

Carlisle Conservation Commission
April 14, 2022
Minutes

7:01 p.m. Chair Alex Parra 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: Alex Parra, Chair; Dan Wells, Vice Chair (7:00-8:26); Lee Tatistcheff (7:00-8:15); Nick Ognibene, Brian Murphy
Members Absent: Helen Young, Navneet Hundal
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 Wells and seconded by Tatistcheff, it was VOTED to authorize the Administrator to sign documents discussed at this meeting on behalf of the Conservation Commission. Roll Call Vote: Ognibene – aye; Murphy – aye; Wells – aye; Tatistcheff – abstain; Parra - aye. Motion passed.

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

Minutes: On the motion by Ognibene and seconded by Tatistcheff, it was VOTED to approve the minutes of 1/27/2022 as submitted. Roll Call Vote: Ognibene – aye; Murphy – aye; Wells – aye; Tatistcheff – abstain; Parra - aye. Motion passed.

On the motion by Tatistcheff and seconded by Wells, it was VOTED to approve the minutes of 2/10/2022 as submitted. Roll Call Vote: Ognibene – aye; Murphy – aye; Wells – aye; Tatistcheff – abstain; Parra - aye. Motion passed.

Tree Removal Guidelines for Homeowners: Willard will prepare a revised document based on comments from the Commission's review of the draft addressing mitigation and monitoring requirements and expanding on defined criteria for granting or denying administrative approvals.

7:16 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 Attorney Christopher Senie, Sr. Wetland Scientist David Cowell and Project Engineer Brian Goudreau of Hancock Associates, and the applicant, Chris Buono. Parra said peer reviewer Larry Beals would be reserved for the next meeting.

Attorney Senie said he had been contacted by his client because the field peer review report indicated they may have missed two areas of wetlands as discovered during two recent site walks. Attorney Senie said he had some deliberations earlier today with the applicant and the team at Hancock Associates and they agree the wetlands

were missed during the ANRAD/ORAD process. They now wish to address this and would also like to relocate the driveway in order to avoid these two areas altogether. Attorney Senie suggested allowing a few preliminary comments from the Hancock team based on sketch plans, with revised plans and peer review responses to be submitted a week in advance of returning on April 28. There were no objections from the Commission.

David Cowell said the applicant has a pending sale on the property in June that includes contingencies on the permitting, and although this is not of interest or concern to the Commission, they are highly motivated to make concessions and acquiesce to anything they can to further avoid, minimize and mitigate wetland impacts. They now have the peer review report from Beals Associates and the comments from MassDEP. They are actively working to revise the alignment of the driveway which would add length but would minimize wetland crossings to reduce the impact areas. Associated with that, they are going to revisit the associated restoration once they have the revised surface area of impacts and will modify the WPA Form 3 accordingly. They are very intent on providing this additional information in advance of the next hearing. Mr. Cowell then requested the Commission provide any additional feedback they could at this point so they may proactively respond.

Brian Goudreau shared a sketch plan based on comments provided by the peer reviewer and the Commission during the two site walks. They have located an area that has less resource area impact by approximately 1,000 s.f. by shifting the driveway entrance to the south, enabling them to eliminate one of the three proposed wetland crossings. With respect to the crossing at the intermittent stream, they are going to avoid that area altogether and shift the crossing to the north, pulling the crossing up to a very narrow portion of the stream. There will be no changes to the house, septic, or garage. The other items within the peer review that are part of the driveway location require plan changes and revisions to the proposed stormwater management. Plan changes will include grading clarifications, limits of work and erosion control not shown outside of jurisdictional areas, identification of all vernal pools that were evaluated as part of the ANRAD process and codified within the record. Mr. Goudreau will be coordinating the re-staking of the revised driveway prior to the next meeting in order to have a site walk to review the revised crossing prior to the next hearing.

Wells requested clarification regarding the width of the driveway. Mr. Goudreau said the width of the paved portion is 12 feet, with 4-foot gravel shoulders. He said as part of the revised plan there may be opportunity to reduce that. Wells noted the CC recently approved a project with a long driveway and a crossing that includes an 11-foot width and said he would like to see that here as well. Wells noted the original plan included two crossings separated by an upland island; the sketch plan shows two separate flows that are coming together for the crossing, for which he recommended the definition of stream channel should be considered. Mr. Cowell agreed to reevaluate this when he is on site to flag the fingerling wetlands and bank at the point of crossing over the intermittent stream on the east side. He will also ask Mr. Goudreau to look at hydrology in terms of modeling size and dimensions of culverts to maintain hydrologic flow throughout that area. Wells said the original plan included 12-inch pipes and questioned whether that will be sufficient to provide a migratory corridor for wildlife, suggesting a box culvert may not be warranted in this case but should be considered. Wells' final request was that they include dead trees and snags located in the vicinity of the crossings on the revised plan, so that they could fine tune the exact locations depending on some of the habitat features.

Murphy requested they provide 1-foot vs 2-foot contours on the revised plan. He also requested that they clean up/relabel old flags in proximity to proposed limits of work on the site when they are reflagging.

Parra asked if they could give consideration to revising the driveway after the easterly crossing by providing a fairly minimal deviation in the alignment in order to remove a substantial portion out of the Buffer Zone. He also emphasized the importance of Wells' comments relative to the width of the driveway.

Abutter Patrick Collins of 90 Applegrove Lane expressed his concerns about the siting of the house and the significant amount of grading that will be required. He said he will be very interested in seeing how the driveway will be redesigned and requested the information be provided for his review prior to the next meeting.

On the motion by Tatistcheff and seconded by Ognibene, it was VOTED to continue the hearing to April 28, 2022 at 7:15 p.m. with the representatives' approval. Roll Call Vote: Ognibene – aye; Murphy – aye; Wells – aye; Tatistcheff -aye; Parra – aye. Motion passed.

7:50 p.m. (DEP 125-1136) Notice of Intent

Applicant: Michael Napier, East Coast Development

Location: 42 Bingham; Map 15 Parcel 15-27-A

Project Description: Filling approximately 278 SF of Bordering Vegetated Wetland to construct a driveway crossing and open bottom box culvert to provide access to a proposed single-family dwelling. Also proposed is construction of a patio, pool, portions of a sewage disposal system, and grading with work in the Bordering Vegetated Wetland and within its 100-foot Buffer Zone at 42 Bingham Rd. Map 15 Parcel 27 Lot B.

Nathaniel Cataldo of Stamski and McNary presented the plan via screen share. He said this project was part of a two-lot subdivision approved by the Planning Board in 2018. An Order of Conditions was issued to the previous owner in February, 2018 which includes construction of the common driveway via open bottom box culvert to serve a single-family dwelling, construction of a second temporary crossing to provide a force main to access the leach field located outside the buffer zone, associated grading, water supply well, septic components and wetland replication. The OOC received an extension in May 2021.

The current NOI was submitted by the new owner, Michael Napier. The proposed work includes a larger house box which is positioned such that it does not exceed any existing setbacks to the wetlands or any limits of work of the previously approved plan. The new plan also includes a patio containing a pool, landscape stairs to access the house, and grading to accommodate the changes.

Parra asked if there has been any re-delineation of the wetlands in connection with this NOI. Mr. Cataldo said there has not; the delineations for the new NOI are based on the ORAD issued in May of 2017 for the first NOI. Parra said in connection with the Enforcement Order issued in the fall of last year and into the winter, the Commission had looked at the title which showed a trust as the owner. He said he wants to be sure that the information provided on the current NOI relative to both the applicant and the owner is correct. Willard said she received an email from Mr. Napier citing J. Alexa of Sunny Meadows as the owner/operator of this project. She noted the WPA Form 3 does not provide the owner information, which is appropriate when the owner is the same as the applicant.

Wells said there is an active OOC on this property and now they are submitting a new project. He would like to see a COC for the previous project before the Commission moves on to the new one. He said he believes the staff and Commission has spent more time on this project than on most other projects in the last five years dealing with non-compliance and violations, and because of this he would recommend hiring a peer reviewer given the ownership of the property is not known and given the delineation may not be valid. Tatistcheff and Ognibene supported the hiring of a peer reviewer.

Mr. Napier said the owner of the property is Sunrise Homes and the site contractor is Sunny Meadows. Parra said there is a process, and a reason for the process is that the owner of record must be accurately identified so that if and when an OOC is issued, it can be recorded and referenced to the deed in the Registry of Deeds. He said he just heard two different ownership entities. Parra said the Commission will require that the WPA Form be updated to reflect accurate ownership information. He said he agrees with the suggestion that a peer reviewer be hired for this project due to the numerous procedural issues that have arisen, changes on the site, and difficulties in the construction process. He would suspect there are substantial changes in the wetlands delineation at this point as well.

Mr. Cataldo asked when the Commission wants the COC for the active order. Parra said it is not ready for a COC due to open enforcement issues and suggested the Commission could return to the Enforcement Order following the next scheduled hearing.

On the motion by Tatistcheff and seconded by Wells, it was VOTED to refer this project to a peer reviewer. Roll Call Vote: Ognibene – aye; Murphy – aye; Wells – aye; Tatistcheff -aye; Parra – aye. Motion passed. On the motion by Tatistcheff and seconded by Wells, it was VOTED to continue the hearing to May 12, 2022 at 7:30 p.m. with the applicant’s approval. Roll Call Vote: Ognibene – aye; Murphy – aye; Wells – aye; Tatistcheff -aye; Parra – aye. Motion passed.

8:10 p.m. (DEP 125- XXXX) Notice of Intent

Applicant: Glenn Reed

Location: 576 Rutland Street, Map 36 Parcel 4-2

Project Description: Removal of 20 trees, stumps to remain, that pose a safety hazard within the 100-Buffer Zone of a Bordering Vegetated Wetland.

Nathaniel Cataldo Stamski and McNary presented the plan via screen share. The purpose of the project is to remove 20 trees located within close proximity to the house and the driveway. Stumps will remain for all trees. The applicant consulted with an arborist who provided a report that was submitted with the NOI, which notes the codominant Eastern White Pines are more likely to fall without warning. There are two trees proposed for removal that are located on the adjacent property for which the applicant received a signed agreement letter which has been forwarded via email to the Commission.

Ognibene requested clarification regarding two of the trees proposed for removal, one of which is located near the wetland crossing, as to whether or not they are considered a threat to the home. Mr. Cataldo said all of the trees have two leaders and these trees are adjacent to the driveway. Ognibene asked if they anticipate the arborist that provided the opinion would also be retained to remove the trees. Mr. Cataldo confirmed. Ognibene said, if possible, he would be interested to know if the arborist had suggested any of the trees proposed for removal by the owner were not recommended for removal. Mr. Cataldo said this is a heavily wooded lot and noted they are only showing trees proposed for removal that are located within the vicinity of the house and one near the driveway. Murphy said he would like to see the site. Wells agreed a site walk is in order. He pointed out that the Commission always require some form of mitigation in these types of proposals, and, with this number of trees, he believes a robust mitigation plan should have been offered. Parra agreed a site visit is in order and said he would also like to see some mitigation. Willard highly recommended a site visit, noting this is a significant number of trees proposed for removal within the Buffer Zone. She noted there are trees located outside of the Buffer Zone that will also be removed. Tatistcheff said she had missed most of the testimony due to internet connection issues and would need to drop out of the meeting.

Applicant Glenn Reed clarified the tree located at the front of the property is dead and had partially fallen across the driveway a number of years ago.

On the motion by Wells and seconded by Ognibene, it was VOTED to continue the hearing to May 12, 2022 at 7:45 p.m. with the applicant’s approval to allow for a site visit following Willard’s scheduled vacation. Roll Call Vote: Ognibene – aye; Murphy – aye; Wells – aye; Parra – aye. Motion passed.

8:23 p.m. Enforcement Update - 42 Bingham Road: Parra identified several outstanding enforcement issues on the site needing to be addressed: the second crossing appears to have collapsed due to the inadequate length of the steel plates; there are deep ruts on both sides of the crossing, one of which apparently has water with hydrocarbons in it. Wells said the Commission needs to hear from the environmental monitor before authorizing any further work. Parra requested that Willard provide Mr. Napier and Mr. Crossman with a reminder in the form of an email that the existing Enforcement Order does not permit any further work without permission of the Commission and with a request that they address at the next meeting a plan for the second crossing.

On the motion by Ognibene and seconded by Murphy, it was VOTED to authorize Willard to issue the addition to the Enforcement Order. Roll Call Vote: Ognibene – aye; Murphy – aye; Wells – aye; Parra – aye. Motion passed.

8:26 p.m. Wells left the meeting (previously scheduled to leave at 8:00 p.m.) lost quorum.

Towle Field Stone Wall Clearing: Marc Wey was present to request approval to allow the team of volunteers to continue the clearing the wall beyond what has been done over the last few weekends. Parra said he recalled there was a vote authorizing the work, and since the Commission cannot deliberate without a quorum, he will review the prior vote with Willard and will advise Mr. Wey of their findings.

8:34 p.m. Adjourn

Respectfully submitted,
Mary Hopkins

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