

Carlisle Conservation Commission

April 1, 2021

Minutes

7:00 p.m. Chair Tatistcheff Introduction to Remote Meeting: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, this meeting was conducted via remote participation via Zoom with the link provided on the Posted Agenda. 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: Lee Tatistcheff (Chair), Angie Verge (Vice Chair), Ken Belitz, Dan Wells, Helen Young, Alex Parra, Navneet Hundal
Conservation Staff: Sylvia Willard, Conservation Administrator; Mary Hopkins, Assistant to the Administrator

Administrative Matters :

Signatory Authority: On the motion by Verge and seconded by Young, it was VOTED to allow Administrator to sign documents approved at this meeting on behalf of the Conservation Commission. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

Approval of Bills:

Cranberry Bog Maintenance: A revised invoice was submitted by Mark Duffy of Great Brook Dairy, LLC in the amount of \$7,000, which includes some of the additional detail as previously requested by the Commission and also now includes the additional work done through the month of March.

Verge said the invoice is not as detailed or itemized as she thinks is necessary. She said she would like to make sure that if Mr. Duffy is going to continue to do this work, substantially more detailed invoices will be required moving forward, including dates. She noted that when the time comes that Mr. Duffy is not going to perform these services, the Commission needs to understand what these services cost so the work can be appropriately put out to bid in the future.

Belitz said he would like to go further and ask that this invoice be given more detail. Tatistcheff said she is not sure Mr. Duffy has the records to itemize the work in a more detailed fashion and suggested that asking him for additional detail going forward may be a better solution.

On the motion by Verge and seconded by Hundal, it was VOTED to approve the bills as presented, with the understanding that more detailed invoices will be required from Mark Duffy for all future Cranberry Bog Maintenance. Roll Call Vote: Verge – aye; Belitz – nay; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

Minutes:

On the motion by Young and seconded by Verge, it was VOTED to approve the January 28, 2021 minutes as submitted. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

On the motion by Verge and seconded by Young, it was VOTED to approve the February 18, 2021 minutes as amended. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

Member Terms Expiring 6/30/21: Verge announced she would be resigning within the next couple of months upon a suitable replacement for her seat. She said her time serving on the commission was lovely and she hopes to return at some point in the future. Tatistcheff and Hundal both indicated they will serve another term.

Emergency Certification: 634 West Street; Property Owner: Charles Tilford: On the motion by Young and seconded by Wells, it was moved to issue an Emergency Certificate for the removal of 5-6 trees located within the 100-foot Buffer Zone that are dead/dying due to an emerald ash borer infestation, pending submission and approval of a report from an arborist detailing the tree removal and disposal process. Verge recommended the infested trees be kept on site and burned as the best approach to limiting the spread of the insect. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

Town Hall Staffing: Tatistcheff reported that as a result of recent group meetings with the Land Use department heads to review processes and procedures at Town Hall, there has been progress in setting a public charter and establishing a subcommittee in order to hold public meetings moving forward. Also as a result of these preliminary meetings, it has also been decided that an on-site IT support staff position is needed, and this process is moving forward as well.

7:18 p.m. (DEP 125-1085) Abbreviated Notice of Resource Delineation, Continued Hearing

Applicant: Chris Buono, All Things Real Estate

Project Location: 0 South Street, Map 5 Lots 54 and 56

Project Description: Review of 6,500 feet of Bordering Vegetated Wetland Resource Area delineation.

Tatistcheff opened the hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. On the motion by Young and seconded by Verge, it was VOTED to continue the hearing to May 27, 2021 at 7:15 p.m. at the applicant's request. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

7:20 p.m. (DEP 125-1101) Notice of Intent, Continued Hearing

Applicant: Helen Keighron

Project location: 111 Rutland Street Map 26, Parcel 13 Lot 1

Project description: Construction of a patio, reconstruction of retaining walls, grading, and planting in the 100-foot Buffer Zone of a BVW.

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

Paul Kirchner of Stamski and McNary shared the revised plan which includes the existing tree line and the revised wetland delineation following a recent field review by Willard and wetland scientist David Crossman of B&C Associates. The revised plan also includes a note indicating no tree removal is proposed.

Willard noted the revised plan does not include slope stabilization measures as shown on the previous plan. Kirchner said the intent is not to strip the area and therefore they do not see a strong need for slope stabilization. He suggested this could be included as a Condition of approval if required by the Commission. There were no comments.

On the motion by Verge and seconded by Young, it was VOTED to close the hearing for DEP 125-1101. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Parra – aye; Young – aye; Hundal – aye; Tatistcheff – aye. On the motion by Wells and seconded by Verge, it was VOTED to issue a Standard Order of Conditions. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

7:34 p.m. (DEP 125-1106) Notice of Intent

Applicant: Liuobov Federova

Project Location: 59 Blaisdell Drive, Map 22 Parcel 51 lot 14

Project Description: Construction of a detached garage with a proposed extended driveway connecting the existing driveway to the proposed garage.

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

Dan Carr of Stamski and McNary presented the plan via screen share. The purpose of this project is to construct a non-attached garage in the rear of the property. The driveway is proposed to be expanded, stretching around the south of the dwelling, connecting to the proposed garage. A siltation barrier is proposed downgradient of the proposed work to prevent the indirect alteration of the wetlands. The plan was designed within the constrictions of the one-acre lot to accommodate the 20-foot setback requirement within this zoning district. The existing dwelling is currently 45.6' +/- from the edge of wetlands, while the existing deck is 26.0' +/- from the wetlands. At its closest point, the proposed garage and driveway extension are 56.8' +/- and 41.1' +/- from the edge of wetlands, respectively. Carr noted there is an existing Order of Conditions for this property for an addition to home as shown on this plan.

Tatistcheff asked if approval of the plan will also be required by the BOH due to the proximity of the soil absorption system. Carr said the garage is proposed at 24 feet from the SAS, exceeding the 20-foot minimum separation requirement. Willard asked if there are plans to tie the garage into the septic system. Property owner Liubov Federova said the garage would be used for storage only.

Willard noted the wetland delineation for this project was based on the previous filing and reported the flags were now missing. She also pointed out that the OOCs for the previous project will expire in May and suggested the applicant may want to consider requesting an Extension Permit, since the work has not yet been undertaken. She noted the plan does not include any infiltration measures to capture runoff from the roof and to mitigate the additional hardscape. Tatistcheff said that she would look for some amount of drywell or something along those lines. Carr said he believes an infiltration trench along the driveway would likely be the best approach given the rockiness of the site.

Wells agreed that some form of mitigation for the impervious surfaces should be provided as well as a calculation of the existing vs proposed new impervious within the Buffer Zone, including the previously approved addition. He recommended they should also provide some indication of what trees will require removal and appropriate mitigation planting detail.

On the motion by Verge and seconded by Young, it was VOTED to continue the hearing to April 22, 2021 at 7:15 p.m. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

7:50 p.m. Stillmeadow Farm - Common Driveway (CD) Notices of Intent:

Tatistcheff opened the four continued hearings under the Massachusetts Wetlands Protection Act and the Carlisle Wetland Bylaw: (DEP 125-1102), (DEP 125-1103), (DEP 125-1104) and (DEP 125-1105).

Dan Carr of Stamski and McNary, Inc. provided a brief update on the project: The results of the Planning Board's review of the Common Driveway Special Permit applications is pending. They are currently working with the property owner on behalf of Mark Duffy of Great Brook Dairy, LLC in confirming he can continue to grow corn during the permitting process. Several trees have come down on Stillmeadow South and are currently blocking the cart path. They plan to have a 3- to 4- foot section removed in order to provide access and will ensure the logs are located away from the wetland wherever possible.

David Pickart of Ecological Resources Consultants, LLC was present to provide a progress update and some initial questions and comments. He has completed the field review for all 4 Notices of Intent (NOI). Regulatory review is underway. Three of the eight potential vernal pools have been checked; he intends to continue his review of the pools next week after the weather warms up.

Mr. Pickart then shared the following general concerns/comments that apply to all 4 projects:

- the currently proposed BVW impacts for combined projects is 1,407 s.f.
- as also noted by MassDEP, because the project is part of a subdivision of land and development of other lots with common driveways, with the potential for additional impacts in other areas which are not currently included in the NOIs, it is subject to a 401 Water Quality Certificate (WQC) or deed restriction limiting fill for all lots
- if cumulative impacts exceed 5,000 s.f., a 401 WQC will be required and potentially some level of Army Corp review/authorization
- the Commission may want to require submittal of an Appendix 3 – Wetland Replication Checklist for the NOIs that propose BVW impacts
- the reviewer is unclear as to why some of the NOIs identify that the project is subject to the Stormwater Management Standards and other NOIs indicate it is exempt; it is his understanding that all of these properties were under common ownership and a larger lot or lots were subdivided to create 17 single family homes; residential subdivisions of 4 more homes are subject to the Stormwater Management Standards
- his review of the Stormwater Management Report is pending; if not included long-term operation/maintenance requirements for the driveway infiltration trenches and a draft Stormwater Pollution Prevention Plan should be provided
- preparation and submittal of a Simplified Wildlife Habitat Evaluation (Appendix A) should be completed for NOIs proposing impacts to BVW. If cumulative impacts to Bank are more than 100 linear feet, a Detailed Wildlife Habitat Evaluation (Appendix B) submitted, e.g., intermittent streams have two Banks; and as such, a 25-foot-wide crossing would impact 50 linear feet of Bank

Mr. Carr clarified that the Stormwater Management Standards do apply to all lots within this development and confirmed that the Stormwater Operations and Maintenance Plan addresses protocols for the infiltration trenches along the driveway. A Stormwater Pollution Prevention Plan (SWPPP) will be submitted to the Commission prior to the start of construction. Mr. Pickart recommended that the SWPPP should be provided well enough in advance to allow for sufficient review and said he would be providing the Commission with recommendations for Special Conditions.

(DEP 125-1102) Notice of Intent, Continued Hearing (Stillmeadow North)

**Applicant: Alison V. Pascarelli & Elizabeth Hudson Valentine,
Trustees of the 566 Acton Street Nominee Trust**

Project Location: Acton Street: Map 17, Parcels 24-2, 24-3, 24-4, & 24-5

Project Description: Construction of a Common Driveway to access 4 lots, with work altering bordering vegetated wetland and the outer 100 ft of the 200 ft Riverfront Resource area.

Mr. Pickard said that although there is some work within Riverfront Area, the project appears to comply with Performance Standards for work within Riverfront Area and will therefore not require Riverfront Area restoration. He noted that options for restoration of previously altered Riverfront Area within this project are significantly limited due to agricultural fields, which he understands must be maintained as fields, and the gas transmission line easement which has regular maintenance.

The area of proposed fill for this project will be located within a wet meadow and, in order to meet the Performance Standards for work within a BVW, Mr. Pickard recommends the replication should provide a wet meadow plant community.

The plan shows the replication area as a wooded swamp; Mr. Pickart proposes alternatively they could extend the wet meadow out from the BVW line, which would require substantially less ground disturbance and tree removal. He noted that although this may entail some encroachment into the easement area which would require approval from the utility company, it would not require any earth work over the pipeline itself.

(DEP 125-1104) Notice of Intent, Continued Hearing (Stillmeadow Northeast)

**Applicant: Alison V. Pascarelli & Elizabeth Hudson Valentine,
Trustees of the 566 Acton Street Nominee Trust**

Project Location: West Street: Map 18, Parcel 23-7

Project Description: Construction of a Common Driveway to serve 2 lots with work within the 100-ft. Buffer Zone of a Bordering Vegetated Wetland

Mr. Pickart noted the plan shows a lengthy driveway leading well back into the site with a crossing over a stream/wetland system, however the NOI states this is a Buffer Zone only project. He suggests the private drive should be removed from the plans or the NOI amended to include the crossing.

Mr. Carr said they are currently before the Commission for the construction of the common driveways only, requesting permitting for the common portion of the driveway, with the plan to submit a future NOI to continue that driveway to Lot 6. Mr. Pickard said this could be problematic for the Commission to approve plans that show a driveway being constructed across a wetland that is not included in the request. He suggested including a line on a revised plan with the limit of work denoting the DEP file number and that this distinction should be made clear in both the approved plans and the OOC.

Mr. Pickart noted the proposed work within the vicinity of WF 272 is right up to the edge of the wetland and he asked if there is opportunity to shift the alignment to provide some kind of setback from the wetland, perhaps shifting it so that the edge is at the center line and goes landward. Mr. Carr said they had tried to mimic the existing CR which showed access routes through the agricultural fields and said they would look into potential revisions in this location.

(DEP 125-1105) Notice of Intent, Continued Hearing (Stillmeadow East)

**Applicant: Alison V. Pascarelli & Elizabeth Hudson Valentine,
Trustees of the 566 Acton Street Nominee Trust**

Project Location: Acton Street: Map 17, Parcel 18-16 & 18-17

Project Description: Construction of a Common Driveway to serve 2 lots with work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Mr. Pickart noted the plan includes work located close to the BVW on Lot 17 and asked if there were a way to shift the driveway layout farther away from WF 508. Regarding Lot 16, he asked if the basin and grading on could be shifted outside of the 100-foot Buffer Zone or the amount of basin and fill minimized. Mr. Carr explained a substantial amount of the fill is based on Planning Board requirements of having a 2% slope within the tee turnaround, requiring them to stay up high with the fill in that area. Mr. Pickart suggested they could consider reshaping the tee or locating it closer to the home.

(DEP 125-1103) Notice of Intent, Continued Hearing (Stillmeadow South)

**Applicant: Alison V. Pascarelli & Elizabeth Hudson Valentine,
Trustees of the 566 Acton Street Nominee Trust**

Project Location: West Street: Map 17, Parcels 21-13, 22-10, 22-11

Project Description: Construction of a Common Driveway to serve 3 lots with work altering Bordering vegetated Wetland and within the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

Mr. Pickart noted the driveway is right up against the edge of the wetland at WF54 and within the vicinity of a potential vernal pool in this location. Mr. Carr said that in this location, they are utilizing the existing opening on West Street as possible in trying to appease the Planning Board with regards to where the driveway meets West Street due to the fact that West Street is a Scenic Roadway. Mr. Pickart suggested they consider the location where there is an existing break in the stone wall which would require removal of only one tree and get the earth work farther away from the wetland. He noted this approach would also provide what he considers a safer access and egress.

Mr. Pickart noted the proposed common driveway will cross a BVW/Stream that is mapped, as the stream and BVW that are impacted in this area is within a Habitat of Potential Regional or Statewide Importance, requiring

not only the preparation and submittal of a Simplified Wildlife Habitat Evaluation-(Appendix A) but also the preparation and submittal of a Detailed Wildlife Habitat Evaluation (Appendix B).

Mr. Pickart said that although the bank has not been flagged in the field, the lines shown on the plan appear to be accurate. If they have not already been provided, he requested that they provide calculations to document that the culvert will comply with the Stream Crossing Standards.

Mr. Pickart recommends they provide additional shrub (common winterberry) and tree (yellow birch – found in the impact area) species to provide greater diversity, with trees of a 1-inch caliper or greater and 8 feet high to minimize deer browse within the Wetland Replication Area.

In closing, Mr. Pickart said he would be providing a written summary of his comments and recommendations, which he suggested should also be shared with the Planning Board’s consultant. He plans to begin his review of the submittals once he is provided with a digital copy of the Stormwater Management Report. He noted he will be unavailable for the Commission’s next scheduled meeting of April 22, 2021.

Valentine family attorney Greg Peterson suggested scheduling Commission site walks before mid-May and in advance of leaf out. Tatistcheff’s suggestion of the first week in May was found to be acceptable by all concerned parties.

Tatistcheff thanked Mr. Pickart for his attention on this matter. On the motion by Verge and seconded by Wells, it was VOTED to continue the hearings for DEP 125-1102 -DEP 125-1105 to May 13, 2021 at 7:30 p.m. with the representatives’ approval. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

Enforcement Orders:

Wells recused as an abutter.

155 Woodridge Road - George Kapsalis: Landscaping alterations within the Conservation Commission’s jurisdiction including work within a documented vernal pool. The discussion was continued to May 13, 2021 at the property owner’s request. Tatistcheff suggested an alternative Enforcement Order be prepared in accordance with MassDEP’s recommendations in the event the requested revised plan has not been submitted in advance of the continuance.

(DEP 125- 1089) 1215 Curve Street – T & O Real Estate Development Group, LLC: Work including but not limited to initiation of work at the site prior to inspection and confirmation of erosion control materials/limit of work and outside of the permitted time parameters for wetland crossing construction.

Wells recused for professional reasons.

Willard reported receiving a call from the site contractor requesting an erosion control check. She also received contact from a nearby resident, who is also on the CCF board, who reported erosion control was going in on land under a CR held by CCF. Upon contacting the site contractor to schedule a site inspection, she learned that the EC had not been staked by survey as required nor did the contractor have a copy of the OOCs on site. Upon her inspection a day later, Willard found tree removal had been initiated prior to the submission and approval of a construction entrance plan, the EC approval, with some trees felled toward vs away from the wetland; there also was evidence of direct impact/disturbance of a stream bank by a tracked vehicle passing directly through the BVW located within 100 feet of a documented vernal pool. Willard said she immediately issued a Stop Work Order on site and then began work in preparing the Enforcement Order.

Requirements moving forward include survey location of the EC/limit of work, reestablishment of all missing wetland flags, and confirmation that the driveway center line has been staked by survey in accordance with the Plan of Record. Once this has been done, an on-site meeting with the owner/representative, the wetland scientist, the engineer, and a representative of the Conservation Commission will be scheduled. Willard noted that in

addition to the survey work listed in the Enforcement Order, she has also required that the wetland scientist flag the bank of the wetland channel, which was to be spanned, not altered, by the crossing.

Present for the discussion on behalf of the property owner were wetland scientist Mitch Maslanka of Goddard Consulting, LLC, project engineer Dan Carr of Stamski and McNary, Inc., and Shannon Adler Guthrie for the property owner.

Ms. Alder Guthrie said when she initially spoke with Willard, she learned they may also be required to schedule a Scenic Road hearing with the Planning Board to address alterations made to the historic stone wall and the removal of trees located along the edge of Curve Street that may be town owned. She reported she is now taking the necessary steps to coordinate this process.

Mr. Carr said they would like to propose a change to the outline of the house and asked Tatistcheff if he could provide the Commission with some detail at this time. Tatistcheff said significant changes to the Plan of Record will require a request for an Amended OOC and must be discussed in a Public Hearing.

Mr. Maslanka said he will be visiting the site now that the erosion controls have been established in accordance with the Plan of Record and will then provide the Commission with a report of work that has occurred outside the limit of work. Willard requested that Mr. Maslanka inform her in advance of the date and time of his visit so she that members of the Commission may attend.

Conservation Land Management:

Benfield Septic Repair: Mark Beaudry of Meridian Associates; Phil Giffie of NOAH and Benfield Farms were present to provide an update on the design process. Beaudry reported the process has evolved since the previous meeting in that they received some additional direction from the Commission that work could occur outside the existing easement areas and further guidance on grading parameters.

Beaudry shared a revised plan based on a Perc Rite system with a 4-foot separation to seasonal high groundwater in accordance with the BOH request that no waivers are required and showing the location of the system slightly rotated so as to run more in parallel with existing contours.

He said that after considerable discussion with the BOH, licensed installers, the design team, and others, they are now considering going in a different direction to a traditional pressure distribution system, which they believe may provide longer term, improved performance, and better treatment. He noted this system is closer to existing grade than the Perc-Rite system and allows less cover over the system which could also provide benefits.

Moving forward they have also submitted the plan to the BOH for their technical consultant's review. Wetlands have been reflagged by survey and they have re-engaged Andrea Kendall of LEC Environmental, who will be reviewing the wetland line with Willard and assisting with the submittal of a Notice of Intent.

Curve Street Dam – Select Board Request: Belitz and Willard will attend the Select Board's April 27, 2021 meeting to discuss the results of the Curve Street Dam Inspection.

Towle Land - Pollinator Area Proposal: The Commission will be scheduling a site visit with Judy Asarkof to discuss her proposal. A Notice will be posted in advance in accordance with Open Meeting Laws and so that members of the public may attend.

Greenough Dam Repair Project: A site visit was held last week with potential bidders; the bid opening is being scheduled for next week via remote participation.

Open Space and Recreation Plan Update: David Freedman is corresponding with the state reviewer, Melissa Cryan, to address the issues that she raised that she feels need to be further addressed with the draft plan.

Project Updates:

48/42 Bingham Road: Lot 1 has been purchased and development will be undertaken by the developer of Arrowhead Lane, Robert Pace. Scheduling of a Pre-Construction Meeting via remote participation is in process to include the wetland scientist, Nitsch Engineering, owners, engineers, fire, police, site contractor and representatives of the Planning Board and the Conscom.

Subcommittee/Liaison Reports:

Municipal Vulnerability Preparedness Committee: Hundal reported workshop held last weekend was a success and the group is now in the process of compiling a report summarizing the results to be presented at a public meeting in June, date t/b/d.

8:50 p.m. On the motion by Verge and seconded by Hundal, it was VOTED to adjourn. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

Respectfully submitted,
Mary Hopkins

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