

**Carlisle Conservation Commission**  
**June 9, 2022**  
**Minutes**

**7:02 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: Chair Alex Parra, Vice Chair Dan Wells (7:35 to 8:30), Lee Tatistcheff, Helen Young, Brian Murphy, Navneet Hundal  
Members Absent: Nick Ognibene  
Conservation Staff: Sylvia Willard, Conservation Administrator  
Mary Hopkins, Asst to the Conservation Administrator

**New and Pending Business: (taken up throughout the meeting as time permitted)**

**Signatory Authorization:** On the motion by Young and seconded by Hundal, it was VOTED to authorize the Administrator to sign documents on behalf of the Conservation Commission. Roll Call Vote: Tatistcheff-aye, Murphy-aye, Hundal-aye, Young-aye, Parra-aye.

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

**FY23 Election of Officers and Reappointment of expiring terms:** On the motion by Hundal and seconded by Tatistcheff, it was VOTED to re-appoint Helen Young as the Commission's liaison to the Community Preservation Committee and to appoint Murphy as liaison to the Conservation Restriction Advisory Committee. Roll Call Vote: Tatistcheff-aye, Murphy-aye, Hundal-aye, Young-aye, Parra-aye. The Commission confirmed the reappointments of ConsCom members Ognibene and Young.

**FY23 Budget:** Hopkins is preparing year end projections to determine funds that will be available for encumbrances for conservation land management activities, including Cranberry Bog maintenance, herbicide treatments for ongoing invasive plant management, and mowing of the Benfield Conservation Land.

**Riverfest 2022:** This National Park Service celebration of the Federally designated Wild and Scenic Concord River will mark its 20th year over the weekend of June 18 and 19. Alan Ankers of the Trails Committee will be organizing the Sunday morning Sunrise Canoe and Kayak Wildlife Viewing Trip.

**75 West Street – Preliminary Plan:** A pre-submission meeting is scheduled for June 14 at town hall with the engineer and various department heads to discuss a planned six-lot Conservation Cluster.

**(DEP 125 –1139) Notice of Intent**

**Applicant: Lauren Marolda**

**Project Location: 190 Lowell Street**

**Project Description: Replacement of an existing garage within the same location and removal of a small tree with all work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland.**

The hearing could not be opened due to an error in noticing and will be advertised in advance of the opening hearing on June 30, 2022 at 7:15 p.m.

**(DOA– 374) Request for Determination**

**Applicant: Steve and Michele Robinson**

**Project Location: 87 Bingham Road**

**Project Description: Remove and replace walls of a 3-season porch including the expansion of the porch by nine feet on the front of the porch without excavation.**

The hearing could not be opened due to an error in noticing and will be advertised in advance of the opening hearing on June 30, 2022 at 7:30 p.m.

**7:35 p.m. (DEP 125-1138) Notice of Intent, Continued Hearing**

**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**

Present on behalf of the applicant was Robert Melvin Stamski and McNary. Mr. Melvin recapped his summary of the project from the previous meeting for Commissioners who were not present at the opening of the hearing. Following his summary, he said they are open to discussion regarding mitigation requirements and to comments following the Commission's recent site walk.

Murphy said he was concerned in general about the number of trees proposed for removal, with his primary concern being removal of trees located within a resource area. He noted there are a number of trees located in the back of the property that are leaning away from the house. He said he would hope the Commission would be requiring the applicant to hire an independent arborist to make a determination as to which trees pose a hazard.

Parra supported Murphy's remarks. He said based on his observations on the site, he agrees the two trees closest to the rear of the house could legitimately be of concern in terms of danger to the house. He has concerns about the remainder of the trees located at the back of the house because they form a canopy that shades the wetland and removing them would have negative impacts on the system. Of least concern to him were the trees located in the lower portion of the property, near River Road.

Wells agreed with Murphy's comments in terms of the removal of trees located within the resource area. He pointed out that MassDEP had issued a request for additional information, including justification for permanent impacts to the BVW and providing proposed restoration measures. He also agrees the applicant should be required to provide an opinion from an arborist. He would like the applicant to consider leaving a number of trees as totems to provide wildlife habitat as part of the mitigation package. He observed a wood frog next to the ponded area on the site and the BVW has some of the characteristics of a vernal pool, although it has not been surveyed to his knowledge. He would like the applicant to consider that dramatically reducing the canopy in this area could be detrimental to breeding amphibians.

Parra asked Mr. Melvin if he now had sufficient feedback to reconfigure the plan and obtain an opinion from an arborist in terms of hazard trees. Mr. Melvin asked if the Commission had an arborist they could recommend. Parra explained the Commission is not in a position to make recommendations as to independent professionals who are going to be presenting to the Commission. He said the Commission will generally accept a statement from someone who is qualified and who provides sufficient information to support their recommendation. Tatistcheff said although she is not sure she shares the concern, some Commissioners would strongly prefer that the arborist be told up front that the certification irrespective will not lead to them being hired for the removal.

Mr. Melvin asked if the Commission would look more favorably upon the proposal if mitigation were provided for some of the trees they may have felt were not justified. Parra said his sense is the Commission would not approve the removal of the trees located within the resource area regardless of mitigation, and with respect to the rear of the property, the proposed canopy removal would be difficult to mitigate for. He recommended the applicant consider what is likely to be approved and what is likely to be disapproved in designing the mitigation plan. In addition to the mitigation plan, the applicant was also requested to provide a revised plan including the following: identify how they will access the trees in the rear of the property and a location where they plan to temporarily stockpile the trees before they are removed from the site; clarify lot lines that are not closed on the current plan; abutters should be shown.

Property owner Jakob Schwan explained his concerns regarding the two 100-foot trees located within the wetland are due to the fact that two adjacent trees had fallen in recent years. He believes this indicates that others in the vicinity may come down. He said the primary purpose of the request is safety for his family and for the dwelling Parra said the Commission has indicated there needs to be justification beyond mere concern and has suggested that you engage a certified arborist to review the trees and provide a certification as to what trees constitute a danger to your house. Mr.Schwan said this information would have been helpful information leading into this exercise. He then requested confirmation that the Commission is requiring that every tree on the plan be reviewed by an arborist to declare which of the trees should come down. Parra confirmed. Tatistcheff pointed out that not all trees are the same and to alter a resource area requires justification. She said there are alternatives such as significant pruning that would eliminate the hazard. Mr. Schwan said he did not see a lot of detail regarding the process online and considers it the responsibility of the Commission to provide this information. He said he is not sure there is a single tree on the plan that is not a danger to the dwelling and believes it would be the liability of the town if the request is denied and damage occurs.

Parra said the Commission appreciates the concern for safety. He explained the Commission is administering a state law that has a comprehensive set of regulations and part of the purpose of engaging an engineering firm is to review those regulations and to make appropriate recommendations to you based upon them. Mr. Schwan said he agreed the engineering firm holds some responsibility and said he admittedly is not well versed in the regulations.

On the motion by Tatistcheff and seconded by Murphy, it was VOTED to continue the hearing to June 30, 2022 at 7:15, with the requirement that updated information be submitted no later than noon on June 24. Roll Call Vote: Wells-aye, Murphy-aye, Young-aye, Parra-aye. (Tatistcheff and Hundal not present at the previous hearing.)

**8:10 p.m. (DEP 125 – 1132) Notice of Intent, Continued hearing**

**Applicant: Homer T. Ash**

**Project Location: 163 Nowell Farm Road**

**Project Description: Removal of 30 +/- trees from around a residence which are diseased or present a hazard to the existing dwelling, one of which is located within BVW.**

Applicant Homer Ash reported the tree removal plan has been updated based on discussions at the previous meeting. The revised number of trees proposed trees for removal is now 14 and 3 stone boundary markers have been added as a permanent limit of work. The mitigation planting plan remains unchanged with 5 trees and 17 shrubs as originally proposed.

Wells said he did not see any changes from the previous plan except the addition of three hand drawn boundary markers. Mr. Ash said the new plan shows the 14 trees proposed for removal and designates which will be left as totems. Willard realized she had been sharing the previous version of the plan and said she was not able to remotely access the most recent plan . Tatistcheff said she had received the revised plan dated May 16, 2022 in the meeting packet, which includes 7 totems, 7 complete removals, and 3 boundary markers. Murphy said tree #s 1 and 2 are farther from the house and asked why they were not included as totems to remove the chance they could strike the house vs complete removals. Mr. Ash said Commissioner Wells had requested that trees within 30 feet of the wetlands be left as totems; they wish to completely remove vs totem the two out in front of the house for aesthetic purposes. Hundal said she believes the Commission should be conscientious about applicants' preferences regarding the front of their homes and said she would not vote to require these two trees be left as totems. Murphy countered that taking 20 feet off the top of these trees would leave a large amount of biomass in place. Mr. Ash said the two trees in question are both in the open and they have been advised that they would hit the house if they came down in that direction.

Wells asked if the revised plan is acceptable to the Commission without locating the boundary markers on the plan by survey. Mr. Ash said he was capable of doing this himself if the Commission wanted to specify how many feet the markers should be placed from the house.

Murphy asked if the applicant was agreeing to relocate the woodshed out of the wetland and to allow the understory in the buffer zone to re-naturalize. Mr. Ash said he would be unable to get heavy equipment back there to remove the shed. He said it has been in that location for 40 years and asked if there is an exception process for something like this. Parra suggested the Commission could approve the boundary markers as a permanent limit of work to prevent further clearing and also include a Condition stating that no work can be done beyond the markers without another NOI. Tatistcheff said although she would like to see the woodshed removed, she agrees with Mr. Ash's previous point that removal of the woodshed would likely cause more damage to the resource area and to the Buffer Zone due to accessibility issues.

Wells said he would be satisfied with the plan if the applicant agrees to allowing the area to the north of the boundary markers to re-naturalize as a Condition. Hundal suggested there should be a notation on the plan indicating where the markers are located as reference for future owners. Wells suggested a requirement that the applicant submit a photograph of three clearly labelled stakes with precise measurements from fixed survey points with the requirement that the locations are to be inspected by the Administrator for verification prior to tree removal. There were no further comments from the Commission and no public comment.

On the motion by Tatistcheff and seconded by Wells, it was VOTED to close the hearing for DEP 125-1132. Roll Call Vote: Wells-aye, Tatistcheff-aye, Murphy-nay; Hundal-aye, Young-aye, Parra-aye. Motion passed. On the motion by Tatistcheff and seconded by Wells, it was voted to issue a Standard Order of Conditions with the following Special Conditions: specific trees are the subject of this Order of Conditions as follows: 7, including 2 dead ash trees to be removed to the ground and 7 left as totems as noted in the "Key to Tree Removal Request for 163 Nowell Farm Road" dated 5/14/22; all trees identified as #1 through to #14 on the plan dated 5/16/2022 shall be clearly identified as to which are to be removed and which are to be left as totems prior to removal; totems shall be left at 12' -16 ' high; prior to tree removal, 3 permanent boundary markers shall be placed at the edge of the lawn at the rear of the home to designate a permanent limit of work; the area beyond the boundary markers shall be allowed to re-naturalize with no further leaf blowing/vegetation maintenance in the area; no work shall commence until boundary information, including photographs, is submitted to the Conservation office and verified on site at least 2 days prior to removal; no work shall occur beyond the markers without issuance of a new Order of Conditions. Roll Call Vote: Wells-aye, Tatistcheff-aye, Murphy-nay, Hundal-aye, Young-aye, Parra-aye. Motion passed.

#### **8:40 p.m. (DEP 125-1026) Request to Amend the Order of Conditions, Continued Hearing**

**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**

Nathanial Cataldo of Stamski and McNary was present to review the revised plan for stabilization of the second wetland crossing. He acknowledged the Commission may not be able to provide comments because the revised plan was submitted within hours of the continued hearing. Shortly into Mr. Cataldo's review of the revised plan, Tatistcheff said this has been a complex site and she is not able to give proper consideration to a complicated plan submitted on the order of three hours before the meeting and well beyond the deadline. She said a better option would have been to request a continuance. She requested that the presentation be repeated at the next continued hearing. Parra agreed with Tatistcheff's comments and asked Mr. Cataldo if they had reviewed the list of open Conditions from the prior order and whether there is going to be a response. Mr. Cataldo said they had not yet received a response from the wetland scientist.

On the motion by Tatistcheff and seconded by Hundal, it was VOTED to continue the hearing to June 30, 2022 at 8:00 p.m. Roll Call Vote: Tatistcheff-aye, Murphy-aye, Hundal-aye, Young-aye, Parra-aye.

#### **8:53 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**

On the motion by Tatistcheff and seconded by Hundal, it was VOTED to continue the hearing to July 21, 2022 at 7:30 p.m. at the representative's request. Roll Call Vote: Tatistcheff-aye, Hundal-aye, Young-aye, Murphy-aye, Parra-aye.

**Certificates of Compliance:**

**(DEP 125-1096) 49 Concord St. Applicant: Laurel Schaidler, Project: Installation of a septic system and plantings. (A proposed barn and driveway not constructed); Issued:10/13/2020.**

On the motion by Tatistcheff and seconded by Young, it was VOTED to issue a Certificate of Compliance for DEP 125-1096. Roll Call Vote: Tatistcheff-aye, Murphy-aye, Hundal-aye, Young-aye, Parra-aye.

**Proposed Red Line Change:**

**(125-1123) 1756 Monument Street; Applicant: John Sabatino, Project: Construction of a garage; Issued:10/21/2021. Change requested: Reconfiguration of the project resulting in less work within the buffer zone.**

Molly Obendorf of Stamski and McNary presented the revised plan. The revised plan includes relocating the garage in order to avoid the need to replace the existing septic tank and line. Also included is a smaller driveway extension to the garage, resulting in less impervious surface area within the Buffer Zone.

On the motion by Tatistcheff and seconded by Murphy, it was VOTED to approve the revised plan for DEP 125-1123 in accordance with the revised plan dated June 6, 2022. Roll Call Vote: Wells-aye, Tatistcheff-aye, Murphy-aye, Hundal-aye, Young-aye, Parra-aye.

**Conservation Land Management:**

**Land Use Permit: North American Bat Study**

The North American Bat Monitoring Program (NABat) is a continental-wide project designed to study the long-term trends in bat populations which will assist in identifying conservation measures that would help protect and stabilize bat populations. Carlisle falls within one of the 10 x 10 square kilometer sites identified as priority grids by the NABat monitoring program.

Dr. Alison Robbins of the Cummings School of Veterinary Medicine, Tufts University was present request a two-year land use permit for town owned locations in Carlisle to continue a study on bat populations using acoustic monitoring devices on Foss Farm, the Cranberry Bog and Towle Field for a two-week period during May/June. The recording devices are pre-programmed to record between dusk and dawn and only collects audio data in the ultrasonic range that bats use, and thus no human conversations can be recorded. Dr. Allison also requested permission to also install mist netting to do live capture and release of bats for further study during the upcoming monitoring periods.

On the motion by Tatistcheff and seconded by Murphy, it was unanimously VOTED to issue a two-year Land Use Permit to Dr. Alison Robbins of the Cummings School of Veterinary Medicine, Tufts University, as requested, with the requirement that the Commission and the Carlisle Police Department be notified at least two days prior to monitoring activities. Tatistcheff-aye, Murphy-aye, Hundal-aye, Young-aye, Parra-aye.

**Emergency Certificate: Cranberry Bog 750 Curve Street; Applicant: Conservation Commission**

An Emergency Certificate has been issued allowing work associated with the removal of an abandoned beaver lodge on Cranberry Bog Dam #1. Mark Duffy will be removing the lodge and obtaining the appropriate material to fill the remaining holes under the current Maintenance Agreement for the Cranberry Bog. Authorization to perform this work has been provided by the Massachusetts Division of Fisheries and Wildlife.

**Greenough Dam Repair:** Willard reported receiving additional reports of concern regarding the water levels of the dam. The Commission was supportive of her suggestion to obtain an estimate from the engineering firm that designed the dam repair to provide an option for a modification that would allow for one-foot stoplog gates on the two sections of flume that do not include boards. The work would be funded through remaining funds in the CPA

grant awarded to the Commission for the repair of the dam. On the motion by Tatistcheff and seconded by Murphy, it was VOTED to pursue a proposal from Stephens Associates. Roll Call Vote: Tatistcheff-aye, Murphy-aye, Hundal-aye, Young-aye, Parra-aye.

**Cranberry Bog – Lower Water Level:** Parra reported the Cranberry Bog Working Group recommends that the Commission approve placing an additional eight inches of board in the flume. He said he believes this is an appropriate measure, but the concern is that with the agricultural use no longer being undertaken there is no one currently managing the boards. He said the Commission will need to determine who will be responsible for removing the boards in advance of major flood events. On the motion by Murphy and seconded by Tatistcheff, it was VOTED to raise the preboard level eight inches. Roll Call Vote: Tatistcheff-aye, Murphy-aye, Hundal-aye, Young-aye, Parra-aye.

**Selection of the Conservationist of the Year Award:** On the motion by Tatistcheff and seconded by Hundal, it was VOTED to nominate Marjorie Findlay and Geoffrey Freeman for the Conservationist of the Year Award for their generosity in granting a permanent Agricultural Preservation Restriction on Clark Farm to the American Farmland Trust. Roll Call Vote: Tatistcheff-aye, Hundal-aye, Murphy-aye, Young-aye, Parra-aye.

9:03 p.m. On the motion by Tatistcheff and seconded by Young, it was VOTED to adjourn. Roll Call Vote: Tatistcheff-aye, Hundal-aye, Murphy-aye, Young-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**