

Carlisle Conservation Commission
June 10, 2021
Minutes

7:00 p.m. Chair Tatistcheff Introduction to Remote Meeting: The COVID-19 State of Emergency which began on March 10, 2020 ended on June 15, 2021. On June 16, 2021, Chapter 20 of the Acts of 2021, was signed into law by Governor Baker, extending the option for remote meetings for commissions until April 1, 2022. 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), Ken Belitz, Dan Wells (7:27), Helen Young, Alex Parra (9:09 p.m.), Navneet Hundal
Conservation Staff: Sylvia Willard, Conservation Administrator; Mary Hopkins, Assistant to the Administrator

Administrative Matters:

Signatory Authority: On the motion by Young and seconded by Verge, it was VOTED to allow Administrator to sign documents approved at this meeting on behalf of the Conservation Commission. Roll Call Vote: Verge – aye; Belitz – aye; Young – aye; Hundal – aye; Tatistcheff – aye.

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

7:18 p.m. (DEP 125-1085) Abbreviated Notice of Resource Delineation, Continued Hearing

Applicant: Chris Buono, South St Carlisle, LLC; FKA: All Things Real Estate,

Project Location: 0 South Street, Map 5 Lots 54 and 56

Project Description: Review of 6,500 feet of Bordering Vegetated Wetland Resource Area Delineation
Brian Gaudreau of Hancock Associates

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

Present on behalf of the applicant were attorneys Christopher Senie and Victoria Dalmas of Senie & Associates, PC. Attorney Senie said they are not looking for a decision on the application tonight; rather to request inclusion of a continued hearing for this project within the submittal requirements communicated to him by Willard. Attorney Senie said the question here is an ORAD the applicant seeking that would do two things: confirm the wetland delineation, which has been reflagged and to which he believes there is substantial agreement on location; the other matter is to classify the unnamed stream which crosses this property, which is mapped a perennial stream in the USGS maps. So, the issue arises as to whether the Commission has jurisdiction under the Rivers Protection Act over that stream. The presumption that arises because it is mapped perennial is something that can be rebutted.

Attorney Siene said there is also a secondary type of presumption that has existed here and which they would like to point to, which is that twice historically this commission has treated this section of stream located on the subject property and down to and across South Street as intermittent: in 2010 at 575 South St, where the Commission granted an OOCs which found that this section of stream is intermittent, and then in 2016, the subject property received an ORAD which made the same conclusion. He said since there are two competing sets of presumptions, they need to provide evidence that satisfies the Commission that the stream is intermittent. He noted that there is a strong history here of decisions by this Commission that this particular stream is intermittent, and in order to avoid any actions going forward that would be arbitrary and capricious, what arises is that have

there been changes in this section of this stream that would cause the board to consider that this section has become perennial.

Attorney Siene said they plan to submit a package in advance of an upcoming meeting in which they plan to point to the various indicators that they believe do provide the comfort that the Commission is looking for. Tatistcheff said that since the Commission's peer reviewer will not be available for the next meeting, they will need to push the continuance off until July. Attorney Siene agreed to provide the submittal by the end of June. On the motion by Hundal and seconded by Belitz, it was VOTED to continue the hearing to July 15, 2021 at 8:00 p.m. with the representatives' approval. Roll Call Vote: Verge – aye; Belitz – aye; Young – aye; Hundal – aye; Tatistcheff – aye.

7:30 p.m. (DEP 125-1107) Abbreviated Notice of Resource Area Delineation, Continued hearing
Applicant: John Moravec
Project Location: Clark Farm Road Map 8 Parcel 38-Y Lots 2-1 and 202, & Map 15 Parcel 13-4
Project Description: Confirmation of Resource Area Delineation.

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

Nathaniel Cataldo of Stamski and McNary presented the revised Resource Area Delineation Plan via screen share. The changes include additional wetland flagging and changes to existing flags based on the peer review conducted by David Pickart of Ecological Resources Consultants. The flag adjustments were made in the field on June 2, with Wetlands Consultant David Crossman of B & C Associates, Mr. Pickart and Willard also present for the review. Mr. Cataldo noted an isolated wetland was found on the site and said it is not subject to local or state bylaws.

Tatistcheff asked Mr. Pickart if he could confirm the isolated wetland is non-jurisdictional. Mr. Pickart confirmed there is no hydraulic connection but said he would like to get some understanding as to whether it could be regulated as Isolated Land Subject to Flooding. To do that, he said either the engineer of record could conduct calculations, or if they are able to provide him with the plan with topography detail, he could run a calculation. Wells said to save time, his preference would be to have Stamski and McNary do the calculations, since they have the data, making sure Mr. Pickart can then analyze their work.

Mr. Pickart noted there is the possibility that the isolated wetland could potentially be a vernal pool. Wells asked him if the isolated wetland was completely dry when he saw it and asked what makes him think it may be a vernal pool. Mr. Pickart said there were a couple of reasons: it held water when they reviewed it; they observed moss trim lines on the trees that were growing out of it, that suggest it floods higher than when they observed; the water was very clear, with suitable ground cover for egg masses to attach to. Mr. Pickart said that although he could not say for certain, he believes there is a good chance it could be providing breeding habitat. Wells asked if he had observed wood frog tadpoles. Mr. Pickart said they did not, but he suspects the pool had dried out before the recent heavy rains, and the months prior to that, while we were not in a declared drought, DCR has classified them as “extremely, abnormally dry”- as close to a drought as you can get without it being a declared drought.

Tatistcheff requested a revised plan that includes one-foot contour lines and requested and received confirmation from Mr. Cataldo that Willard can access the site for additional field work. On the motion by Young and seconded by Wells, it was VOTED to continue the hearing to June 24, 2021 at 7:30 p.m. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Hundal – aye; Tatistcheff – aye.

7:43 p.m. (DOA-369) Request for Determination
Applicant: Gaelen Daly
Project Location: 300 Concord Street

Project Description: Addition of a deck to a balcony on an existing home on posts on Sonatubes and within 50'feet of the BVW

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

Property owner Gaelen Daly presented the project which includes construction of a 6' x 25' raised deck above the existing patio and located at approximately 30 feet from the wetland line. The decking boards will be composite material and spaced to permit water to drain. Four 12" x 48" sonatubes will be used to provide the foundations for the four posts. A 35-foot length of siltation barrier will be installed to protect the resource area. Post holes will be dug by hand, and there will be no machines traveling through the work area.

Wells asked what the plan is for the pavers in front of and under the proposed deck. Mr. Gaelen said they would be left in place. Tatistcheff requested and received confirmation that the post holes will be dug through the existing pavers.

Willard noted the construction of this deck off the existing balcony is approximately 30' from BVW that had been flagged for a previous project in 2002, but the applicant is not requesting that the wetland delineation be accepted. On the motion by Verge and seconded by Belitz, it was VOTED to issue a Negative Determination B3, the work described within the Request is located 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. Roll Call Vote: Verge – aye; Belitz – aye; Young – aye; Hundal – aye; Wells – aye; Tatistcheff – aye.

7:46 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 (STILLMEADOW NORTH)

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 125-1102, 125-1103, 125-1104 and 125-1105 under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw.

Peer reviewer David Pickart of Ecological Resource Consultants provided an overview of the draft Order of Conditions he had prepared for the Commission's review. He noted he has included additional detail on the success standards for the Wetland Replication Area as well as several conditions he believes gave the Commission more comfort regarding the maintenance of the stormwater management system for the common driveway.

Tatistcheff recalled that when the project was initially presented, it was asserted that this type of stormwater management system was in use on other properties in Carlisle. Willard said they had been referring to Garrison Place/81 Russell Street. She said she had visited the property recently following a heavy rain event and observed the infiltration trenches were not functioning properly, causing runoff to flow across the trench, down over the embankment and eroding the bank. Upon contacting the project engineer about the issue, she was told it was likely due to the system was not being properly maintained.

Tatistcheff said she would like to see a provision for continued inspection and maintenance. Mr. Pickart referenced the draft OOCs under "Conditions to Extend in Perpetuity", which includes the requirement that copies of the stormwater management system inspection reports and documentation that any required maintenance/repair has been performed shall be made available to the Commission at the end of each year. His suggestion was to amend the draft Condition to require the submittals be provided to the Commission at the end of each year.

Present for the discussion on behalf of the applicants was attorney Greg Peterson, who said they had no issues with these changes. He said he had communicated a comment regarding Condition #46, which has since been modified with respect to existing agricultural activities but aside from that they thought the conditions were carefully drawn and appropriate.

On the motion by Young and seconded by Verge, it was VOTED to close the hearing for DEP 125-1102. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Hundal – aye; Tatistcheff – aye.

On the motion by Verge and seconded by Young, it was VOTED to issue the Order of Conditions as amended. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Hundal – aye; Tatistcheff – aye.

On the motion by Verge and seconded by Young, it was VOTED to continue the hearings for DEP 125-1103, 125-1104 and 125-1105 to July 15, 2021 at 7:45 p.m. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Hundal – aye; Tatistcheff – aye.

8:17 p.m. DEP 125-1108) Notice of Intent

Applicant: Benfield Farms LLC

Project Location: 575 South Street, Map 7-1A, 7-2A & 7-4A

Project Description: Temporary impacts to a Bordering Vegetated Wetland to access site for installation of a replacement of an existing subsurface sewage disposal system associated with Benfield Farms Senior Housing.

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

Mark Beaudry of Meridian Associates provided an update on the project, focusing primarily as it relates to the cart path access to the disposal area. Mr. Beaudry first provided an overview of the site via screen share, highlighting the location of the disposal area, now relocated 35 south of the previously proposed location, placing the new field at the southern edge of the existing field. The existing disposal area will be abandoned in place. The wetland line, recently survey-located based on the original Plan of Record for the Benfield Farms Housing

Development, has been reviewed by Andrea Kendall of LEC and Willard and resulted in changes is several locations, encompassing additional wetland area.

The existing cart path will be utilized for construction access to the proposed subsurface sewage disposal system area. To protect the BVW portion of the cart path and to provide a stable route for construction vehicles, temporary fill will be placed within the BVW/cart path. The proposed work includes the installation of compost filter tubes along each side of the proposed travel path and spaced 13-feet apart. Geotextile fabric will line the travel path and wrap over the compost filter tube and topped with 6 inches of gravel. The staked compost filter tubes will confine the gravel and prevent migration beyond the established 12- to 13-foot-wide access route. Minor trimming of shrub branches will be required to allow passage, and the existing boulder within the bend in the cart path, previously identified as having Native American historical significance, will not need to be moved to allow access.

Following the 6 to 8-week construction period, targeted to begin in August (or sooner if site conditions allow) during the driest part of the season, and after the work area within the Benfield Conservation Area has been restored, fill within the cart path will be removed incrementally from south to north and the area restored to preconstruction conditions, functions, and elevations, and revegetated as appropriate. No direct vehicular access within BVW will be allowed during the placement and subsequent removal of fill. As proposed, the project will result in 4,703± sf of temporary BVW impacts and confined to the disturbed portion of BVW associated with the existing cart path.

Within the existing parking lot and adjacent lawn areas, two new treatment system tanks and associated sewer lines and manholes will be installed in the vicinity of the pump house and existing septic tank, located south of the building. The new sewer infrastructure will be located within existing pavement and lawn areas. During construction, excavated soil will be stored on a temporary basis adjacent to the trench or placed directly onto a truck for later reuse. Any soil that cannot be reused will be hauled away and appropriately disposed of. New backfill material brought on-site will be similarly handled. At the end of each workday, open trenches will be backfilled or covered by a steel plate. Soil stockpiles will be protected overnight should any remain at the end of the workday. In addition, if dewatering of the trench is required, groundwater will be pumped through a silt bag or small dewatering basin. Finally, paved areas within the project area will be swept each day to control movement of sediment. Once activities are complete, pre-existing conditions (vegetation, pavement, elevations, and grades, etc.) will be restored and the Site will be stabilized.

Willard noted that when the Benfield Farms project went through the permitting process, the wetland alterations associated with the project were substantial enough that a MEPA notification was required, and she recommended they provide a determination as to whether the additional disturbance associated with the current filing will also require a MEPA notification.

Following further discussion, the Commission requested that the erosion control be extended beyond the wetland line and that the gravel base be extended an additional 20 feet on either end. Mr. Beaudry will provide a report on the soil testing for the revised location of the disposal area to be conducted prior to the continued hearing and will keep the Commission informed as discussions with the BOH regarding the disposal system design progress. On the motion by Verge and seconded by Young, it was VOTED to continue the hearing to June 24, 2021 at 7:15 p.m. Roll Call Vote: Verge – aye; Belitz – aye; Young – aye; Hundal – aye; Tatistcheff – aye.

Certificates of Compliance:

(DEP 125-0904) 580 West Street: Owner: Eve Linn; Project: Removal of 22 trees, some either diseased or deceased, with most work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland resource area and one within the BVW; Issued: 9-14-2011.

On the motion by Verge and seconded by Hundal, it was VOTED to issue a Certificate of Compliance for DEP 125-0904. Roll Call Vote: Verge – aye; Belitz – aye; Young – aye; Hundal – aye; Tatistcheff – aye.

Emergency Certification:

580 West Street; Owner Eve Linn: On the motion by Verge and seconded by Hundal, it was VOTED to issue an Emergency Certificate to allow removal of dead and dying ash trees with an infestation of Emerald Ash borer, with the wood to be chipped at the arborist's site. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Hundal – aye; Tatistcheff – aye.

Un-noticed treatment by Solitude Lake Management: Wells Recused. Willard reported Raibert Pond was treated last week without the required prior notification. Water was flowing over the spillway onto conservation land, then traveling down a stream that flows behind homes with private water supply wells. Willard said that upon reviewing the file, she found there was no year-end report for 2020 as required, nor was there any pretreatment notification for treatments done last year. Willard reported the Russell Conservation Land was also treated for knotweed without the Commission being provided with advance notification by Solitude Lake Management and without the required signage.

Willard has recently been in contact with SLM's New England District Manager, and she anticipates they will be scheduling a meeting to occur within the next few weeks. Tatistcheff asked members to consider participating in the meeting to provide backup for the Administrator.

Conservation Land Management:

Land Use Permit - Geocaching Event: Stephanie Koch was present on behalf of the non-profit Carlisle Education Foundation (CEF) to request a Land Use Permit for a geocaching event. Ms. Koch said she had previously met with the Land Stewardship Committee to discuss preliminary concept plans and to obtain their input. The exact number of people participating is unknown at this time, but the plan is to encourage all families in Carlisle to take part, particularly within the school community. The event will likely span several weeks in the fall to help distribute participants across lands over many different days rather than concentrating visitation on a single day. Small items will be cached in locations on marked trails, avoiding sensitive areas, with items to be removed at the conclusion of the event. CEF would like the option of raising funds, possibly having a donation-based entry fee or a system where participants pay for a clue for a cache. They may also seek voluntary donations from small businesses for prizes to try to create some incentive to participate that way as well.

The Commission enthusiastically supported the concept and requested a more detailed proposal as plans become more developed.

Greenough Dam Restoration -CPC Grant Application: Tatistcheff announced the grant application was approved at Town Meeting and she expressed great appreciation for the 20+ years Willard has invested in reaching this important milestone. The engineering firm, Stephens Associates, is currently reviewing the proposals and work is expected to begin late July/early August. The town will also be hiring Stephens Associates to oversee the project. The Conservation Commission's major responsibility will be signing off on requisitions approved for payment by his engineers.

Project Updates:

Lions Gate Stormwater Wetland: Willard reported recently visiting the site and finding there is already invasion of multi-flora rose. Approximately 20 plants were found on the top berm of the stormwater wetland and 15 seen inside. The grasses along the roadway and around the stormwater wetland have not been mowed which may be encouraging this to happen. Also, damage done to the feature's wall from a tree fall from last year which had not yet been repaired. She will be following up on this and other potential deficiencies with the developer, Steve DeFoe, and with the Planning Board.

967 West Street – Potential Violations: Willard reported receiving a monitoring report from wetlands consultant Scott Smyers of Oxbow Associates confirming that the cart path silt fence remains installed and that the cart path was seeded with a native seed mix. She expressed concerns with the dense gravel fill that may have

been installed prior to the ground asphalt and has requested that Mr. Smyers determine the extent of the potential fill.

Willard reported there has been no additional information regarding the forest cutting project and said she plans to follow up with the regional state forester. Present for the discussion was property owner, Phil Farmer, who said he is in the process of researching the forestry project as it relates to his property. He said it was his understanding that permission is required when access to a site requires traveling across your property. Tatistcheff said the Commission addresses wetland-related matters, not trespass-related matters, and she suggested he may want to consult with a land use attorney. She said the Commission will also be contacting town counsel to determine whether or not Mr. Williams' attorney's ascertains that the access way is non-jurisdictional for the Commission are correct.

Selection of the Conservationist of the Year Award: On the motion by Parra and seconded by Young, it was VOTED to award Jonathan DeKock the 2021 Conservationist of the Year Award. Roll Call Vote: Verge – aye; Belitz – aye; Wells – aye; Young – aye; Hundal – aye; Parra – aye; Tatistcheff – abstained.

Member Update: Tatistcheff announced this was Commissioner Verge's last meeting. Tatistcheff and other members thanked her for her wonderful service and many important contributions. She will be sorely missed by staff and members alike!!

9:11 p.m. On the motion by Wells and seconded by Young, it was VOTED to adjourn. Roll Call Vote: Verge-aye; Belitz – aye; Wells – aye; Young – aye; Parra – aye; Hundal – aye; Tatistcheff – aye.

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