

Carlisle Conservation Commission

May 13, 2021

Minutes

7:04 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), Dan Wells (7:45 – 8:58 p.m.), Helen Young, Alex Parra

Members Absent: Ken Belitz, 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 authorize the Administrator to sign documents approved at this meeting on behalf of the Conservation Commission. Roll Call Vote: Verge – aye; Young – aye; Parra – aye; Tatistcheff – aye.

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

Minutes:

On the motion by Young and seconded by Parra, it was VOTED to approve the minutes of 3/11/21.

Roll Call Vote: Verge – aye; Young – aye; Parra – aye; Tatistcheff – aye.

On the motion by Young and seconded by Verge, it was VOTED to approve the minutes of 4/1/21.

Roll Call Vote: Verge – aye; Young – aye; Parra – aye; Tatistcheff – aye.

Meeting Schedule: June: 10 & 24; July 15; August 12 & 26; September 9 & 23

7:18 p.m. (DEP 125-1107) Abbreviated Notice of Resource Area Delineation

Applicant: John Moravec

Project Location: Clark Farm Road Map 8 Parcel 38-Y Lots 2-1 & 2-2, & Map 15 Parcel 13-4

Project Description: Confirmation of 3,166 linear feet of BVW boundary delineation and/or other resource areas if applicable

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

Nathaniel Cataldo of Stamski and McNary provided a brief overview of the request via screen share. He explained for those not familiar with the ANRAD process that the purpose of the filing is to receive confirmation of the Bordering Vegetated Wetlands delineation for two parcels located off Clark Farm Road, with no work proposed as part of this application. He reported the applicant has agreed to move forward with the proposal submitted by peer reviewer David Pickart of Ecological Resource Consultants, LLC to perform a field evaluation, review the ANRAD application, and provide a draft ORAD to the Commission upon the closing of the hearing.

On the motion by Young and seconded by Verge, it was VOTED to continue the hearing to June 10, 2021, at 7:30 p.m. Roll Call Vote: Verge – aye; Young – aye; Parra – aye; Tatistcheff – aye.

7:25 p.m. (DEP 125-1106) Notice of Intent, Continued Hearing

Carlisle Conservation Commission

Meeting Date: May 13, 2021

Approval Date: July 15, 2021

Applicant: Liubov Federova

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

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

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

Dan Carr of Stamski and McNary presented the revised plan via screen share, with the following changes based on discussions at the previous hearing: four trees have been added to the plan in an area near the wetland as mitigation for proposed tree removal; the grading for the proposed driveway extension has been reconfigured in order to relocate the siltation barrier/limit of work farther from the BVW; a large boulder has been relocated to act as a deterrent to future work near the wetland; a proposed infiltration trench has been added along the driveway to control stormwater runoff, with the driveway pitching to the trench; all missing wetland flags have been survey located on site; a table summarizing Buffer Zone impervious area calculations has been added.

Willard reported that while conducting a site visit last Friday with Commissioner Wells, they observed an area where the infiltration trench is located and within the vicinity of an isolated wetland area that was full of standing water following recent rain events. This raised concerns about the ability of the proposed infiltration trench to adequately control stormwater runoff. Carr said they too had noted the existing depression in this area when designing the plan, and as a result, located the driveway as close to the proposed addition as possible to get the greatest distance possible from the depression. Carr pointed out the proposed driveway will be elevated slightly higher than the existing grade, providing some separation between the standing water. He also noted that the infiltration trench was designed to sufficiently infiltrate runoff during summer, fall and winter months, but it may just hold, vs infiltrate, water during wet spring months.

Tatistcheff said the calculations provided on the plan illustrate a substantial increase in impervious surface, with a proposed infiltration trench that will serve as some small amount of storage, but that is mostly dysfunctional. Parra asked if there were an alternative engineering solution that will resolve the issues in terms of treating and disposing of runoff. Carr said one option would be to raise the elevation of the driveway above the groundwater table, but this would require extending out the limit of work and would also require more work within the Buffer Zone. Tatistcheff asked Parra if he would like to require an alternative infiltration proposal. Parra said that although he appreciated the constraints presented, he is greatly troubled by approving a design that is being represented as being nonfunctional for a few months of the year and for this reason he would not approve the plan as presented. Carr agreed to provide a revised plan providing additional distance between the grade of the driveway to groundwater to allow for some additional infiltration.

Tatistcheff noted the revised plan does not include the trees to be removed within the Buffer Zone as located by survey nor does it include a mitigation planting plan as previously requested.

Willard noted the applicant has also submitted a request for an Extension Permit for the previously approved project and said it would be helpful to get a better understanding of how the erosion control measures will be coordinated for the two projects. Carr agreed to merge the erosion control measures for the proposed and for the previously approved projects.

On the motion by Parra and seconded by Verge, it was VOTED to continue the hearing to May 27, 2021, at 7:30 p.m. Roll Call Vote: Verge – aye; Young – aye; Parra – aye; Tatistcheff – aye.

EXTENSION PERMIT:

(DEP 125-1026) Lot 1, 42 Bingham Road; Project: Filling 278+/- SF of Bordering Vegetated Wetland to allow a driveway crossing serving a single-family dwelling. An open bottom box culvert is proposed to allow water and animal passage underneath the driveway. A portion of the proposed driveway, associated grading, and dwelling are proposed within the 100-foot Buffer Zone of the BVW. Construction activity and

installation of conduits results in an additional, temporary wetland alteration area of 317 SF; Issued: 2/2/18; Expired 2/2/21.

Willard provided the Plan of Record via screen share. She said it was recommended to the applicant that he submit a request for an extension to the Order of Conditions for this project because the OOC's have expired under non-covid conditions and the work on the project is about to begin. She said the required preconstruction meeting for the common driveway component of this project has occurred and the environmental monitor stated he will be submitting reports with photographs consistent the Order of Conditions.

Tatistcheff noted the property has recently changed hands and suggested a shorter extension period of 1.5 vs 3 years to allow the new applicant to demonstrate compliance with the OOC. On the motion by Young and seconded by Verge, it was VOTED to extend the OOC for DEP 125-1026 to 8/2/2022. Roll Call Vote: Verge – aye; Young – aye; Parra – aye; Tatistcheff – aye.

7:40 p.m. (DEP 125-1102) Notice of Intent, Continued Hearing

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

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

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.

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

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

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

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.

Tatistcheff opened the continued hearings for DEP #s 125-1102, 125-1103, 125-1104, 125-1105 under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Bylaw.

Dan Carr of Stamski and McNary provided a brief update on the status of Stillmeadow North: they received comments from the Planning Board's peer reviewer Nitch Engineering earlier this week and have also received initial comments from the Commission's peer reviewer, David Pickart of Ecological Resource Consultants; Mr. Carr and team are currently working on incorporating those changes and will be submitting a revised plan within the next week.

Mr. Carr then presented the Planning Board's hearing schedule for the Common Driveway Special Permits, which addresses the project quadrants in three phases. They are hoping the Commission can incorporate this into their timeline. The Planning Board will be discussing the decision at their 5/24/21 and 6/14/21 meetings.

On the motion by Verge and seconded by Young, it was VOTED to continue the hearings to May 27, 2021, at 7:45 p.m. Roll Call Vote: Verge – aye; Wells – aye; Young – aye; Parra – aye; Tatistcheff – aye.

Certificates of Compliance:

(125-1092) 52 East Street. David Chaffin; Project: Installation of a septic system; Issued 7/23/2020.

On the motion by Verge and seconded by Young, it was VOTED to issue a Certificate of Compliance for DEP 125-1092. Roll Call Vote: Verge – aye; Wells – aye; Young – aye; Parra – aye; Tatistcheff – aye.

(DEP 125-986) 542 West Street: Bettye Anne Blatman, Esq.; Project: portion of land permitted for Lion’s Gate Road but on which no portion of the project was undertaken. Issued 4/20/2016

Willard explained that a portion of work for Lions Gate Road was originally located on a portion of this property. However, that portion was subsequently removed from the lot by subdivision and made part of the Lions Gate Road project; no work for Lions Gate occurred on this lot for 542 West Street. There was a separate filing for some unauthorized clearing and restoration on this property, and that project has been issued a COC.

On the motion by Verge and seconded by Wells, it was VOTED to issue a Certificate of Compliance for DEP 125-0986. Roll Call Vote: Verge – aye; Wells – aye; Young – aye; Parra – aye; Tatistcheff – aye.

Enforcement Orders:

(DEP 125-1075) 967 West Street: Drew Williams. Wetland alteration on 56 Applegrove Lane’s frontage on South Street, including fill with a crushed asphalt/soil mix on a cart path; Possible wetland violations on 967 West Street for forestry project disturbance and drainage work.

Present for the discussion were property owners Drew Williams and Phillip Farmer and wetland scientist Scott Smyers of Oxbow Associates, Inc representing Mr. Williams. A wetland cart path leading from South Street, through land which is part of 56 Applegrove Lane to 967 South Street, was filled. 56 Applegrove Lane is owned by Phillip Farmer. 967 West Street is owned by Drew Williams.

Scott Smyers of Oxbow Associates, Inc. provided a summary of the sequence of events leading up to the possible Cease-and-Desist Order. He is familiar with the property in having represented Mr. Williams in 2019 in an after-the-fact filing for a driveway expansion and grading, stonewall construction, and restoration work within the 100-foot Buffer Zone. There was an ongoing forestry project underway on the property, when on May 5 the site contractor added asphalt grindings to the cart path in order to stabilize it for forestry truck access during muddy conditions. Neither Mr. Smyers nor the Conservation Commission had been contacted prior to this work being undertaken. On May 6 Mr. Smyers said he received calls from both Mr. Williams and Ms. Willard regarding conditions on the site. Mr. Smyers immediately coordinated a site inspection for later in the day, for which Mr. Farmer, Mr. Williams, and Ms. Willard were also present. Mr. Smyers said that according to Mr. Williams , 30 yards of material was placed on the cart path ranging in depth from 3 or 4 to 12 inches as it travels through Mr. Farmer’s property. It was Mr. Smyers’ observation that there did not appear to be any erosion of material into the wetlands due to the relatively flat topography of the cart path. Mr. Smyers said that at the conclusion of the site inspection, a tentative remediation plan was agreed upon, to be conducted under his direct supervision, including hand scraping the grindings away from the very edge of the cart path, installation of erosion control and entrenched siltation fabric, and removal of grindings to an off-site location.

On May 8 Mr. Smyers was contacted by Willard informing him that the removal work had already been carried out by Mr. Williams’ contractor, also noting the work was done without Mr. Smyers’ oversight as required. Mr. Smyers inspected the site on May 9 and confirmed that the grindings had been removed. He then evaluated the base material, which consisted of a hard-packed gravel base. While on site, Mr. Smyers noted that the siltation fencing had not been entrenched, and he requested that this be done immediately. Mr. Smyers had originally proposed to present the agreed-upon restoration plan at tonight’s meeting, but the restoration work had already been largely completed, with the exception of the remaining hand removal and raking out of the area followed by planting of a native seed mix to stabilize the area. Mr. Smyers noted there are also questions regarding whether some of the forestry work may have exceeded the scope of the approved Forest Cutting Plan, as well as work to replace some subsurface drainage conduits within the BVW in other locations on the property.

Tatistcheff said she would like at some point in the discussion to understand what part of the after-the-fact filing process has not impressed upon Mr. Williams what constitutes the Commission's jurisdiction. She then asked Willard to provide her recommendations moving forward. Willard said she would like to receive confirmation that no gravel was added to the cart path prior to the distribution of the asphalt grindings as a prior attempt to stabilize it.

Mr. Williams responded by stating he wanted to address the issue of intent. He said he has had a significant logging project in process for more than a year, during which time the right of way has been used for large logging trucks in order to access the upper and lower pasture areas. He said the logging work for this phase was close to finishing up last week, when the roadway became extremely wet and muddy. At that time, his contractor proposed adding fill to stabilize it. Mr. Williams said that when he became aware of the fact that the material was inorganic, he had not understood his contractor's intentions and he now wants to take responsibility for addressing it.

Mr. Williams said that in terms of the question of whether work was done beyond the scope of the approved forestry plan, a clean load of fill sand was placed in another location on the roadway. He said he is fairly confident this work is allowed under the normal maintenance of a logging road during an approved project such as this, based on his discussions with State Forester John Robbins. Mr. Williams said he is excited to move to the next phase of this discussion regarding their adherence to the plan. He said he has been working with Willard since before they purchased the property and said he is not naive about rules and regulations.

Willard reiterated her earlier question of whether gravel fill material had been added to the access way as it led directly off South Street. Mr. Williams said there may have been a bit of fill comprised of millings and soil placed at the entrance where the roadway was extremely muddy. He said there was then an effort to mitigate the work that was carelessly implemented, and once they realized the error, they took immediate action to remove the material from the site.

Discussion followed regarding the procedural requirements for issuing an Enforcement Order to address the matter relative to the two property owners. Willard reported speaking with a MassDEP representative and was told the Commission would be required to issue the EO reflecting Mr. Farmer as the property owner, with Mr. Williams being cited as the individual who undertook the work and who would be required to comply with the restoration/remediation requirements.

Present on behalf of Mr. Williams was Attorney Jeffrey Angley, who noted the fact that the road has been existence for a very long time, providing access to the 15-acre property as confirmed through an affidavit from a previous owner going back at least 50 or 60 years prior to Mr. Williams' purchase of the property. Attorney Angley said that in addition to this he has also confirmed Mr. Williams' rights over the roadway with Mr. Farmer's attorney. He noted that Mr. Williams has a Forestry Cutting Plan under which he is authorized to remove forestry material from his property, and that approved plan included a skid location for the logs and also showed the roadway as the access point in and out of the property. He concluded by stating that pursuant to this combination of the Forestry Cutting Act, forestry regulations, DEP regulations, and the Memorandum of Understanding between the DCR and the DEP, land that is subject to a forestry cutting plan is considered land in agricultural use under the Wetlands Protection Act, which includes the right to maintain and repair access points. Attorney Angley then expressed concern about the potential issuance of an EO, since it may implicate the jurisdiction of the DCR and of Mr. Williams' rights under the Forestry Cutting Plan. He asked if an EO would no longer be necessary if the Commission finds the issues have been addressed satisfactorily.

Tatistcheff said she would have felt better about the situation if the wetland scientist had been notified prior to the removal process. She asked Willard if she had any additional information from DEP regarding the roadway. Willard said issue of who owns the road is not a wetlands issue except with regards to restoration, and in this case, the perspective of the owner of the property may differ from that of Mr. Williams.

Wells asked Mr. Smyers if he believes based on his observations that the site is essentially almost completely cleaned up, and if, with the exception of some additional raking, it would be returned to the previous conditions. Wells also asked Mr. Smyers if he had observed any other additional damage to the resource area beyond the footprint of the cart path. Mr. Smyers said he did not observe any additional disturbance and he believes the site would be returned to preconditions with the addition of some seeding along the shoulders. Wells said that if this work could be done and a report presented at the next meeting stating the work has been completed satisfactorily, he personally believes it is reasonable to avoid the issuance of an EO.

Parra agreed with Wells subject to Willard's also being satisfied with the erosion control measures that are in place. Both Verge and Young had no further questions and stated they agree with Wells' and Parra's recommendations.

Willard said that when she last spoke with Mr. Farmer, he was interested in a more robust restoration than simply seeding. Tatistcheff said she is hearing the Commission is happy with the proposed seeding and if there were to be a more vigorous restoration, we would be supportive of that, but not as a requirement. Mr. Farmer said the roadway was formerly a cow path and it is now a logging road. He asked if the Commission allows the hauling of heavy equipment through this area in the spring. He said he did not believe this was something they would support, and he wanted to clarify this in order to eliminate the possibility of something like this happening again in the future. He said he had no knowledge of a forestry road going through or that he was part of a forestry cutting permit.

Attorney Angley said he has some clients who have Forestry Cutting Plans and they sometimes file RDA applications if they are going to be close to a resource area. He said he thought this would be a reasonable option so that the Commission knows when something is going to happen in the future to ensure proper erosion controls are in place. Willard said it has been her experience that any forestry work that is done in wetlands must be done when the ground is frozen, and she is assuming this also pertains to travelling through a wetland.

Tatistcheff said she would like to understand the matter of the back field (drainage work) and the other forestry work. She asked Willard if she had received clarification from DEP as to how much of that work is included in the forestry plan. Willard said the forestry work that has been done in this location is vastly different from any other forestry projects she has seen in Carlisle, which have generally been forestry projects involving tree cutting with stumps left in place as a means of thinning to allow for regeneration of a forest. She said her question to DEP was, where does a forestry project end and another project begin such as creating an open field. The recommendation she received was to issue a Cease-and-Desist Order to halt work, allowing an opportunity to research the regulations. Regarding the issue of the drainage work, Willard said it is conceivable that that is also allowed, but she will not know that until she further examines this forestry plan, governed by agricultural regulations as well.

Mr. Williams said they have 15 acres of land, and they are talking about preserving pastures and about forest diversity, consistent with Chapter 61A. He said the plan has been filed with the town annually and it has been in process until today. He requested that the Commission give him the benefit of the doubt that he has done his best to restore the legacy of the farm and shown stewardship for the environment. Willard noted that she does not receive the 61A plans because they are submitted to the Assessor's Office and for this reason she is in favor of the suggestion regarding the submittal of an RDA.

In concluding the discussion, Tatistcheff said the Commission needed to do additional research and she requested that in the meantime Mr. Smyers submit an updated report once all of the work with respect to the roadway has been completed. Parra requested written confirmation from Forester Robbins that the work has been done in compliance with the forestry plan. Wells requested that these submittals be provided in advance of the next meeting.

(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.

Mitch Maslanka of Goddard Consulting was present to discuss his report dated May 12, 2021, addressing the violations that occurred on site and describing the cleanup procedures being proposed in order to bring the project back into compliance. The property owner seeks approval from the Commission to initiate the cleanup procedures as outlined in his report. Once approved, the proposed cleanup will commence, and a follow up report will be provided to the Commission outlining the impacts and proposed mitigation for the damages incurred relative to the activity.

Mr. Maslanka provided a brief site history, explaining that in order to access the buildable upland portion of the site, the project involved clearing of mature vegetation, construction of an intermittent stream crossing, filling 1629 SF of BVW and constructing a 1954 SF BVW replication area. Site work began in March of 2021, triggering several violations that resulted in the enforcement action, including: initiation of tree removal prior to inspection; improperly installed silt fence; trees felled toward the BVW and also beyond the stream; commencement of work outside of the low flow period; direct impacts to the BVW and the intermittent stream; no construction entrance plan was submitted to the Commission for approval prior to the initiation of clearing.

Mr. Maslanka then reviewed the initial steps taken in accordance with the EO to bring the project closer to compliance, including installation of the EC/limit of work; reestablishment of missing wetland flags by survey; re-staking of the center line for the driveway in accordance with the Plan of Record; submission of a Construction Entrance Plan. In conclusion, Mr. Maslanka said Goddard Consulting believes that the proposed clean up procedure will bring the project into compliance and will not have any adverse impacts on the interests of the Wetlands Protection Act and the Carlisle Non-zoning Wetland Bylaw.

Tatistcheff said she would like to call attention to the fact that the Commission put a great deal of effort into protecting the vernal pool during the permitting process, and she asked Mr. Maslanka to clearly state whether it was impacted by the work. Mr. Maslanka confirmed the vernal pool was not impacted and he agreed to include his observations relative to the pool in all future reports.

Parra asked Mr. Maslanka if his firm will be involved in the corrective procedures. Mr. Maslanka confirmed he will be on site to ensure the siltation fencing is properly installed and to oversee the site manager and contracting crew to ensure there will be no future impacts to the BVW. Willard said she did not think there should be any attempt to cross the stream until everything has been addressed on the Curve Street side or before a plan has been submitted outlining the stream crossing process. Parra said he would recommend that Mr. Maslanka be on site whenever work is being done to ensure it is being done correctly and in the right locations.

155 Woodridge Road - George Kapsalis: Landscaping alterations within the Conservation Commission's jurisdiction including work within a documented vernal pool; Issued 10/21/2020.

Tatistcheff said she is very disappointed the restoration plan was not submitted one week prior to the meeting, as agreed at the previous meeting. Tatistcheff said in addition, a resident of the town who is not a member of the Commission observed ongoing work and because of this she wants to be sure the Commission has rights to inspect the site when work is occurring moving forward.

Present for the discussion was Attorney Richard Nylan on behalf of the property owner, who said they had put together the requirements for the Enforcement Order as discussed but were not able to meet the one week in advance deadline. Tatistcheff said the only addition she would request is to ask that the submission confirms the homeowner's permission to allow the Commission onto the property to conduct additional site inspections. Attorney Nylan agreed to state this in the agreement. Tatistcheff asked Attorney Nylan if he could assure the Commission that no landscaping work occurred during the past week. Property owner George Kapsalis, who had called in to participate in the discussion, confirmed they have conducted no further work on the property.

Tatistcheff said the Commission will schedule time to discuss the proposal at the next meeting.

Conservation Land Management:

Maple Street at Greenough Pond - Beaver Solutions: Tatistcheff provided a brief update: the site is being actively managed by the town and by Beaver Solutions, as permitted by the state last year; the water levelling devices were installed on April 19, 2021; there were large rain events before and after the installations, requiring the DPW to work to remove debris caught up in the fencing; the water overtopped the Greenough Dam twice within a few days of the installation of the water levelling devices due to the blockages that occurred; the higher water levels resulted in the flooding of a resident's water supply well, which was addressed through appropriate emergency permitting procedures; the DPW will continue monitoring and adjusting as needed.

Tatistcheff said citizen comment has been quite voluminous on the matter and was included in the meeting packets. She said most of the concerns raised had been discussed last fall.

Cranberry Bog Water Registration Renewal: Parra reported that the Cranberry Bog Working Group recommends revising the existing Registration for Verified Water Withdrawal to note that cranberry growing has been inactive but within the time period for being classified as agricultural under the Wetlands Protection Act and certifying to that statement.

On the motion by Young and seconded by Verge, it was VOTED to authorize Chair Tatistcheff to sign the amended Registration Renewal Request on behalf of the Commission for submission to the MassDEP Bureau of Water Resources – Water Management Act Program as discussed. Roll Call Vote: Verge – aye; Wells – aye; Young – aye; Parra – aye; Tatistcheff – aye.

Cranberry Bog Working Group (CBWG) – Bog Restoration Proposal: CBWG member Parra reported the group met earlier in the week to discuss the proposal submitted by wetland scientist MaryAnn DiPinto of Three Oaks Environmental in response to the RFP for an ecological restoration and management of the Cranberry Bog. Parra noted the proposal is comprised of two sections: the first section identifying the goals that were provided to Ms. DiPinto for the maintenance of the bog, including maintain wetland emergent marsh and wet meadow habitats while preventing growth of upland trees and shrubs and control of invasive species and the maintenance of the existing walking trails; the second section includes a list of potential methodologies to reach those goals. Parra said that before the CBWG moves forward in working with Ms. DiPinto in converting the proposal into a plan to be submitted as part of a NOI, they are requesting that the Commission review the proposal and provide their input as to whether they are in general agreement. Time for this discussion will be included on the May 27 meeting agenda.

Benfield Land Septic System: Tatistcheff reported receiving a request from the Board of Health requesting the Commission designate a representative to attend their meetings when discussions are held relative to the Benfield Farms septic system. Engineer Mark Beaudry of Meridian Associates has requested to meet with both boards contemporaneously in order to coordinate the process of finalizing a design plan. Commissioner Parra agreed to act as the Commission's representative at the Board of Health meetings when the design plan is to be discussed.

Curve Street Dam: Commissioner Belitz has agreed to represent the Commission at the Select Board's May 25th meeting to discuss the dam assessment report submitted by Stevens Associates.

Greenough Dam CPC Grant Application: CPC liaison Verge reported she and Willard recently met with the Planning board to discuss their concerns about this project. She said that although the Planning Board supports the project to be submitted to Town Meeting, they are requesting the Commission investigate the costs of removing the dam before they, as individuals, would be in support. They are also asking if an environmental study should be done to determine which course of action would have the most beneficial ecological outcome: removing the dam and returning the river to a riverine system or repairing the dam and keeping the pond in its present state.

Verge said she believes these are good questions and also an indicator of the kinds of questions and potential opposition the Commission could be up against at Town Meeting. She said she did not know if the town would be willing to fund a research study on the environmental impacts when preliminary information shows the removal of the dam could be prohibitively more expensive than repairing it. She asked Wells if he had any input on the question of ecological benefit. Wells said that while he had no direct experience with that type of study, he imagines it is an expensive endeavor just to get through the analysis, particularly with the presence of mapped endangered species on the site.

Tatistcheff said she is very concerned about the town's liability given the unsafe conditions of the dam and said she thinks that if the dam is not replaced, the town will need to start discussing engaging a structural engineering consultant to determine measures to make it safe for foot traffic.

Verge said she and Willard will continue to further research the issues and asked members to share any suggestions they may have. Paul McManus of EcoTec, Inc., who was present for another matter, said he has some experience the Bolton Land Trust, where they have that unfortunate condition of owning an old dam themselves. He encouraged the Commission to reach out to the Division of Ecological Restoration who could help determine the ecological value on the stream restoration at the Greenough site.

9:24 p.m. On the motion by Young and seconded by Verge, it was VOTED to adjourn. Roll Call Vote: Verge – aye; Young – aye; Parra – aye; Tatistcheff – aye.

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