

**Carlisle Conservation Commission**  
**July 15, 2021**  
**Minutes**

**7:00 p.m. Chair Parra Introduction to Remote Meeting:** The COVID-19 State of Emergency began on March 10, 2020 and 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: Alex Parra (Chair) Dan Wells (Vice Chair), Lee Tatistcheff (7:15), Ken Belitz (7:15), Helen Young, Navneet Hundal\*, Nick Ognibene  
Conservation Staff: Sylvia Willard, Conservation Administrator; Mary Hopkins, Assistant to the Administrator

*\*It was determined early in the meeting that Commissioner Hundal was not eligible to vote on matters discussed at this meeting due to not yet being sworn in by the Town Clerk for her term renewal. All matters upon which she had voted were revoted as noted below.*

**Administrative Matters:**

**Signatory Authorization:** On the motion by Young and seconded by Hundal, it was VOTED to allow the Administrator to sign all documents approved at this meeting on behalf of the Conservation Commission. Roll Call Vote: Wells – aye; Young – aye; Hundal – aye; Ognibene – aye; Parra – aye.

**REVOTE:** On the motion by Tatistcheff and seconded by Ognibene, it was VOTED to allow the Administrator to sign all documents approved at this meeting on behalf of the Conservation Commission. Roll Call Vote: Belitz – aye; Tatistcheff – aye; Ognibene – aye; Wells -aye; Young – aye; Parra – aye.

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

**REVOTE:** On the motion by Tatistcheff and seconded by Young, it was VOTED to approve the bills as presented. Roll Call Vote: Tatistcheff – aye; Young – aye; Ognibene – aye; Belitz – aye; Wells – aye; Parra – aye.

**Minutes:**

On the motion by Young and seconded by Hundal, it was VOTED to approve the minutes of 5/13/2021. Roll Call Vote: Hundal – aye; Wells – aye; Ognibene – abstain; Young – aye; Parra – aye.

On the motion by Young and seconded by Hundal, it was VOTED to approve the minutes of 5/27/2021. Roll Call Vote: Hundal – aye; Wells – aye; Ognibene – abstain; Young – aye; Parra – aye.

On the motion by Hundal and seconded by Young, it was VOTED to approve the 6/10/2021 minutes as amended with minor grammatical edit. Roll Call Vote: Hundal – aye; Wells – aye; Ognibene – abstain; Young – aye; Parra – aye.

**REVOTE:** On the motion by Wells and seconded by Tatistcheff, it was VOTED to approve the minutes of 5/13/2021, 5/27/2021, and 6/10/2021. Roll Call Vote: Tatistcheff – aye; Young – aye; Ognibene – abstain; Wells – aye; Belitz – aye; Parra – aye.

**Community Preservation Committee Representative:** On the motion by Wells and seconded by Ognibene, it was VOTED to nominate Young as the Commission’s CPC representative. Roll Call Vote: Belitz – aye; Wells – aye; Ognibene – aye; Young – aye; Tatistcheff – aye; Parra – aye.

**Conservation Lands Poison Ivy and Invasive Plant Treatment Agreement:** On the motion by Tatistcheff and seconded by Young, it was VOTED to authorize the \$5,000 for services as described in the 2021-2022 Herbicide Treatment Agreement with John Bakewell. Roll Call Vote: Young – aye; Tatistcheff – aye; Belitz – aye; Wells – aye; Ognibene – aye; Parra – aye.

**7:12 p.m. (DEP 125-1110) Notice of Intent, Continued Hearing**

**Applicant: Derek Zanga**

**Project Location: South Street; Map 5 Parcel 9 - 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 and within the Bordering Vegetated Wetland.**

Chair Parra opened the continued hearing under the Massachusetts Wetlands Protection and the Carlisle Wetlands Non-Zoning Bylaw.

Paul Kirchner of Stamski and McNary reported the applicant has accepted the proposal from Dr. John Rockwood of EcoTec, Inc. to perform a peer review of the wetland flagging and impacts. On the motion by Wells and seconded by Hundal, it was VOTED to affirm Dr. Rockwood's proposal and proceed with the peer review. Roll Call Vote: Hundal – aye; Tatistcheff - aye; Young – aye; Wells – aye; Ognibene – aye; Belitz – aye; Parra – aye. REVOTE: On the motion by Tatistcheff and seconded by Ognibene, it was VOTED to affirm Dr. Rockwood's proposal and proceed with the peer review. Roll Call Vote: Tatistcheff - aye; Young – aye; Wells – aye; Ognibene – aye; Belitz – aye; Parra – aye.

With the applicant's approval and on the motion by Young and seconded by Ognibene, it was VOTED to continue the hearing to August 12, 2021, at 8:00 p.m. Roll Call Vote: Hundal – aye; Wells – aye; Ognibene – aye; Young – aye; Parra – aye.

REVOTE: With the applicant's approval and on the motion by Tatistcheff and seconded by Ognibene, it was VOTED to continue the hearing to August 12, 2021, at 8:00 p.m. Roll Call Vote: Tatistcheff - aye; Young – aye; Wells – aye; Ognibene – aye; Belitz – aye; Parra – aye.

**7:16 p.m. (DEP 125-111X) Abbreviated Notice of Resource Area Delineation**

**Applicant: John Reichenbach**

**Project Location: 75 West Street, Map 18, Parcels 5 & 6-X**

**Project Description: Confirmation of the delineation of wetland resource areas associated with 75 West Street - Parcel ID 18-5 which includes a single-family dwelling and a vacant lot, Parcel ID 18-6-X.**

Chair Parra opened the hearing under the Massachusetts Wetlands Protection and the Carlisle Wetlands Non-Zoning Bylaw.

Paul Kirchner Stamski and McNary presented the Resource Area Delineation Plan via screen share. The plan includes two parcels: 75 West Street, which contains a single-family home, and an adjacent, vacant lot. The properties both contain mostly wooded area, with some open space lawn area at 75 West Street; there is a finger of Bordering Vegetated Wetland (BVW) on the northern side of 75 West Street; there is another section of BVW that runs in a north-south direction in the center of the Parcel 18-6-X. The BVW was delineated by wetland scientist David Crossman of B&C Associates, Inc. and located by field survey.

Mr. Kirchner reported applicant has accepted the proposal submitted by Dr. John Rockwood of EcoTec, Inc. On the motion by Tatistcheff and seconded by Young, it was VOTED to affirm a wetland review and a proposed Order for this property. Roll Call Vote: Tatistcheff – aye; Ognibene – aye; Wells – aye; Young – aye; Belitz – aye; Parra – aye.

On the motion by Wells and seconded by Ognibene, it was VOTED to continue the hearing to August 12, 2021, at 7:30 p.m. Roll Call Vote: Tatistcheff – aye; Young – aye; Ognibene – aye; Wells – aye; Belitz – aye; Parra – aye.

**7:28 p.m. (DEP 125-1108) Notice of Intent, Continued Hearing**

**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.**

Chair Parra opened the continued hearing under the Massachusetts Wetlands Protection and the Carlisle Wetlands Non-Zoning Bylaw. Commissioner Wells recused.

Present on behalf of the applicant were Mark Beaudry of Meridian Associates, Inc., Senior Environmental Scientist Andrea Kendall of LEC Environmental Consultants, Inc., and Phil Giffie of Benfield Farms and NOAH.

Mr. Beaudry presented the revised plans dated June 22, 2021, for accessing the site of the new sewage disposal system currently under review by the BOH via screen share. He stated he believes they have addressed all comments received to date, including: the addition of the 100-year flood plain, an extension of the temporary gravel fill on both ends of the cart path by 20 feet, an extension of the erosion control barrier down the sides of the cart path on the field end, the addition of boulder and stone culvert protection, the addition of detail for the reseeded of the temporary fill area and other disturbed areas upon the completion of work, the addition of the mowed grass pathway through the field, and clarification of the pathway cross-section. He noted that Willard had requested that the limit of disturbance be added to the plan after the June 22 revision had been completed, and he assured the Commission it will be added to the final version of the plan.

Mr. Beaudry recalled there were questions raised at the previous hearing regarding the Water Quality Certification (WQC). He stated that Andrea Kendall has consulted with Gary Bogue DEP who was involved in the Superseding OOCs, and the determination was that the 4703 s.f. of temporary disturbance is not additive to the original 5k sf of disturbance associated with the previous project. Additionally, Mr. Bogue has indicated that the new OOC would function as the new WQC. Mr. Beaudry said documentation to this effect has been submitted for the Commission's records.

Mr. Beaudry then reminded the Commission their current request is limited to approval for temporary impacts to a Bordering Vegetated Wetland to access the site for installation of a replacement system. He said they are, however, evolving the septic system design based on additional soil testing and other ongoing exploratory work. The system is now being relocated to roughly at the latitude of the existing disposal system and at approximately 15 feet from the Buffer Zone line. At the conclusion of his summary, Mr. Beaudry said they expect to be completing the redesign within a week or so and will submit a Request for an Amended OOC if any of that work is located within jurisdictional areas.

Willard said she visited the site following the recent heavy rain events and observed the cart path flooded nearly the entire length. She said that while she knows the BOH is eager to get the project going, any work done out there should be done when ground conditions are appropriate. She said she also noticed a low point at the base of the ramp that was full of water and suggested placing gravel in that location. Her final comment was a request that a limit of work be added to prevent inadvertent disturbance relative to truck traffic in and out of the field. It was agreed that construction fencing would suffice unless muddy conditions require additional protection. At Parra's request, Willard annotated the proposed plan by adding the location of the additional limit of work.

Parra asked Mr. Beaudry when they anticipate receiving approval from the BOH for the system. Mr. Beaudry said they are a week or so behind on that submittal due to continued rainy site conditions and expect to be submitting a revised plan within the next week. The plan will then be reviewed by the BOH consultants, and any additional comments addressed. He said they are hoping for final BOH approval in August with a requirement that the system construction be completed by November 30.

Tatistcheff said the question remains as to what kind of grading will be proposed for the new disposal system, noting this is not a wetlands protection matter for the Commission so much as an issue of stewardship of the land.

Mr. Beaudry said he could address that, but not as part of this submittal, and said he is hesitant to do so because the design plan is still in the review process.

BOH Chair Tony Mariano asked if another ConsCom hearing would be required regarding the system design and the change of grade once the plan is approved by the BOH, and if so, how long that process may take before final approval. Parra responded by saying the first step will be for the BOH to approve the design, and he assumes that would include a determination regarding whether the force main needs to be changed. He said he believes the issues for the Commission with respect to the septic field are the grade change as to how it will be feathered in and how the field will be protected from the cart path to the work area. He said if the final design is approved by the BOH on July 28, the Commission could continue the hearing to August 12, otherwise the next meeting is scheduled for August 26.

Mr. Beaudry said there is the possibility that all of the new work associated with the disposal system will be located outside the Commission's jurisdiction, so other than their involvement as stewards of the land, that discussion may be just informational relative to the new system. Parra said he recognizes the distinction between the wetlands hearing and the Commission's review of the design and proposed construction under the CR and under the Commission's purview as stewards of the land, and he emphasized the Commission's intention to review and approve of the final plan before work proceeds.

Present for the hearing were Carlisle Conservation Foundation board members Alan Ankers and Steve Tobin. Mr. Ankers said as the holder of the CR on this property, CCF is significantly interested in the re-grading, noting the CR states the grading should be limited to the minimal amount possible. Mr. Tobin then quoted directly from the CR document: "...such septic system and associated grading shall not be above existing elevations", then stated that is not what CCF considers to be a conditional requirement. Mr. Beaudry responded by quoting from another section of the CR document: "...upon installation of such septic system and associated grading, existing contours, elevations and vegetation shall be restored to the maximum extent feasible to their present condition". He said it was their belief that this gave them some flexibility to do some minor adjusting as long as it is feathered in. Parra said he believes Mr. Tobin's point is that CCF is the holder of the CR and ultimately will make a determination as to whether the proposal complies with the terms of the CR.

On the motion by Tatistcheff and seconded by Young, it was VOTED to close the hearing for DEP 125-1108. Roll Call Vote: Young – aye; Tatistcheff – aye; Belitz – aye; Ognibene – aye; Parra – aye. Following further discussion, on the motion by Young and seconded by Belitz, it was VOTED to issue a Standard Order of Conditions with the following Special Conditions: a preconstruction meeting shall be held prior to the initiation of work, including the engineer, the contractor, and a member of CCF; an additional Limit of Work, as indicated by Willard on the annotated plan, shall be installed northerly of the mowed trail to limit vehicle traffic in the field; the seed mix used in the restoration of the cart path and the disturbed field area shall be submitted for prior approval of the Commission; a determination shall be made by Willard confirming ground conditions are sufficiently dry for work to commence. Roll Call Vote: Young – aye; Tatistcheff – aye; Belitz – aye; Ognibene – aye; Parra – aye.

**8:10 (DEP 125-1113) Notice of Intent, Continued Hearing**

**Applicant: Meghan O'Sullivan**

**Project Location: 542 School Street, Map 8 Lot 27E-8**

**Project Description: Construction of an in-ground pool, decking and fencing within a wetland buffer zone for an existing single-family home.**

Parra opened the continued hearing under the Massachusetts Wetlands Protection Act and the Carlisle Non-Zoning Wetlands Bylaw.

Present for continued hearing were Ian Ainsley of Meisner Brem and landscape architect Tom Frontera of A Blade of Grass. Mr. Ainsley provided an overview of the revised plan via screen share, noting the requested fence detail and the additional landscape detail have been added.

On the motion by Young and seconded by Wells, it was VOTED to close the hearing for DEP 125-1113. Roll Call Vote: Young – aye; Wells – aye; Tatistcheff – aye; Belitz – abstained; Ognibene – aye; Parra – aye. On the motion by Tatistcheff and seconded by Wells, it was VOTED to issue a Standard Order of Conditions. Roll Call Vote: Young – aye; Wells – aye; Tatistcheff – aye; Belitz – abstained; Ognibene – aye; Parra – aye.

**8:23 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.**

Chair Parra opened the continued hearing under the Massachusetts Wetlands Protection and the Carlisle Wetlands Non-Zoning Bylaw. With the representative's approval and on the motion by Wells and seconded by Young, it was VOTED to continue the hearing to August 12, 2021, at 7:30 pending a follow up site visit by peer reviewer David Pickart. Roll Call Vote: Young – aye; Wells – aye; Tatistcheff – aye; Belitz – abstained; Ognibene – aye; Parra – aye.

**8:25 p.m. (DOA-370) Request for Determination**  
**Applicant: Jonathan and Allison Beakley**  
**Project Location: 533 West Street**  
**Project description: Removal of trees and expansion of the back yard associated with an existing single-family home with work in the 100-foot Buffer Zone of a Bordering Vegetated Wetland.**

Chair Parra opened the meeting under the Massachusetts Wetlands Protection and the Carlisle Wetlands Non-Zoning Bylaw.

David Crossman of B & C Associates provided an overview of the plan via screen share. The Applicant is proposing to square off the rear yard area to provide additional outdoor living space. This will involve some work within the 100-foot Buffer Zone, including some minor grading. The closest work from the wetland resource area is proposed at 71 feet. Erosion controls will be placed around the perimeter of the proposed new yard prior to the initiation of work. Mr. Crossman noted the project will require the removal of some shrubs and 2-4 trees located within the primarily open forest floor habitat and will also include some grading to discourage water from flowing toward the house.

Tatistcheff asked if there is any proposed monumentation to prevent further encroachment. Mr. Crossman said there is none. Following further discussion, it was decided the applicant shall provide two Feno markers in locations as recommended by Commissioner Wells, combined with an existing boulder and water supply well to form a limit of disturbance. Wells noted the RDA application form requests a determination as to whether the wetland boundary shown on the plan is accurate. Willard said she found the delineation to be accurate.

On the motion by Tatistcheff and seconded by Wells, it was VOTED to issue a Negative Determination/B3, subject to a Condition requiring the addition of 2 Feno markers, as shown on the plan as amended by Willard, to establish a permanent limit of clearing. Wells requested an amendment to include a Positive Determination 2A confirming the accuracy of the resource area delineation. Amendment accepted by Tatistcheff. Roll Call Vote: Young – aye; Wells – aye; Tatistcheff – aye; Belitz – abstained; Ognibene – aye; Parra – aye.

**8:40 p.m. (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 (STILLMEADOW SOUTH)**  
**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**

Parra opened the continued hearing under the Massachusetts Wetlands Protection and the Carlisle Wetlands Non-Zoning Bylaw. At the representative's request and on the motion by Tatistcheff and seconded by Ognibene, it was VOTED to continue the hearing to August 12, 2021, at 7:45 p.m. Roll Call Vote: Young – aye; Wells – aye; Tatistcheff – aye; Belitz – abstained; Ognibene – aye; Parra – aye.

**(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 (STILLMEADOW NORTHEAST)**  
**Project Description: Construction of a Common Driveway to serve 2 lots with work within the 100-ft. Buffer Zone of a Bordering Vegetated Wetland**

Parra opened the continued hearings for DEP 125-1104 and DEP 125-1105 under the Massachusetts Wetlands Protection and the Carlisle Wetlands Non-Zoning Bylaw.

Dan Carr of Stamski and McNary provided a review of the revised Stillmeadow Northeast plan via screen share. Changes include a shift in the location of the common driveway northerly, in order to follow the now survey-located existing cart path more closely and to locate it farther away from the wetland in the vicinity; they are now proposing a pipe under the driveway allow the swale to continue down West Street and to allow the passage of water under the common driveway; the plan now includes additional information on the connection to West Street in accordance with Scenic Roadway requirements, including locations of stone walls and tree; the plan includes staging and storage areas, located outside of the BZ and the CR; the plans have been more carefully labeled to more specifically identify which part of the project is being approved under this OOC. Mr. Carr noted they had submitted several non-substantive changes to the proposed Order of Conditions.

Willard suggested a requirement for a Tree Protection Plan be added to the proposed Conditions, as has been done for other recent large projects. She also requested that it be made clear that the snow plowing should be done so that accumulating snow is plowed to the north side of the driveway vs into the drainage areas.

Parra said he has not had an opportunity to review the proposed Conditions submitted earlier in the day and asked Commissioners if they were ready to close the hearing and continue to August 12 to consider an Order of Conditions or to continue. Attorney Greg Petersen said they would prefer the former to keep things moving forward, since this is a Buffer Zone only project. It was decided to address DEP 125-1105 before making a decision on a continuance.

**(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 (STILLMEADOW EAST)**  
**Project Description: Construction of a Common Driveway to serve 2 lots with work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland.**

Dan Carr of Stamski and McNary provided a review of the revised plan via screen share. Changes include a shift in the location of the common driveway northerly, in order to follow the now survey-located existing cart path more closely, and to locate it farther away from the wetland in the vicinity; they are now proposing a pipe under the driveway allow the swale to continue down West Street and to allow the passage of water under the common driveway; the plan now includes additional information on the connection to Acton Street in accordance with Scenic Roadway requirements, including locations of stone walls and trees; the plan includes staging and storage

areas, located outside of the BZ and the CR; the plans have been more carefully labeled to more specifically identify which part of the project is being approved under this OOC. Mr. Carr also noted they had submitted several non-substantive changes to the proposed Order of Conditions that have been agreed upon.

Willard suggested that a Tree Protection Plan added to the proposed Conditions, as has been done for other recent large projects. Parra said he had not had an opportunity to review the proposed Conditions that were submitted earlier in the day and requested a continuance to August 12. With the representatives' approval and on the motion by the motion by Tatistcheff and seconded by Wells, it was VOTED to continue the hearings for DEP 125-1104 and DEP 125-1105 to August 12, 2021, at 7:45 p.m. Roll Call Vote: Wells – aye; Tatistcheff – aye; Young – aye; Belitz – aye; Ognibene – aye; Parra – aye.

**9:04 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**

Chair Parra opened the continued hearing under the Massachusetts Wetlands Protection and the Carlisle Wetlands Non-Zoning Bylaw. He stated the eligible voting members for this hearing include commissioners Tatistcheff, Young, Wells and Parra based on previous hearing attendance records for this project.

Attorney Christopher Senie of Senie & Associates, PC was present to discuss the materials he recently submitted on behalf of the applicant in support of their assertion that the portion of the stream that crosses this property and flows under South Street to Spencer Brook is intermittent vs perennial. He said he believes there is now agreement regarding the Bordering Vegetated Wetland delineation among the consultants for the applicant and the Commission's peer reviewer, Dr. John Rockwood of EcoTech, Inc.

Also present for the continued hearing were Brian Goudreau and David Cowell of Hancock Associates and Scott Goddard and Tom Shults Goddard Consulting LLC. Attorney Senie said that in addition to the historic documentation included in the recent submittal, new evidence has been collected by three different qualified consultants who observed the stream over the past few weeks which they are requesting be reviewed by the Commission as follows:

June 30, 2021, Senie & Associates submittal in support of intermittent stream status:

Exhibit 1 - 575 South Street Order of Conditions 2010 (found stream intermittent 1,100 downstream)

Exhibit 2 – Affidavit by Mr. Kiel submitted in 2010 in support of the designation as intermittent at 575 South Street

Exhibit 3 – 2016 ORAD issued for the subject property

Exhibit 4 – EcoTec. Inc. Peer Review letter on delineation of resources and nature of the stream 4.4.2016

Exhibit 5 – Original Affidavit by Stamski and McNary 4.8.2016

Exhibit 6 – ANRAD filing 11.25.2019

Exhibit 7 – Hancock Associates letter in support of ANRAD 2.20.2020

Exhibit 8 – Hancock Associates submission in support of ANRAD 3.6.2020

Exhibit 9 – Hancock Associates additional submission in support of ANRAD 5.14.20

Exhibit 10 – Topo Plan Set 2.21.20

Exhibit 11 – Plan showing locations of two determinations of intermittent nature of the stream 5.7.2021

Exhibit 12 – NRCS Soil Map

Exhibit 13 – Stratified Glacial Deposits Map

Exhibit 14 – Opinion letter from Scott Goddard of Goddard Consulting, LLC 6.15.2021

Exhibit 15 – Opinion letter from William Kuriger of W. e. Kuriger Associates 6.22.2021

July 7, 2021, submittal in support of intermittent stream status:

Carlisle Conservation Commission

Meeting Date: July 15, 2021

Approval Date: September 23, 2021

Exhibit 16 – Report by Scott Goddard and Tom Shults of Goddard Consulting, LLC 7.1.21

Exhibit 17 – Senie & Associates legal memo 7.3.21

Exhibit 18 – Biography of Mr. Kuriger

Exhibit 19, 20, 21 – Affidavits of William Kuriger of W. E. Kuriger Associates 6.29.2021, 6.30.2021, 7.2.2021

Exhibit 22 – No Flow Evidence submittal by Hancock Associates 7.1.2021

Wetland scientist David Cowell of Hancock Associates then provided additional testimony on behalf of the applicant in support of maintaining the prior jurisdictional determination that the flow regime of the stream is classified as intermittent. Mr. Cowell stated the stream was dry for a prolonged period all of the summer of 2019; however, it was during a time when this area was under a declared drought period; therefore, that evidence was inadmissible. He stated earlier this summer the stream had gone dry during a non-declared drought period, supported by photographs included in the submittal taken during 4 days of no-flow during a 12-month period under a non-declared period, demonstrating the stream is intermittent in accordance with the regulations. Mr. Cowell noted they have also submitted affidavits by the respective consultants attesting to the stream being dry during this period.

Wetland scientist Dr. John Rockwood of Ecotec, Inc provided a brief response following his review of the photographs included in the submittal, stating what he sees is a significant number of photographs taken by the various consultants that show a stream channel that is not flowing over much of its length where the photographs were taken. He noted the photographs taken at the downgradient end of the site were much more clearly not flowing than those taken within the center of the site. He said the question remains whether the Massachusetts Drought Management Task Force (MDMTF) will take any action based on their July 7, 2021, meeting relative to drought declaration status, noting that if they were going to take any action, he would have expected them to have done so by now.

Wells asked Dr. Rockwood if additional time to review the materials would be beneficial for him to provide the Commission with a definitive conclusion. Dr. Rockwood said there was a significant amount of material submitted. He said what it comes down to is whether the Commission finds either the old evidence or the new evidence compelling; if the stream is found to be not flowing, the regulations are pretty clear; but it is in the issuing authority's opinion if the evidence is adequate to demonstrate that point. He said he did not think more time is necessary because they have provided substantial evidence that for much of the documented distance on the site, there was no flow within the channel. Wells asked Willard if she had had an opportunity to view the locations. Willard said she had not had an opportunity to do so due to the continued heavy rains.

Wells requested and received clarification from Mr. Cowell regarding his observations relative to the location shown in photograph #3 included with the Hancock Associates submittals. Parra asked if there were comments from any other members. Tatistcheff said the Commission's peer reviewer was hired to evaluate this evidence, and if he feels that this evidence is sufficient, then she is satisfied. Parra asked Dr. Rockwood if he is in agreement with the BVW delineation. Dr. Rockwood said they had previously agreed to that and said his only concern is that he would have expected something to be issued by the MDMTF by now, but if the CC decides to close and move forward, there must be a caveat within the ORAD invalidating the findings should this area be determined to be in a drought during the timeframe during which the observations were made. Both Tatistcheff and Wells stated they were satisfied with this approach and with the determination that it is not a river.

Young asked if it would make sense to wait until the next meeting before making a determination. Parra said he agreed with Young because he believed issuing an ANRAD with that caveat leaves everybody in limbo, including the applicant. He said his inclination would be to continue the hearing to August 12 and at that point if no declaration of drought has been issued with respect to the time period during which the observations were made, it would be his inclination to issue the ORAD without the caveat. Attorney Senie said his client has no objection to a continuance for that purpose.

On the motion by Tatistcheff and seconded by Wells, it was VOTED to continue the hearing to August 12, 2021, at 7:15 p.m. Roll Call Vote: Young – aye; Tatistcheff – aye; Wells – aye; Parra – aye.

**9:30 p.m. (DEP 125-1114) Notice of Intent**

**Applicant: Mollie MacCormack**

**Project Location: 131 Cross Street**

**Project Description: Construction of an in-ground pool, associated patio, landscaping upgrades including expanding the existing bluestone patio, reconfiguring stone walls, granite steps and pavers and many native tree and shrub plantings with work within tie 100-buffer zone of a Bordering Vegetated Wetland.**

Chair Parra opened the continued hearing under the Massachusetts Wetlands Protection and the Carlisle Wetlands Non-Zoning Bylaw.

Dan Carr of Stamski and McNary provided an overview of the site plan and proposed project via screen share. He said the applicant has expressed an interest in the inclusion of a Condition allowing the removal of invasive plant species. He noted that in addition to the work described within the project narrative, there will also be some grading to level the pool area. The proposal also includes mitigation and landscape plantings.

Willard said after she performed the pre-hearing site inspection, she did a comparison of the current plan to a plan on file dating to when the property was originally developed. She said this exercise revealed some significant wetland flag discrepancies, requiring that she conduct another field review. She also informed the representative that the numbers are no longer present on the wetland flags and requested that they be renumbered. Mr. Carr said the current plan is based on a septic system that was done in 2008, and he suspects the issue with the wetland delineation discrepancies is likely due to the fact that the wetlands were not delineated off site.

Mr. Carr said the owners have expressed concern about the dead or dying ash trees and wish to remove them. He said they are hoping the OOC could include a Condition that would allow removal if an ash were found to be diseased. He said there are several trees they could mark on the plan that would require immediate removal, but the Emerald Ash Borer is affecting an increasing number of additional ash trees as well, so this Condition would provide the applicant with some flexibility.

Willard said she observed a substantial amount of poison ivy and other invasive plant species in the meadow area and suggested the Commission consider including a Condition allowing the use of herbicides by a licensed applicator. She noted there had been a Continuing Condition included in the original Order of Conditions for this property due to the significant amount of invasive plants found during the ANRAD/ORAD review for this and adjoining land. The Order of Conditions allowed the manual removal of invasive plants in the meadow area, but it did not include the use of herbicides, which would be required in order to adequately address the issue. Regarding the potential Continuing Condition allowing the use of herbicides within the Buffer Zone, Tatistcheff said that although she is not against it, this is not something the Commission has permitted in the past and she would therefore expect significant documentation to be provided by a licensed applicator.

Mr. Carr said the applicant would also like to make some minor changes in the location of the swimming pool and they are now in the process of revising the plan accordingly. Wells asked what the habitat conditions are in and around the pool area. Present for the hearing was Naomi Cottrell of Crowley Cottrell, LLC, who described existing site conditions via screen share and illustrating the location of the proposed pool is partially located within a meadow area and partially within existing lawn. She said they would be replanting a portion of the meadow area to compensate for carving out a bit around the pool. Wells asked which trees are proposed for removal other than the diseased ash trees. Ms. Cottrell said there is also a dead Norway Maple and a damaged Poplar they are proposing for removal, and they will be coming back with a detailed landscaping/planting plan that will include additional trees to be removed as well as proposed replacement plantings. Wells said he believes they have provided a robust planting plan and noted the Commission's preference is native, non-cultivar species, with the requirement that the identification tags be left on the plants for confirmation.

Wells asked if the proposed pool would include a drainage basin, and if so, how it would function. Ms. Cottrell said they will not know whether one will be required for this project until they have hired a pool contractor, but if so, the pool would drain into a crushed stone basin. Wells asked if they have considered adding monumentation to prevent further encroachment into the resource area. Ms. Cottrell said they could be amenable to that, but they would like to have an idea of where the Commission would want to see the monumentation located. Hundal asked if fencing would be included. Ms. Cottrell said the plan includes an automatic safety cover that is integral to the body of the pool, so no fencing is proposed. Hundal asked where the water that collects on the pool cover would drain. Ms. Cottrell said the backwash from the pool cover would also drain into the crushed stone basin.

Willard said access for construction vehicles to construct the pool is inadequate because the homeowner would like vehicle access for construction through the meadow area just beyond the proposed limit of work rather than over the maintained lawn. Mr. Carr said a change in the limit of work line is included in the list of changes that will be incorporated into the revised plan.

With the representative's approval and on a motion by Tatistcheff and seconded by Ognibene, it was VOTED to continue the hearing to August 12, 2021, at 8:00 p.m. Roll Call Vote: Ognibene – aye; Tatistcheff – aye; Young – aye; Wells – aye; Belitz – aye; Parra – aye.

### **Conservation Land Management:**

**Towle Field Maintenance:** Present were Land Stewardship Committee Co-Chairs Warren Lyman, and Rhonda Michaud and member Tom Brownrigg to discuss their previously submitted proposal regarding the management of Towle Field. As stated in the document, the major goal of this initiative is to maintain the entire field to provide sustainable habitat for local flora and fauna. Mr. Lyman reviewed the key elements of the proposed management protocol including locations, timing, frequency, and directional practices, stating these would be subject to evaluation and if necessary, revision every year. In conclusion, Mr. Lyman said that with the exception of the proposed edge mowing/maintenance protocol, there was good consensus on all other elements of the proposal due to differences of opinion among LSC members.

Tatistcheff expressed concern about the expanding scope of the proposed mowing protocols for Towle Field, given the town has invested significant funds in efforts to eliminate invasive plant species and to manage the field. She said that while she would be supportive of using some small portion of the field for this purpose, she suggested that perhaps Towle Field is not the location at which the Commission would want to implement this program. She said she does not believe that what has been presented has considered other properties in town that could benefit more from this program. Additionally, she said it does not sound like something the Commission can afford to do, since it would likely require a substantial expansion of the Commission's maintenance budget, a large portion of which is already allocated to funding Towle Field management expenses. She noted she typically does not second guess the LSC and normally has a lot of faith in the committee's recommendations, but this has been an interesting treatment of Towle Field that will require additional discussion and consideration. She suggested the group could perhaps come back with a more unified proposal.

Towle Field mower Jack O'Connor said he has been mowing Towle Field for 21 years and when he first started, the field was full of six-foot tall buckthorn throughout much of the field. He said his mowing fees primarily cover tractor maintenance and the cost of running the tractor. He noted he has staked all of the large rocks in the field, which did serious damage to his mower during the first couple of years, and he is now concerned he has not had an opportunity to maintain the stakes. He said the idea of mowing the field used the strategy of doing so when things are growing to deny invasive plants the nutrients that would support the root systems. He concluded by stating that mowing after an entire growing season is personally unappealing to him and he is not interested in pursuing that because the vegetation would become too tall, preventing him getting good results.

Mr. Brownrigg said he believes the town is mowing the field for the benefit of Bobolinks that have not nested at Towle for ten years. He said, in his opinion this does not benefit other birds, because we are mowing fields that

have a lot of wildflowers that support insects that are used by birds to feed their young, and if we remove the flowers that provide the insects to their young, he does not feel the town is benefitting the wildlife of that field. Secondly, he said they are not asking Jack to not mow the field, they are asking him to mow less of the field less often.

Parra thanked Mr. Brownrigg for his input and said he also had some issues with the proposal based on his own experience and given the late hour, he did not think a conclusion needed to be reached on the matter tonight. He suggested, given the full agenda on August 12 and since he did not think a new regime is likely to get implemented this year, he would look to the August 26 meeting to continue the discussion.

#### **Land Use Permits:**

**Suburban Wilds Deer Project:** Research Associate Sara Cavallo was present on behalf of the interdisciplinary team comprising the Boston University Suburban Wilds Deer Project to request a Land Use Permit to conduct multi-year monitoring of deer impacts using the Greenough Land, the Davis Corridor, Greystone Crossing and Towle Conservation Lands. She explained the goal of the project is to gather information to better understand deep populations and the factors affecting their social and environmental impacts in communities across the Northeast.

Ms. Cavallo said this work will provide information to residents and municipal officials that can support efforts to assess the number and impacts of deer and also will assist with the evaluation of various options for management of white-tailed deer. She explained they would be monitoring deer activity using motion activated wildlife cameras on the land that would be placed away from trails and buildings and any photographs of people would be deleted. They will also be conducting vegetation surveys annually to understand deer impacts on vegetation. Additionally, they will be reaching out to past Deer Control Committee members, landowners and residents about deer and their impacts to understand how decisions regarding deer and deer management are made in each selected municipality. Ms. Cavallo noted the sites shown on the plan are tentative and they hope to work with the Commission to identify the exact sites to ensure they are acceptable.

Additional information regarding the protocol used for determining the proposed locations for monitoring was provided by project team member Jamie Goethlich, PhD student at the University of Wisconsin Madison.

On the motion by Ognibene and seconded by Tatistcheff, it was VOTED to issue a Land Use Permit to Sara Cavallo on behalf of the Managing Suburban Wilds project to conduct research as described. Roll Call Vote: Belitz – aye; Wells – aye; Young – aye; Ognibene – aye; Parra – aye.

**Public Trail Walks:** On the motion by Tatistcheff and seconded by Wells, it was VOTED to issue a Land Use Permit to Alan Ankers of the Trails Committee to lead public walks through 12/31/2021. Roll Call Vote: Belitz – aye; Wells – aye; Young – aye; Ognibene – aye; Parra – aye.

**Nature Studies:** On the motion by Wells and seconded by Young, it was VOTED to issue a Land Use Permit to Judy Asarkof to undertake nature studies on Conservation Lands, including moth identification studies to be conducted at night. Roll Call Vote: Belitz – aye; Wells – aye; Young – aye; Ognibene – aye; Parra – aye.

Tatistcheff left the meeting 10:42 p.m.

#### **Request for a Red Line change:**

**(DEP 125-1033A) 97 Hanover Road; Steve Defoe; request to remove the proposed retaining wall from the plan.**

Ian Ainsley of Meisner Brem Corporation was present on behalf of the applicant. Also present was Jill Defoe. Chair Parra asked if the work described in the red line request has already been done. Mr. Ainsley confirmed.

Following discussion and in polling the Commission, it was determined the applicant will be required to file a Request for an Amended OOC based largely on potential additional impacts to the resource area due to an expanded limit of work.

10:48 p.m. On the motion by Wells and seconded by Young, it was VOTED to adjourn. Roll Call Vote: Belitz – aye; Wells – aye; Young – aye; Belitz – abstain; Young – aye; Ognibene – aye; Parra – aye.

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