

Carlisle Conservation Commission
June 8, 2023
Minutes

7:04 p.m. Chair Alex Parra called the remote meeting to order. 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.

Members Present: Alex Parra (Chair), Dan Wells (Vice Chair) 7:00-8:07, Navneet Hundal, Brian Murphy, George Shepard, Helen Young
Conservation Staff: Sylvia Willard, Conservation Administrator; Mary Hopkins, Asst to the Conservation Administrator

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

Signatory Authorization: On the motion by Murphy and seconded by Hundal, it was unanimously VOTED to authorize the Administrator to sign documents discussed at this meeting on behalf of the Conservation Commission.

Roll Call Vote: Wells-aye; Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

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

Carlisle Special Orders of Conditions: On the motion by Murphy and seconded by Young, it was unanimously VOTED to approve the Carlisle Special Conditions as amended. Roll Call Vote: Wells-aye; Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

Election of Officers: On the motion by Young and seconded by Murphy, it was unanimously VOTED to nominate Dan Wells as Chair and Navneet Hundal as Vice Chair effective 7/1/2023. Roll Call Vote: Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

Benfield Land Annual Mowing Agreement: On the motion by Young and seconded by Hundal, it was unanimously VOTED to sign the Agreement with Jack O'Connor for the mowing of the Benfield Land for a not-to-exceed sum of \$2,200. Roll Call Vote: Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

Conservationist of the Year Award: On the motion by Shepard and seconded by Hundal, it was unanimously VOTED to nominate Kelly Guarino for this year's Conservationist of the Year to recognize her long history of dedicating time and energy to conservation in Carlisle. Roll Call Vote: Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

7:22 p.m. (DEP 125-1147) Notice of Intent, Continued Hearing

Applicant: Town of Carlisle Conservation Commission

Location: 750 Curve Street (Cranberry Bog Conservation Land)

Project Description: Work to stabilize a regulated dam, Cranberry Bog Dam #1

On the motion by Murphy and seconded by Hundal, it was unanimously VOTED to continue the hearing to 6/22/23 at 7:15 p.m. Roll Call Vote: Wells-aye; Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

7:24 p.m. (DEP 125-1155) Notice of Intent, Ecological Restoration Limited Project, Continued hearing

Applicant: Danielle Zimmerman

Project Location: 620 Lowell Street, Map 27 Parcel 57A-A

Project description: Treatment of invasive plant species in a pond.

On the motion by Young and seconded by Murphy, it was VOTED to continue the hearing at the representative's request to 6/22/2023 at 7:45 p.m. Roll Call Vote: Wells-aye; Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

7:45 p.m. (DEP 125-1160) Notice of Intent

Applicant: Artem Fandin

Project Location: 212 Acton Street

Project: Unpermitted work within Bordering Vegetated Wetland, within 100' of Bordering Vegetated Wetland and within the 200' Riverfront Area. Work will include restoration of Bordering Vegetated Wetland and mitigation plantings, replacement of a walkway, replacement of underground wires, repaving of the existing driveway, and construction of a post and rail fence, walkway, and patio.

Nathaniel Cataldo of Stamski and McNary presented the proposed plan to address the requirements of the Enforcement Order that was issued for unpermitted work undertaken within jurisdictional areas. There is Bordering Vegetated Wetland (BVW) on much of the western, northern, and southern portions of the site that projects a 100-foot Buffer Zone onto almost the entire property. There is an unnamed perennial stream to the west of the site that projects 200-foot Riverfront Area onto the property. The existing dwelling is located partially within the 200-foot Riverfront Area to the stream. The unpermitted work within jurisdictional areas includes landscaping, removal of shrubs and vegetation in the front yard, removal of a deck to the rear of the dwelling, construction of stone retaining walls and stairs at end of the driveway near the garage and the installation of a siltation barrier. The landscaping and installation of the siltation barrier altered 96 s.f. of BVW.

Proposed mitigation includes the planting of 35 native shrubs to restore the cleared area and to create a natural buffer of approximately 20 feet between the new edge of lawn and the BVW. The altered wetland is proposed to be seeded with New England Wetmix or an approved alternative. Additional proposed work within jurisdictional areas includes loaming and seeding the front yard, replacing the front walkway, replacement of underground electrical wires connected to the light posts along the driveway, construction of a post and rail fence along the driveway, repaving/resurfacing the existing driveway, construction of a patio and walkway to the rear of the dwelling and loaming and seeding of the remainder of the front yard.

Wells asked Mr. Cataldo to describe how the altered site topography may have changed the existing drainage. Mr. Cataldo said there were no obvious changes to the topography resulting from the work that would have changed the flow path towards the wetland across the gently sloping front yard. Wells recommended the applicant be required to provide permanent monumentation of the restoration area to avoid potential issues in the future. Wells also requested a revised plan illustrating existing vs proposed work and providing pervious vs impervious material for the proposed walkway.

Questions were raised regarding the soil testing done within the Buffer Zone near Acton Street - including removal of all vegetation that had existed from the driveway to the soil testing area- as to whether this activity would meet exemption criteria under the Wetlands Protection Act. A further review will be undertaken. The Commission will also perform a review of the Riverfront Standards for development to determine if the proposal would comply with redevelopment standards. A site walk will be scheduled prior to the continued hearing.

On the motion by Hundal and seconded by Wells, it was VOTED to continue the hearing with the representative's approval to 6/22/2023 at 8:15 p.m. Roll Call Vote: Wells-aye; Shepard-aye; Young-abstain/abutter; Murphy-aye, Parra-aye.

8:07 p.m. (DEP 125-1154) Notice of Intent, Continued Hearing

Applicant: Michael Napier/East Coast Development

Project Location: 42 Bingham Road

Project Description: Construction of a driveway with an open bottom box culvert to cross an intermittent stream providing access to a proposed single-family dwelling and deck, a water supply well, elements of a

sewage disposal system, a second, and temporary disturbance and reconstruction of an intermittent stream to allow installation of a septic system leaching field. Work is within Bordering Vegetated Wetland and Bank resource areas and within the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

On the motion by Murphy and seconded by Hundal, it was VOTED to continue the hearing at the representative's request to 6/8/2023 at 8:00 p.m. Roll Call Vote: Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

8:10 p.m. (DEP 125-1151) Notice of Intent, Continued Hearing

Applicant: Federal Investment Properties Trust

Project Location: 445 East Riding Drive - Lot 2

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

(DEP 125-1150) Notice of Intent, Continued Hearing

Applicant: Federal Investment Properties Trust

Project Location: 445 East Riding Drive - Lot 3

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

At the applicant's request, this hearing should be opened and immediately continued to the next meeting.

On the motion by Murphy and seconded by Hundal, it was VOTED to continue the hearings for DEP 125-1151 and DEP 125-1150 at the representative's request to 6/22/2023 at 8:30 p.m. Roll Call Vote: Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

8:37 p.m. (DEP 125-1158) Notice of Intent, Continued hearing

Applicant: Colin Moriarty

Project location: 291 Skelton Rd & 0 River & 383 River Road, Map 1, Parcels 1-2,1-7, & 7-1

Project description: After-the-fact filing for completing construction on a common driveway providing access to four single-family lots as approved in the amended OOC for DEP File #125-0893.

On the motion by Young and seconded by Murphy, it was VOTED to continue the hearing at the applicant's request to 6/22/2023 at 8:15 p.m. Roll Call Vote: Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

8:53 p.m. (DEP 125-1140) Notice of Intent, Continued Hearing

Applicant: Martha and Kenneth Bedrosian

Project Location: 44 Bedford Road

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

Present were Martha and Ken Bedrosian, who informed the Commission they would like to revert to the original plan submission dated 7/18/2022 due to rising construction costs and logistical site constraints.

Parra reminded the Commission that when the proposal was submitted last summer, MassDEP had issued a technical comment indicating that the proposed garage should be moved farther from the wetlands, and subsequent to that, the Bedrosians submitted alternative plans which complied with DEP's request by moving the garage to an alternative location attached to the house.

Murphy said his concerns expressed when the project was initially proposed remain unchanged – not the least of which is a proposed three-foot setback from garage to the wetland, which he said is likely going to continue to creep based on the applicant's previous comments. Mrs. Bedrosian said the land was not wet when they purchased the house over 20 years ago. She believes the town needs to do something about the runoff or the

wetland line will continue to move up, particularly given the increase in impervious surfaces in the area. Parra said that while he understood the concerns, these are not things the Commission can address and suggested they take them up with the Select Board. He said that without a bylaw with a no-build zone, the Commission's guiding standard is the standard of the Wetlands Protection Act, which states that work within the Buffer Zone should not have any adverse impact on the wetland resource area. He said in this case he does not think constructing a garage within 3 feet of the wetlands cannot have a negative impact.

The Commission concluded that a site visit prior to the next hearing will be helpful to assess current conditions. On the motion by Murphy and seconded by Hundal, it was VOTED to continue the hearing with the applicant's approval to 6/22/2023 at 8:30 p.m. Roll Call Vote: Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

Plan Change Requests:

(DEP 125-1064) Bedford Road/Woodward Village/Kay's Walk; Applicant: Dan Gainsboro; Redirection of a portion of the drainage system.

Dan Carr of Stamski shared the revised plan illustrating both the originally approved drainage system and the proposed modifications as follows:

(1) The soil absorption system is located above finished grade to achieve the required offsets to groundwater. The elevation of the system combined with the surrounding topography created a low point behind the system. To address the ponding condition in this location, a drop inlet was proposed at the low point and proposed to connect to the drainage system in the street, which brought the stormwater to subsurface stormwater chambers that infiltrate into the ground. The approved drainage system required the pipe to be located 14 feet below ground level; however, upon initiation of construction of the system, the contractor encountered ledge and large boulders at this depth. The proposed design modification directs the pipe the other way around the soil absorption system, to the north and around the low side, which then flows into the infiltration trench located along the slope downgradient of the SAS that was designed to capture surface runoff. The design revision is more feasible in locating the pipes at 3-4 feet below grade vs 14 feet. Jurisdictional impacts of the proposed design changes include a 16-foot length of pipe located beyond the approved Limit of Work (LOW). If approval is provided, the siltation barrier and siltation fencing would be extended to encapsulate the new area of work.

(2) Additional roof drywells are proposed for #2, #3, and #15 Kay's Walk because of difficulty getting downspouts to the originally proposed drywells, which are still proposed. This will allow all roof runoff to enter a drywell, as originally intended and approved

Willard pointed out that a portion of the planned revised route for the pipe will travel through a narrow section of the open space parcel created as part of this project and which is now owned by the Carlisle Conservation Commission. She noted that although the Open Space does not yet have a CR on it, one will soon be under construction, and she requested that the property boundary be located in the field by survey

Wells asked if they are seeking a red line change from the Commission or will they be submitting a Request for an Amended Order of Conditions (OOC). Mr. Carr said they are hoping to receive approval as a red-line change. Parra referenced Mass DEP's policy regarding plan amendments, which allows the Commission at their discretion to make minor changes by red line vs a new NOI, provided there are no resulting increased impacts on the wetland resource areas. Parra noted the extension of the erosion control onto the town land and said he will be reviewing the deed as to whether the Commission can permit drainage structures associated with the development relative to the drainage easement.

On the motion by Wells and seconded by Murphy, it was unanimously VOTED to approve the proposed modifications as a red line change with the understanding that the Planning Board will address additional legal matters. Roll Call Vote: Wells-aye; Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

Plan Change Request and Request for Extension:

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

Parra stated the applicant has requested both an extension of the OOCs and more recently the approval of a plan change request. The Commission had previously deferred action on the request for an Extension because they were of the view that the work would not be permissible as a plan change and would instead require the filing of a new Notice of Intent.

Present on behalf of the applicant was Eric Bradanese of Engineering Alliance, Inc. who provided an overview of the proposed plan changes. The purpose of the proposed plan modification is to supplement the previously approved plans with the addition of a fire access road and to reconstruct the existing headwall system and culvert at the entrance to the project site. The previously approved plan included a fire standpipe that drew from an existing pond located on the site. Through coordination with the Fire Department, there was discussion about removing the approved standpipe and instead using an inductor system. Fire truck access to the common driveway would be provided by an 85-foot-long by 10-foot-wide bituminous concrete access road off the common driveway. There is a proposed stone drip edge on the downgradient side of the proposed access road to mitigate any stormwater runoff generated by new impervious surface. The location and configuration of the access road has been submitted to the Planning Board and Fire Department for their review.

The second component of the request is removal and replacement of the existing, deteriorating stone and mortar headwalls with concrete retaining walls and the replacement of a 30-inch culvert with a 42-inch ADS pipe at the existing stream crossing. The approved plan required restoration of the headwalls, but it was later determined that it would not be possible to restore the headwalls and ensure they would meet the loading standards for fire truck access. The replacement of the existing corrugated metal pipe with a partially embedded ADS pipe will provide 1.5 times the existing capacity for stream travel, support of H-20 loading and will create a natural bottom for wildlife migration through the culvert. Construction of the headwall system will require temporary impacts to the wetlands systems on either side of the crossing. These impacts will be limited to excavation for the removal of the existing headwall system and the installation and embedment of the new headwall system. Erosion controls consisting of silt booms will be placed on either side of the crossing to protect the BVW.

Parra asked Mr. Bradanese if they had calculations as to temporary and permanent impacts to the wetland resource areas. Mr. Bradanese said it was his understanding that the approved plan includes approximately 200 s.f. of area impact in the pond/Land Under Water which they would be removing and replacing with approximately the same area of temporary impact at the stream crossing/BVW.

Parra said the technical question before the Commission is whether this can be permitted as an amendment or whether it requires a new filing. He said in his view the proposal requires a new NOI, with particular attention to the Stream Crossing Standards. There was unanimous support by the Commission for taking this approach.

Present was Scott Sayer of 61 Judy Farm Road, who expressed significant concerns regarding the dramatic impact a paved 85-foot-long road located in front of his house would have on his property and stated he would not agree to a modification to the signed Common Driveway agreement. Parra explained that what is presently before the Commission is not about the proposal itself but is instead about the proper process for considering the applicant's proposal. He said it is the sense of the Commission that the applicant should file a new NOI, which would include a public hearing at which public comments could be provided.

Mr. Bradanese said they were hoping for approval of the request for an extension to be followed by a Request to Amend, which would include abutter notifications. Parra said if the Commission were to extend the existing OOC and accept a request to Amend the OOC, they would be bound by the existing wetland delineation, which was last reviewed several years ago. He said the Commission has determined a NOI will be required for the

proposed changes vs an amendment, therefore although the applicant made the request for an extension in a timely manner, the granting of the extension would not be helpful in this case.

Also present was the applicant, Adam Ostrow, who stated for the record that the paved access road is primarily being driven by public safety recommendations, noting accessing water in this area of town has been a known deficit for over 30 years.

On the motion by Young and seconded by Murphy, it was unanimously VOTED to require the applicant to file a new NOI. Roll Call Vote: Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye. The request for an extension was deferred to a later date.

(DEP 125-1153) Derek Zanga: Off South Street. Request to remove foundations located substantially outside the potential Riverfront Area and outside the potential 100-foot Buffer Zone to a Bordering Vegetated Wetland.

Applicant Derek Zanga presented a red line change request to allow the removal of structures, under the previously approved Ecological Restoration Limited Project NOI. He noted this work had been included with the proposal for the original project for the driveway, which is currently on hold pending additional information. After a week of site work, he reported they have been through approximately 15-20% of the site and would like to remove the structures in order to expose the natural soil and restore these areas as part of the restoration project.

Proposed additional work includes approximately 6k s.f. of removal/restoration within Riverfront Area including removal of concrete foundations, a small section of a collapsed barn and removal of an abandoned well which they would fill in with native soil and restore. Mr. Zanga estimates the depth of the foundations at 4-6 inches in the deepest locations. Removal will be done using the same means and methods as proposed in the original NOI for this project; there will be no equipment within 25 feet of the setback; removal in these areas will be done via bucket equipment that is able to reach in or it will be removed by hand. Areas where removal has occurred will be graded out with on-site soil material. Willard commented that the Board of Health has procedures required for decommissioning a well.

On the motion by Hundal and seconded by Murphy, it was unanimously VOTED to approve the removal of the structures within the jurisdictional areas as a red line change to the existing OOC. Roll Call Vote: Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

Request for an Extension

(DEP 125-1062) 274 Heald Road; Applicant: Justin Delva; Project: Removal of 22 trees and an addition to a single-family home. Issued: 2/15/2019. Pending completion is the implementation of the mitigation planting plan. On the motion by Murphy and seconded by Hundal, it was unanimously VOTED to approve the Request for an Extension for 3 years, with 2 years of monitoring reports following the mitigation planting. Roll Call Vote: Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

Tree Removal Application:

120 Wolf Rock Road - Diane Staheli: Request to removal 8 trees located within the 100-foot Buffer Zone, as listed in order of priority on the application. The proposed trees to be removed are either damaged and need to be removed as they present an immediate hazard or should be removed as preventative maintenance to avoid damage to the infrastructure on the property (utility lines and driveway surface). Proposed mitigation planting includes 2 native evergreen and 3 native shrubs (species dependent on availability at time of replacement).

The discussion was continued to 6/22/2023 pending a site visit.

Certificates of Compliance:

(DEP 125-1091) 484 West Street: Applicant: Mark Schulman; Project: Construction of a single-family home and appurtenances; issued: 6/25/2020.

On the motion by Murphy and seconded by Hundal, it was VOTED to issue a Certificate of Compliance for DEP 125-1091 based upon Willard's recommendations. Roll Call Vote: Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

Enforcement:

271 Russell Street – Unpermitted tree removal within the BVW and Buffer Zone: Present was property owner David Thomas to provide an update on his progress in meeting the requirements of the Enforcement Order including the removal of logs from jurisdictional areas. Willard said the remaining requirements include submission a planting plan consisting of native trees and shrubs and to work with the DPW to provide a proposed solution to address the erosion issues resulting from the unpermitted drainage off Russell Street. Willard noted the drainage issue is not of the owners making but must be addressed as it is an ongoing violation of the Wetlands Protection Act.

Mr. Thomas said he intended to plant 5 red maple trees and 5 highbush blueberries within the restoration area but did not have a formal planting plan. Parra suggested Mr. Thomas could provide a sketch illustrating locations for the proposed plantings vs a formal engineered plan given the limited number of plantings. With regard to the drainage issues, Mr. Thomas said he had spoken with Gary Davis prior to his retirement from the DPW, but there has been no progress in determining a solution to the problem. Parra suggested it is a fairly standard engineering design to address point discharges in proximity to wetlands, which are often just detention to slow down the flow rate. He suggested that Mr. Thomas consult with an engineer to provide a plan for consideration by the Commission; in the meantime, the Commission will include time for a review of the planting sketch at their next meeting.

Conservation Land Management:

Towle Conservation Land - Poison Ivy/Invasive Plant Control: The Commission has received a quote in the amount of \$3,400 from Maddie Kiszewski of The Backyard Invasives Project for hand removal of poison ivy from the Towle West Field and invasive plants on the main field at Towle. The Commission will continue the discussion upon receipt of additional proposals for herbicide application in order to have a comparison point.

10:09 p.m. On the motion by Hundal and seconded by Shepard, it was VOTED to adjourn. Roll Call Vote: Shepard-aye; Young-aye; Murphy-aye; Hundal-aye; Parra-aye.

Respectfully submitted,
Mary Hopkins

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