 p.m. Parra asked Willard to inform the applicants of the continuance and to remind them the Commission is waiting for a revised plan.

7:35 p.m. Kenneth Bedrosian joined the meeting and stated they had received a letter from the Commission requesting information that was beyond what had been requested at the previous meeting. He said he had intended to provide a response at tonight's hearing. Parra explained the Commission had opened the hearing as scheduled and voted to continue the hearing to the next meeting because there was no one present to provide testimony.

7: 45 p.m. (DEP 125-1152) Notice of Intent, Continued Hearing

Applicant: Federal Investment Properties Trust

Project Location: 445 East Riding Drive - Lot 1

Project Description: Construction of a single-family dwelling, soil absorption system, associated tree removal and grading.

Robert Melvin shared revised plan which includes the following changes based on comments at the previous hearing: 1) trees to be removed within the 100-foot Buffer Zone of Bordering Vegetated Wetlands (BVW) are proposed to be mitigated with the planting of native shrub species at a ratio of 2 shrubs for every 1 tree removed; a plant list along with locations of the proposed plantings are provided on the plan; 2) impervious area within the 100-foot buffer zone of the BVW is proposed to be mitigated with a drip edge located along the back face of the proposed dwelling; the drip edge is comprised of a 2-foot wide by 2-foot deep stone trench has been designed to attenuate peak runoff flow from approximately half of the roof during intense storm events. Mr. Melvin said the stone trench will be lined with filter fabric material around the sides and bottom to prevent silt from clogging the trench, specifying it should be cleaned at six-month intervals.

Murphy suggested the Commission include a Continuing Condition requiring the ongoing maintenance of the trench. Parra said this would require some vigilance on the part of the Commission and suggested as an alternative the Commission could require written confirmation from the homeowner that the trench is being maintained. Wells said there is often an Operations and Maintenance Plan that is included in the documents referenced in the OOC and suggested the recommended maintenance intervals be incorporated into the documents that are to be recorded.

Willard reported people are, in many cases, not following the planting plan and purchasing cultivars vs straight species. She expressed concern this may occur with this project. Wells suggested that in addition to being stated in the Conditions, a clear statement regarding the requirement for the planting of native, non-cultivars also be included in the Statement of Findings section of the OOC along with the monitoring requirements as well as including a prominent statement on the Plan of Record.

Willard asked if the representative had received a response from the Division of Fisheries and Wildlife regarding the proposed turtle protection plan. Mr. Melvin said they had received a response indicating that the project as

proposed must be conditioned in order to avoid a prohibited Take of state-listed species, as follows: 1) prior to the start of work, the applicant shall record the response letter and the approved project Plans and provide the Division with proof of said recordation; 2) the Turtle Protection Plan dated March 6, 2023, as provided by Oxbow Associates as part of the MESA Project Review Checklist and Habitat Assessment, shall be implemented unless otherwise approved by the Division in writing; 3) permanent monumentation shall be erected along the no work restriction line as shown on the plan prior to the start of work; the installation of the no work restriction line markers in accordance with the plan shall be certified by a Mass Registered Land Surveyor to the Division in writing; no work, including removal of vegetation, disturbance to soil or duff or leaf litter shall occur outside of the Limit of Work shown on the plans; 4) A Compliance Report shall be submitted to the Division within 30 days of the completion of work documenting compliance with the conditions as outlined.

Wells asked if the current plan includes permanent monumentation along the “no work line.” Mr. Melvin said the line is demarcated on the plan through the siltation barrier and the edge of tree line, but it is not explicitly shown on these plans. He said the letter from the Division requires that they provide a permanent limit of work line, which should be taken to mean no work shall occur beyond that line indefinitely. Wells clarified this directive includes areas that are located outside of the Commission’s jurisdiction in locations where the priority habitat extends beyond the wetland buffer zone.

Parra said the Commission would need to receive the response letter from the Division as well as the technical comments from DEP in order to incorporate those requirements into an OOC.

8:04 p.m. (DEP 125-1151) Notice of Intent, Continued Hearing

Applicant: Federal Investment Properties Trust

Project Location: 445 East Riding Drive - Lot 2

Project Description: Construction of a single-family dwelling, soil absorption system, and associated grading.

Mr. Melvin shared the revised plan submitted in response to comments made at the previous hearing including the following revisions: 1) trees to be removed within the 100-foot Buffer Zone of Bordering Vegetated Wetlands (BVW) are proposed to be mitigated with the planting of native shrub species at a ratio of 2 shrubs for every tree removed; a plant list along with locations of the proposed plantings are provided on the plan 2) impervious area within the 100- Buffer Zone of BVW is proposed to be mitigated with an infiltration trench located along the proposed driveway to attenuate peak runoff flow during intense storm events. The trench is two feet wide by two feet deep and extends along the entire portion within the Buffer Zone.

Parra asked if they are proposing any infiltration of roof runoff. Mr. Melvin said none of the impervious areas on this lot with respect to the houses is located within the Buffer Zone. Murphy recalled the Commission had spoken on site of combining the driveways for Lots 2 and 3, and he asked if that were something the applicant would still consider. Mr. Melvin said this was considered but ultimately the applicant went with separate driveways for the two lots. Parra asked if there is a reason for that other than the applicant’s preference. Mr. Melvin said he believes it is because a single driveway is preferable for a homeowner.

Willard requested clarification regarding the two methods proposed for erosion control in that the plan does not specify locations where the materials will be used. Mr. Melvin said he believes this was done purposely in order for the Commission to make those determinations. Wells said the Turtle Protection Plan may have included details regarding the haybales, and he suggested the requirements should also be made clear on the plan for use in the field by the contractors. He recommended it also be made clear on the plan that the siltation fencing should be installed on the inside of the limit of work barrier vs the outside.

8:12 p.m. (DEP 125-1150) Notice of Intent, Continued Hearing

Applicant: Federal Investment Properties Trust

Project Location: 445 East Riding Drive - Lot 3

Project Description: Demolition of an existing tennis court, construction of a single-family dwelling, soil absorption system, a portion of a driveway and associated grading.

Mr. Melvin shared the revised plan in response to comments made at the previous hearing including the following revisions: 1) trees to be removed within the 100-foot Buffer Zone of Bordering Vegetated Wetlands (BVW) are proposed to be mitigated with the planting of native shrub species at a ratio of 2 shrubs for every 1 tree removed a plant list along with locations of the proposed plantings were provided on the plan; 2) impervious area within the 100-foot Buffer Zone of BVW is proposed to be mitigated with an infiltration trench located along the proposed driveway; the 2-foot wide by 2-foot-deep wide infiltration trench has been designed to attenuate peak runoff flow during intense storm events. Mr. Melvin said he would amend the siltation barrier details for this plan as discussed for Lot 2.

Parra asked why they are not providing any roof runoff infiltration for this lot. Mr. Melvin said the house is located completely outside the Buffer Zone and they are removing a shed, thereby reducing impervious area. Murphy reiterated his previous comment regarding the benefit of combining the driveways for Lots 2 and 3 in order to limit tree removal. Wells asked if there were a reason they did not design the infiltration trenches for a 100-year storm event. Mr. Melvin said they felt it was a reasonable design based on the recently updated NOAA rainfall data for this area.

Leah Paglia, who was present on behalf of Marie Paglia 363 East Riding Drive, asked who will confirm the shrubs will survive once the project has been completed and into the future. She said she believes the shared driveway is the way to go in order to maintain some of the natural condition of the property, which is very wet to begin with. Mr. Melvin said that the OOC will require that the plantings be monitored to achieve a 90% survival rate, with annual reporting for the first two growing seasons. Ms. Paglia asked if a homeowners association would be established in order to maintain the integrity of the infiltration trenches. Mr. Melvin said there had been no mention of a homeowners association and he does not believe it will be necessary, since all the lots are graded so that water will runoff toward the wetlands or recharge into the ground. Mrs. Paglia asked if the drainage ditch located on Lot 2 will be maintained by the homeowner, since it has been maintained over the years by the current owner and the abutter at 363 East Riding Drive. Mr. Melvin said the Commission has jurisdiction over this wetland; therefore, any issues that occur would have to be brought before the Commission. Parra asked if the ditch is in the area that MESA has classified as a no touch area. Mr. Melvin confirmed. Parra then stated for the record that as the ditch exists now, the owner would not be permitted to alter it.

Hundal seconded Murphy's point regarding the benefits of a shared driveway. Ognibene said he does not see a compelling reason for separate driveways and was also in support of a common driveway. Wells suggested the Commission could request an alternative view to show what a common driveway would look like. Mr. Melvin agreed to provide a sketch plan illustrating a shared driveway. Parra said that with respect to providing an alternative plan with a single shared driveway, he would ask that they use the Planning Board's standards for common driveways.

Jill DeFoe of SCD Builders had the following comments: 1) these are driveways, not roads; 2) the driveways would naturally drain, but the plan includes drainage ditches, which requires more trees to be removed; 3) the Division has identified that the wattles and the silt fencing are more than sufficient, so things are being changed to become more costly that are not necessary.

Brigitte Senkler of Senkler Associates asked if the Commission could request a common driveway if it is an ANR lot. Parra said the Commission can ask for mitigation or reduction of wetland impacts and this is at least potentially a viable alternative and that is why a schematic is being requested. Ms. Senkler said she looked at the number of shrubs being required and asked if the number could be reduced since the shrubs will grow and fill in over time. Parra said the Commission has a policy of what the planting plan should contain.

Parra summarized the requirements moving forward: Mr. Melvin will provide the Commission with a copy of the MESA response, a sketch plan of an alternative driveway design, details on the plan relative to the Operations and

Maintenance plan for the drainage; revision of the erosion control notes, including: locations and specifications and a plan notation regarding the installation of the siltation fencing on the work side of the limit of work in accordance with the Turtle Protection Plan; notation of straight species vs cultivars in the planting notes. On the motion by Hundal and seconded by Murphy, it was VOTED to continue the hearing with the representative's approval to April 13, 2023 at 8:00 p.m. Roll Call Vote: Ognibene – aye; Young – aye; Hundal – aye; Murphy – aye; Wells – aye; Parra - aye.

8:47 p.m. (DEP 125-1154) Notice of Intent

Applicant: Michael Napier/East Coast Development

Project Location: 42 Bingham Road

Project Description: Construction of a driveway with an open bottom box culvert to cross an intermittent stream providing access to a proposed single-family dwelling and deck, a water supply well, elements of a sewage disposal system, a second, and temporary disturbance and reconstruction of an intermittent stream to allow installation of a septic system leaching field.

Present was Dr. John Rockwood of Ecotec, Inc., who provided a summary of his peer review report dated 3/27/2023 as follows: (1) the Notice of Intent does not provide adequate information related to completing the project from the current existing condition to the completed project condition; the issue in this case is they are halfway through the project and have two stream corridors that have been affected; this is most apparent with regard to the proposed wetland/stream alterations; (2) the Project Narrative does not provide a complete and accurate discussion of project impacts and alternatives with regard resource area impacts; permanent and temporary impacts to all affected wetland resource areas need to be properly quantified; (3) requirements moving forward, in addition to addressing plan deficiencies contained in the report relative to Plan Notes, are the need for protocols to restore the 1st stream crossing, a restoration plan for the 2nd crossing following the completion of work related to the installation of the SDS, and details for the construction of the Wetland Replication Area.

Parra said the Commission has spent an enormous amount of time on this project over the past year and a half. He suggested the approach of engaging Dr. Rockwood, the project engineer, and the wetland scientist in direct communications in order to provide revised plans that will allow a productive discussion at a continued hearing. He asked Dr. Rockwood how much time would be required for the applicant to provide a revised plan following the working session, receive his comments, and then provide the Commission with a reasonably complete submission. Dr. Rockwood said he would not be available between April 29 and May 8, but he anticipates his review would be quite short if there is a productive review session and he believes it could be accomplished within a couple of additional hours beyond his original scope of work. Wells suggested Dr. Rockwood could provide a written report of the revisions prior to the May 4 meeting. Parra said this seems to be the only alternative and suggested that although the work session may increase the scope of Dr. Rockwood's review, the cost would be in the applicant's best interest.

Present was the applicant, Michael Napier, who asked if he could make some recommendations in the meantime, including removal of some of the siltation fencing and bales so that water can begin to flow freely within the first stream crossing. Dr. Rockwood said there can be no further work until the Commission has issued an Order of Conditions. Parra stated the Commission has previously opined on the subject.

On the motion by Hundal and seconded by Murphy, it was VOTED to continue the hearing to May 4, 2023 at 7:45 p.m. Roll Call Vote: Ognibene – aye; Young – aye; Hundal – aye; Murphy – aye; Wells – aye; Parra – aye.

9:07 p.m. (DOA-376) Request for Determination of Applicability

Applicant: Bryan Duby

Project Location: 0 Bingham Road, Map 16, Parcel 32 Lot 5

Project Description: To clear a 10-foot-wide path of vegetation within the 100-foot Buffer Zone, north of the onsite Bordering Vegetated Wetland (BVW) and cross the BVW with an excavator near WFs GC C-13 and GC B34 to perform access for soil testing.

Robert Melvin of Stamski and McNary presented the plan. The purpose of this RDA is to allow a temporary crossing of a stream for soil testing for a proposed septic system within the only area outside the 100-foot Buffer Zone where the testing can occur. The proposed work includes the clearing of a ten-foot-wide path of vegetation within the Buffer Zone, to the north of the on-site BVW, and cross the BVW with an excavator near Wetland Flags GC C13 and GC B34 in order to perform soil testing at the northeast side of the lot. A combination of plywood and felled, small diameter trees are proposed to be laid across the wetland during crossing. Soil testing will be located outside the Buffer Zone. Vegetative cover on the southern side of the BVW is not dense and will not require any clearing.

Mr. Melvin explained that soil testing is typically exempt, but due to the necessary crossing of a wetland, they had consulted with Willard to receive guidance regarding filing requirements. Initially, in February, Willard had approved the proposed plan to place plywood over felled small diameter trees to provide access across the wetland; however, the contractor encountered difficulty in getting through the dense vegetation. Mr. Melvin reported that upon further consultation during a site visit with Willard, it was determined that a Request for Determination of Applicability (RDA) would be appropriate in this case, since it became evident that removal of vegetation will be required within the BVW.

Willard recommended they provide photographs of the stream crossing before and after the testing to confirm there were no impacts. She noted the proposed pathway is ten feet wide and asked Mr. Melvin if this is sufficient to accommodate the excavator. Mr. Melvin said they would be using a mini excavator for this work and stated he had carefully chosen a path with the least number of obstacles. Parra said that while he was sympathetic to not having to go with a full NOI, he was not confident that felled trees with plywood would adequately protect the stream crossing, the bank, and the intermittent stream. Instead, he would be inclined to ask for a NOI with respect to the crossing. Hundal agreed that in this case a NOI is more appropriate in order to receive a more detailed plan.

Mr. Melvin asked if it was not appropriate to come back with additional plan details on the crossing. Hundal said a Negative Determination of Applicability would be difficult even with a more robust plan – she recommended a NOI is more appropriate and is consistent with what is done with other projects.

On the motion by Murphy and seconded by Hundal, it was VOTED to issue a Positive Determination of Applicability requiring the submission of a NOI. Roll Call Vote: Ognibene – aye; Young – aye; Hundal – aye; Murphy – aye; Wells – aye; Parra – aye.

9:26 p.m. (DEP 125-1147) Notice of Intent, Continued Hearing
Applicant: Town of Carlisle, MA Conservation Commission
Location: 750 Curve Street (Cranberry Bog Conservation Land)
Project Description: Work to stabilize a regulated dam, Cranberry Bog Dam #1.

On the motion by Young and seconded by Ognibene, it was VOTED to continue the hearing to April 13 at 7:15 p.m. pending a response from the Office of Dam Safety. Roll Call Vote: Ognibene – aye; Young – aye; Hundal – aye; Murphy – aye; Wells – aye; Parra - aye.

Request for Extension of Orders of Conditions
(DEP 125-0971) Project Location: 61 Judy Farm Road, Applicant: Adam Ostrow, Project Description: Conversion of a driveway to a single-family home to a driveway to serve two additional homes, Issued: 10/22/2014; Extended to 7/31/2018, to 12/31/2018, to 4/30/2019, to 4/30/2021, to 4/30/2023.

Parra noted that although the OOC has been extended five times, Dr. John Rockwood of EcoTec, Inc had peer reviewed the wetland delineation in May of 2019, therefore the wetlands have been reviewed much more recently than the age of the OOCs would indicate.

Present was the applicant, Adam Ostrow, who said there have been some developments relating to the viability of the culvert and headwall that have impacted the project. He has engaged with an engineer in response, and a

preliminary plan has been developed. Since he has not yet gone before the Planning Board for approval, the likelihood of completing the project by April 30 is unlikely and he is therefore requesting an additional extension.

Parra acknowledged that the request for an extension was submitted in a timely fashion and therefore preserves the applicant's right in terms of the Commission's ability to extend the Order. He suggested that rather than acting on the extension, the Commission wait to determine what work will be required to stabilize the driveway, since that may require the applicant to seek an amendment to the OOC or to file a new NOI. Parra's suggestion received full support from the commissioners.

Willard reported for the record having received a letter from the current owner of the property, who has submitted a letter outlining his concerns regarding the request for an additional extension.

Parra asked Mr. Ostrow to keep Willard informed of his progress and to plan to continue the discussion at the next meeting.

Land Use Permit: On the motion by Murphy and seconded by Young, it was VOTED to issue a Land Use Permit to Alan Ankers of the Carlisle Conservation Foundation to conduct Public Nature Walks on town conservation lands during 2023. Roll Call Vote: Ognibene – aye; Young – aye; Hundal – aye; Murphy – aye; Wells – aye; Parra – aye.

Certificates of Compliance:

(DEP 125-1098) 148 Greystone Lane; Applicant: Brad Kelly; Project: Construction of a sports court and barn on a single-family house lot; Issued: 11-18-2020.

On the motion by Murphy and seconded by Hundal, it was VOTED to issue a Certificate of Compliance for DEP 125-1098. Roll Call Vote: Ognibene – aye; Young – aye; Hundal – aye; Murphy – aye; Wells – aye; Parra - aye.

(DEP 125-1114)131 Cross Street; Applicant: Molly MacCormack; Pool and landscaping: issued: 8/20.2021.

Willard reported there are issues with the plant species used in conjunction with the landscape planting plan for this project, as many are cultivars, some are not native species, some areas were never planted, and some were not planted in the specified locations. She said there have been a number of similar issues with other projects in that applicants are either having difficulty finding sources for native straight species and/or do not follow the requirements outlined in the OOC/Plan Notes. Willard noted there is an approved plant list along with sources available on the Commission's webpage.

Present was Molly MacCormack, who said it is their intent to complete the project in the right way. She has been working with the landscape installer, who has indicated he had difficulty sourcing the straight species plants. Ms. MacCormack said there are some issues which she wants to address, but she wants to make sure the steps they take moving forward are appropriate by obtaining additional guidance from the Commission. She asked if some of the cultivars that have been planted could be considered acceptable if they were to replace most of the non-native plantings. Ms. MacCormack explained she had circled back with the landscaper, who said the plant list on the approved revision dated 8/3/21 notes native plantings but does not specify that the plant material must be the straight species, nor does it specify this requirement in the OOC.

Murphy expressed concern with setting a precedent here and pointed out that technically the Commission cannot provide a COC if the plants do not meet the requirements. Ognibene said that if the OOC does not expressly call for straight species he would be hesitant to require full replacement. Hundal said that if the Commission did not specifically state the requirements in this case, they will need to tighten up what is done moving forward. Parra said he felt Willard was right in highlighting this issue and agreed the requirements will need to be stated more explicitly going forward.

Following further discussion, the Commission agreed a site visit would be helpful in making a determination regarding plant replacement requirements.

10:02 p.m. On the motion by Hundal and seconded by Murphy, it was VOTED to adjourn.
Roll Call Vote: Ognibene – aye; Young – aye; Hundal – aye; Murphy – aye; Wells – aye; Parra - aye.

Respectfully submitted,
Mary Hopkins

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