

Carlisle Conservation Commission
May 26, 2022
Minutes

7:00 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 (7:00-8:40), Lee Tatistcheff, Helen Young, Nick Ognibene, Brian Murphy
Members Absent: Navneet Hundal
Conservation Staff: Sylvia Willard, Conservation Administrator

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

Signatory Authorization: On the motion by and Young seconded by Tatistcheff, it was unanimously VOTED to authorize the Administrator to sign documents discussed at this meeting on behalf of the Conservation Commission. Roll Call Vote: Tatistcheff-aye, Murphy-aye, Wells-aye, Ognibene-aye, Young-aye, Parra-aye.

Approval of Bills:

On the motion by Young and seconded by Murphy, it was unanimously VOTED to approve the expenses as presented. Roll Call Vote: Tatistcheff-aye, Murphy-aye, Wells-aye, Ognibene-aye, Young-aye, Parra-aye.

Minutes:

On the motion by Wells and seconded by Young, it was unanimously VOTED to approve the minutes of March 3, 2022, April 14, 2022 and April 28, 2022 as presented. Roll Call Vote: Murphy-aye, Wells-aye, Ognibene-aye, Young-aye, Parra-aye.

On the motion by Young and seconded by Ognibene, it was unanimously VOTED to approve the minutes of March 24, 2022 as presented. Roll Call Vote: Murphy-aye, Wells-aye, Ognibene-aye, Young-aye, Parra-abstain. (Tatistcheff experiencing intermittent connectivity issues)

Summer Meeting Schedule: July 21 and August 18, 2022

Suburban Wilds Deer Study: The study is being conducted by an interdisciplinary group of researchers based at Boston University, University of Wisconsin Madison, Texas A&M University, and Colorado State University. The project is a multi-year investigation into the social and ecological dimensions of deer management funded by awards from the National Science Foundation. The *2021 Suburban Wilds Annual Report*, distributed this week, offers an overview of the project and research activities led by the social science and ecology teams and provides preliminary results from the ecology component of the project. The Land Use Permit issued for this study is valid through December, 2024.

Emergency Certifications:

418 Brook Street; Paul Sheedy: An Emergency Certificate has been issued and counter signed by Building Commissioner John Metivier allowing the removal of a dead maple tree located 17 feet from the single-family home.

62 Concord Street; Kate Svrcek: An Emergency Certificate has been requested to allow the removal of 2 trees that have been deemed hazardous by an arborist. A 30-day Certificate will be issued once a date has been set for the removal.

7:15 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 Wells and seconded by Tatistcheff, it was unanimously VOTED to continue the hearing to July 21, 2022 at 7:30 p.m. at the applicant's request. Roll Call Vote: Tatistcheff-aye, Wells-aye, Ognibene-aye, Young-aye, Parra-aye. (Murphy experiencing connectivity issues)

Stillmeadow Farm Subdivision Project –Tree Protection Plan and Stream Crossing:

(1) Tree Protection: Project Manager Jeffrey Herz of Onyx Corporation was present for a continued discussion regarding a proposed deviation from the Order of Conditions relative to tree protection. At the previous meeting Mr. Herz had proposed encapsulating areas that include trees that are located within 10 feet outside the limits of work with construction fencing vs surrounding each individual tree greater than 4 inches in diameter with construction fencing. He believes this approach will prevent damage to any trees by excluding work from these areas.

Parra said he had spoken to Town Counsel about the possibility of requiring a bond to secure remedy if trees were damaged during construction. He was advised this would require amending the bylaw. Parra said he has been to the site to review what is being proposed as an alternative and he believes this is a better plan than what was required in the OOC. The Commission supported the alternative approach.

On the motion by Wells and seconded by Young, it was VOTED to accept the amended Tree Protection Plan as a red-line change. Roll Call Vote: Tatistcheff-aye, Murphy – aye, Wells-aye, Ognibene-aye, Young-aye, Parra-aye.

(2) Stream Crossing – Lot 6: Mr. Herz reported he is having difficulty locating a supplier for the 17 x 13 arched steel pipe for the wetland crossing because it is not a commonly used size. He has proposed a 15-inch pipe as an alternative if they are unable to locate a culvert with the approved specifications. Wells recalled this is a sensitive area and the Commission had questioned during the public hearing process whether or not the applicant should be required to meet both Stream Crossing Standards. He said the Commission had concluded that the nature of the wetland on the upgradient side is such that they did not want to see an increase in the volume of water draining out over what has been for decades. The Commission requested that Mr. Herz continue his search for the approved culvert. Mr. Herz agreed to continue to reach out to his suppliers and to keep the Commission posted on his progress.

7:30 p.m. (DOA-372) Request for Determination of Applicability

Applicant: Dejan Bojanic

Project Location: Clark Farm Parcels 8-38-Y and 15-13-4

Project Description: ATF Removal of rectilinear stone walls on either side of Clark Farm up to the property line.

Tatistcheff recused. Applicant Dejan Bojanic presented the ATF plan. The lots were subject to an ANRAD during the fall of 2021. He purchased the two lots abutting his property in October immediately prior to the confirmation of the ORAD. He views the walls as a modern rectilinear style which are not in keeping with his vision for the property and which he believes are also a barrier to wildlife movement. He is proposing to remove the walls up to the property line in an effort to revert the land back to a more natural state. The proposal includes removing the stones that are located near the wetland by hand, with the remaining stones to be removed using a small excavator staged on the pavement. Once the stones are removed, he plans to let the area naturally revegetate.

Wells said he had observed a lot of roadkill when he visited the site, particularly in the vicinity of the southernmost wall located adjacent to the wetland. He sees the project as a benefit for wildlife migration as long as it is done carefully. Other members had no issues with the proposal. There was no public comment.

On the motion by Wells and seconded by Murphy, it was unanimously VOTED to issue a Negative Determination B2: the work described in the request is within an area subject to protection but will not remove, fill, dredge or alter the area and will therefore not require the filing of a Notice of Intent. Roll Call Vote: Murphy-aye, Wells-aye, Ognibene-aye, Young-aye, Parra-aye.

7:41 p.m. (DOA-373) Request for Determination of Applicability

Applicant: Nick and Abbye Rose Ognibene

Project Location: 121 Hartwell Road, Map 4 Parcel 23R-14

Project description: Installation of a post and rail fence with wire mesh allowing 6 inches of clearance for wildlife passage and location of a proposed chicken coop with work proposed within portions of the 200-foot Riverfront Resource Area, Bordering Land Subject to Flooding, and the 100-foot buffer zone from a Bordering Vegetated Wetland.

Ognibene recused. David Crossman of B & C Associates presented the plan. The wetland resource area is associated with Spencer Brook, which flows through the northwest corner of the site. The Applicant is proposing to install a post and rail fence around a portion of the backyard and the northeast corner of the house. The closest approach to the BVW is 8 feet in the northern corner of the fencing. Some of the fence posts will be located within the 100-Year Flood Plain. According to Mr. Crossman's calculations, the installation of ten 4x4-inch posts with an average depth of one foot will be displacing 1.11 cubic feet of water. The fence will be enclosed with 4-foot wire mesh fencing with 6 inches of clearance off the ground so as not to impede wildlife passage. There is no earthwork proposed for this project which would alter any of the existing grades on this property. The Applicant is also proposing to erect a chicken coop as shown on the plan. This portion of the project is exempt under 310 CMR 10.02: *conversion of lawn to uses accessory to residential structures located more than 50 feet from the mean annual high-water mark of the Riverfront or from the edge of the BVW.*

Parra polled the Commission. Wells asked if the applicants would be amenable to providing compensatory storage for the small amount of flood storage displacement in accordance with the regulations. Mr. Crossman identified an area adjacent to the edge of the flood plain that was found to be acceptable to the Commission.

On the motion by Murphy and seconded by Tatistcheff, it was unanimously VOTED to issue a Negative Determination B3, the work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following Condition: the Applicant shall provide one cubic foot of compensatory storage at the edge of the Wetland/Flood Hazard District to compensate for the fence posts. Roll Call Vote: Tatistcheff-aye, Murphy-aye, Wells-aye, Young-aye, Parra-aye.

7:52 p.m. (DEP 125-1138) Notice of Intent

Applicant: Aileen English

Project Location: 384 River Road

Project Description: Removal of 42 trees within the 100-foot Buffer Zone of a Bordering Vegetated Wetland, 5 of which are located within the BVW.

Robert Melvin of Stamski and McNary presented the plan via screen share. Vegetative cover on the 2-acre site consists of mostly wooded area and lawn. There are Bordering Vegetated Wetlands (BVW) located on the lot to the north and west that cover a majority of the site. The BVW projects a 100-foot buffer zone that encompasses most of the developed area on site. All trees proposed for removal are labeled on the plan, with the exception of 6 trees that are located on the adjacent property. Access to the trees located within the wetlands will be via crane.

Mr. Melvin said they have not proposed any mitigation based on the lack of guidelines within the Bylaw and subject to comments from the Commission.

Ognibene requested clarification regarding whether the trees located within the BVW are considered a hazard concern. Mr. Melvin said the trees in this area are very tall and some are somewhat rotted. Ognibene said he would want to see the site and then see some mitigation planting before making a determination. Wells asked if the Applicant had consulted with an arborist. Mr. Melvin said he would discuss scheduling a consultation with an arborist with the applicant. Wells asked if there has been any response to MassDEP's comments. Mr. Melvin said they plan to provide a response. Murphy requested that the arborist provide the height of the trees and the likelihood they would strike the house if they were to come down. Parra pointed out that Stamski and McNary is quite familiar with the Commission's guidelines and standards relative to tree cutting proposals and said the Commission would discuss how these should be applied following the site visit. All members agreed a site visit was needed before proceeding with the request.

Willard asked if they have determined how the trees located beyond the reach of the crane will be accessed and where they will stockpile the tree trunks before they are removed from the site. Mr. Melvin said these specifics are to be determined. Willard noted one of the trees proposed for removal is partially located on town's right of way and she suggested the Applicant should consult with the Planning Board regarding scenic roadway restrictions.

On the motion by Young and seconded by Murphy, it was unanimously VOTED to continue the hearing to June 9, 2022 at 7:30 p.m. with the representative's approval. Roll Call Vote: Tatistcheff-aye, Murphy-aye, Wells-aye, Ognibene-aye, Young-aye, Parra-aye.

Tatistcheff experiencing intermittent connectivity issues

8:06 p.m. (DEP 125-1026) Request to Amend the Order of Conditions

Applicant: Michael Napier

Project Location: 42 Bingham Road, Map 15, Parcel 15-27-A

Project Description: Construction of a single-family home with a different footprint that previously permitted and with the addition of a pool and patio, all within the previously approved limit of work

Nathaniel Cataldo of Stamski and McNary presented the plan via screen share. The Applicant had submitted the same project in the form of a NOI at the previous hearing. They were advised by the Commission to retract the NOI and file a Request for an Amended OOC. The proposed new work consists of construction of a single-family dwelling within a revised footprint and construction of a pool and patio. The grading has been adjusted to accommodate the proposed patio adjacent to the revised house footprint. The remainder of the proposed work will be consistent with the approved plan, which consists of construction of the common driveway which will cross the wetlands via an open bottom box culvert, installation of a private water supply well, installation of elements of a sewage disposal system, and grading associated with construction. Also consistent with the approved plan, the proposed plan will require crossing of the second intermittent stream northeast of the proposed dwelling at Lot 1 in order to construct the soil absorption system outside of the 100' Buffer Zone. A 390 +/- S.F. Wetland Replication Area will be provided to mitigate the 278 +/- S.F. of wetland filling required for the driveway crossing. The revised proposed dwelling will not exceed the existing setbacks to wetlands from the approved plan, and the limit of work will remain unchanged. The project has received approval from the BOH for the revised septic plan, which includes relocating the tanks to accommodate the change in the house box. All other septic components remain unchanged. The Order of Conditions for the property was issued on February 2, 2018 based on the Plan of Record dated January 10, 2018. The Order of Conditions was extended in May 2021 until November 13, 2022.

Mr. Napier asked Mr. Cataldo to provide the Commission with the detail of the revised temporary crossing. Mr. Cataldo said they have included a revised crossing with the Request to Amend in order to provide stable access to construct the leach field.

Murphy said he had been to the site and does not believe the crossing will adequately provide protection and stated he would vote against approving the project until those issues are resolved. Wells requested a written summary of compliance with the Orders from the original plan before discussing approval of an amendment in order to verify that all of the requirements have been met. He also requested confirmation from the wetlands consultant that the first crossing is adequate, and he asked that all flags be refreshed in the vicinity of both crossings. He reiterated MassDEP's comments regarding their requirement that a 401 Water Quality Certification Restriction be recorded on the property for the original filing. Ognibene and Young agreed with the comments made by Murphy and Wells. Parra also agreed the Commission needs more detail for stabilization beyond the immediate crossing. He said that in addition to this, Willard had generated a condensed list of the Conditions from the original OOC that have not been complied with. He said he would like to provide that to Mr. Crossman along with comments from the Commission and have those addressed. He said he agrees the request to amend should not be acted upon until the other issues are addressed. He concluded by stating he would like the applicant to be aware that the Commission is questioning whether additional impervious area is being proposed under the Amendment.

On the motion by Murphy and seconded by Young, it was unanimously VOTED to continue the hearing to June 9, 2022 at 8:15 p.m. with the Applicant's approval. Roll Call Vote: Tatistcheff-aye, Murphy-aye, Wells-aye, Ognibene-aye, Young-aye, Parra-aye.

Conservation Land Management:

Greenough Dam: Willard said some concerns have been raised regarding the pond levels following the repair of the dam. She said the dam is according to the plan as designed to withstand the 50-year and 100-year flood event. She said she understands that it is possible to make adjustments to the spillways to receive boards in the dam to raise and lower the level of the pond, noting this would require active management in removing the boards ahead of significant storm events.

Greenough Barn: Willard reported the barn is being repeatedly broken into and the graffiti is expanding. She noted the Commission had transferred the barn to the Select Board several years ago. The SB has since voted to have the barn removed but there have been no serious inquiries to date. Willard recently spoke with SB Chair Barney Arnold, who agrees there needs to be more of a plan beyond its future removal.

Towle Conservation Land: Members of the Land Stewardship Committee recently placed hundreds of flags to identify poison ivy and invasive plants in advance of the upcoming herbicide treatment tentatively scheduled for late May/early June to be conducted by John Bakewell under the existing contract.

Woodward Fields: Andrew Rodgers of Clark Farm has relocated the sheep to the lower field area. Willard reported it was recently brought up that it would be advantageous to have a joint meeting with the Commission, the Trails Committee, and CCF regarding the Woodward fields and the trails. Input would also be sought from the farmer and neighbors regarding the trails and fields. The Trails Committee has asked if the Commission would be willing to facilitate the meeting. The Commission agreed to coordinate a meeting in the fall.

Cranberry Bog Dam #1 Repair: Mark Duffy has agreed to remove the now-abandoned beaver lodge in conjunction with his current maintenance agreement. Once the lodge is removed it will be determined how much fill will be required to repair the damage and sources for appropriate fill will be identified.

Subcommittee/Liaison Reports:

Cranberry Bog Working Group: At the request of the CBWG, Willard has contacted the Hart Pond Association and Chelmsford Conservation Commission Chair David McLauchlan regarding their attendance at an

upcoming CBWG meeting for all parties to gain a better understanding of how water is managed prior to its flowing into Carlisle at the Cranberry Bog.

9:00 p.m. On the motion by Tatistcheff and seconded by Murphy, it was unanimously VOTED to adjourn. Tatistcheff-aye, Ognibene-aye, Young-aye, Murphy-aye, Parra-aye.

Respectfully submitted,
Mary Hopkins

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