

**Carlisle Conservation Commission**  
**August 18, 2022**  
**Minutes**

**7:02 p.m. Chair Parra - Introduction to Remote Meeting:** This meeting was conducted remotely pursuant an Act extending to March 31, 2023 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, Helen Young, Brian Murphy  
Members Absent: Navneet Hundal, Nick Ognibene, Lee Tatistcheff  
Conservation Staff: Sylvia Willard, Conservation Administrator  
Mary Hopkins, Asst to Conservation Administrator

**New and Pending Business:**

**Quorum Issue:** The Commission reviewed discussion items and other non WPA related matters as time allowed due to time constraints in having a minimum quorum only until approximately 8:45 p.m. All non WPA items not discussed were deferred to September meetings.

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

**Approval of Bills:** On the motion by Young and seconded by Wells, it was VOTED to approve the bills as presented: Payroll 7/29/22 and 8/12/22, Carlisle Rubbish \$65.00, WB Mason \$19.81, John Bakewell – Towle Field and Cranberry Bog herbicide treatments \$1427.00, Beals Associates, Inc. \$1,320 (53g), Encumbrance for adjustment to John Bakewell's June treatment invoice - \$252.67. Roll Call Vote: Wells, aye; Murphy, Aye; Young, aye; Parra, aye.

**Minutes - 6/9/22, 6/30/22, and 7/21/22:** Deferred to September 8, 2022 meeting

**Tree Removal Guidelines for Homeowners & Application:** Deferred to September 8, 2022 meeting

**Review of Carlisle Special Orders of Conditions:** Deferred to the September 22, 2022 meeting

**Greenough Dam - Amendment for Engineering Services:** Deferred to September 8, 2022

**Great Brook Ski Touring Center – Trail Restoration:** Stuart Johnstone was present on behalf of the ski concession to request guidance relative to future trail maintenance work at select locations. The proposed work includes filling depressions and top-dressing eroded trails with gravel material in locations where rocks and tree roots are exposed due to heavy use, causing safety concerns and/or impacting trail quality. Willard had visited the site to review the proposed maintenance plan submitted by Mr. Johnstone earlier this summer. She shared the annotated plan she had provided to Mr. Johnstone illustrating those areas where he may continue the work and also identifying those areas where work is proposed within or adjacent to jurisdictional areas which will require a recommendation from the Commission as to whether a wetland delineation will be required.

Wells asked whether the Trails Committee has been required to provide a delineation in the past for proposed trail work located within the Buffer Zone. Willard said the Trails Committee has filed a Request for Determination of Applicability (RDA) whenever proposed work is within/adjacent to jurisdictional areas. The Commission determined the submission of an RDA is appropriate in that it will provide an opportunity for them to review the proposed work in the field in order to determine appropriate erosion control/stabilization measures.

**Interview with Julie Durrell applicant for the Land Stewardship Committee:** Present was Judy Durrell, who had been recommended by LSC, who she is interested in joining the committee because she has always had a passion for animals and the natural world, and she is currently particularly concerned about habitat loss. She has a background in publishing and education, and having recently retired, she has the time and energy to contribute to LSC and a willingness to learn as she goes.

On the motion by Young and seconded by Murphy, it was VOTED to provide a recommendation to the Select Board to appoint Julie Durrell to LSC. Roll Call Vote: Wells, aye; Murphy, aye; Young, aye; Parra, aye. Parra thanked Ms. Durrell for her interest and her willingness to serve.

**7:26 p.m. (DEP 125-1138) Notice of Intent**

**Applicant: Aileen English**

**Project Location: 384 River Road**

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

On the motion by Hundal and seconded by Wells, it was VOTED to continue the hearing at the applicant's request to September 8, 2022 at 7:15 p.m. Roll Call Vote: Wells, aye; Murphy, aye; Young, aye; Parra, aye.

**7:38 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 than previously permitted and with the addition of a pool and patio, all within the previously approved limit of work.**

On the motion by Wells and seconded by Murphy, it was VOTED to continue the hearing to September 8, 2022 at 7:30 p.m. due to outstanding enforcement issues related to the previous filing for this property. Roll Call Vote: Wells, aye; Murphy, aye; Young, aye; Parra, aye.

**7:49 p.m. (DEP 125-1141) Notice of Intent**

**Applicant: Matthew and Lisa Dacey**

**Project Location: 66 Lion's Gate Road**

**Project Description: Construction of an 18' by 42' swimming pool, grading, retaining wall, shed, hardscaping, tree removal and landscaping with work within the 100-foot Buffer Zone of a bordering vegetated wetland.**

Present were Ian Ainsley of Meisner Brem Corporation and Landscape Architect Elizabeth Morss. Mr. Ainsley shared the plan, which includes the construction of an 18-foot by 42-foot in-ground swimming pool, hardscaping in the form of a retaining wall, stone pavers, and gravel areas, and associated landscaping and grading. A total of 11 existing trees are proposed to be removed, all of which appear to be dead or dying, or pose a risk to fall on the house and/or pool area. The applicant also proposes to install a fence surrounding the backyard and pool area.

The work will add approximately 1,800 square feet of impervious area to the property, of which 1,100 square feet is within the 100-foot buffer zone. The impervious area within the buffer zone consists only of the pool, pool coping, grill area, and stone paver path. No pool decking is proposed within the buffer, as the pool coping will be surrounded by grass on three sides. Significant plantings are proposed both within and outside of the buffer zone which are shown on the landscape plan prepared by Elizabeth Morss. The proposed pool location is intended to minimize the amount of work that will take place within the wetland buffer zone while maintaining sufficient distance from the existing septic leach field and remaining aesthetically pleasing and desirable for the homeowners. The permanent infrastructure such as the shed, pool, and retaining wall is generally located at least 50 feet from the jurisdictional wetland.

There are two wetlands located on the property: a jurisdictional bordering vegetated wetland to the northwest, and a non-jurisdictional isolated wetland to the southwest. The southwest isolated wetland contains a potential vernal

pool as documented during the wetlands permitting for Lions Gate Development. It is uphill of the proposed work.

Wells said it appears the trees proposed for removal are beyond the limit of work approved in the Lion's gate development project and asked for additional details to justify removal of the trees. Applicant Matt Dacy said they would designate the status of the trees proposed for removal, including those that are dead, dying or considered hazardous for future evaluation. Ms. Morss noted the Landscape Plan includes as mitigation a large number of native plantings, and they will also be converting some of the existing lawn into meadow. Wells requested they provide the square footage of the trees proposed for removal vs area of lawn conversion to meadow habitat in order to be consistent with other project requirements. Mr. Ainsley agreed to provide a revised plan illustrating the landscaped areas and corresponding native plantings as well as square footage of the meadow area and the tree removal area.

Murphy asked how far the trees proposed for removal are located from the BVW. Mr. Ainsley said the vast majority are within 30 to 54 feet with the exception of one maple that is located approximately 10 feet from the BVW. Murphy recommended and the Commission agreed a site visit was needed in order to evaluate the trees proposed for removal. Parra requested that Willard provide potential dates for a site visit to be held in advance of the September 8 meeting. On the motion by Young and seconded by Murphy, it was VOTED to continue the hearing to September 8, 2022 at 7:15 p.m. Roll Call Vote: Wells, aye; Murphy, aye; Young, aye; Parra, aye.

**8:04 p.m. (DEP 125-1140) Notice of Intent**

**Applicant: Martha and Kenneth Bedrosian**

**Project Location: 44 Bedford Road**

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

Nathaniel Cataldo of Stamski and McNary shared the plan for construction of a detached three-car garage and paving of the existing gravel driveway. An underground electrical service will also be provided from the existing dwelling to the proposed garage. A Special Permit was issued by the Carlisle Zoning Board of Appeals in November 2018 to allow the garage to be constructed a minimum of 20 feet from the lot line. At the time of this application in 2018 when the wetlands were delineated, they were farther from Bedford Road than where it is located on the most recent delineation performed in November 2021. The ZBA decision and accompanying plan showing the 2018 wetland delineation were included with the application.

Mr. Cataldo noted the ZBA had approved a larger garage in 2018 when the wetland was located at approximately 25 feet from the garage. It is the property owner's opinion that an excess of runoff from the library parking lot may have contributed to the expansion of the wetlands; they have agreed to compromise by scaling the garage down to the minimum width and depth required to park three cars. The proposed garage will be a minimum of 3 feet away from the BVW according to the most recent delineation. The proposed garage will be located primarily over the existing parking area of the driveway. Also proposed are 20 native shrubs around the garage as mitigation of the close proximity of the work to the wetland. The driveway will be paved within its existing footprint with the exception of the portion beyond the garage, which will become part of the mitigation area.

Parra asked if a determination has been made as to whether the ZBA Special Permit is still valid. Applicant Ken Bedrosian said it has been recorded. Parra said special permits are typically valid for a period of two years, but this may be within the provisions of the Permit Extension Act. He suggested they confirm the permit has continued validity because Orders of Conditions are not issued on projects that require other permits unless they are underway.

Parra asked Mr. Cataldo to address MassDEP's comment that the garage should be located farther away from the wetland boundary. Mr. Cataldo said the location could be adjusted and rotated in order to gain a few feet from the wetland, but this will make turning and backing out difficult. He said they believe this is the best location, since

locating it on the side would block access to the backyard and would require additional pavement to meet the garage. Parra asked, if aside from aesthetic considerations, there are physical or regulatory constraints that would prevent them from locating the garage farther from the wetland. Mr. Cataldo said moving the garage would require relocating the septic tank and any other alternative locations significantly farther from the wetland are reserved for future septic system replacement. Willard said the 1999 As-Built Plan for the septic system showed the septic tank in a different location, closer to the house. A comparison of the current plan to the As-Built shows the size of the house has increased since the As-Built was submitted. Mr. Cataldo said he had provided an approximate location for the current plan based on the As Built from 1999.

Wells recommended they revise the location of the garage to stay within the existing disturbed area. He asked if the plan includes mitigation for roof runoff from the garage. Mr. Cataldo said they have not included mitigation for runoff because the DEP Stormwater Handbook does not recommend infiltration structures within 50 feet of a wetland. He said the applicants are willing to provide something on the back side of the garage if the Commission determines it is needed.

Murphy asked why the garage could not be shifted 25 feet closer to the house in order to provide greater distance from the wetland. Martha Bedrosian said the wetland has changed since 2018 when the property was flagged due to expansions and repaving of the library parking lot. Murphy said he can only assess what is there now. Ms. Bedrosian said they cannot move the garage closer to the house due to turning and access constraints. Mr. Bedrosian said relocating the garage would require relocating an existing rock wall and a utility pole or they would be required to remove some large pine trees and other landscaping components. Ms. Bedrosian said they want to build the garage to make life easier because to simplify things as they are getting older. Murphy said allowing a structure within 3 feet of a wetland is highly unusual.

Parra thanked the applicants for their input and said the Commission will need to schedule a site visit before proceeding. On the motion by Wells and seconded by Murphy, it was VOTED to continue the hearing to September 8, 2022 at 7:30 p.m. Roll Call Vote: Wells, aye; Murphy, aye; Young, aye; Parra, aye.

**Enforcement updates:**

**42 Bingham Road, Michael Napier:** Nathaniel Cataldo of Stamski and McNary had informed the Commission prior to the meeting that work on the Amended Enforcement Order is still in process and he had no other updates.

Present was applicant Michael Napier, who informed the Commission that Anthony Defeo will be taking over the project moving forward. Mr. Defeo said he had been brought in by Mr. Napier to oversee the project and to get it under control. He reported having spent the previous week reviewing the project in detail, including a site meeting with Willard, in order to assess the issues that have arisen over the past year. They have initiated a new protocol for the project which includes a more proactive approach to wetlands areas of impact. They have implemented a timeline and specific schedule of events that will occur on the site, beginning with the first phase of work being the initial crossing and wingwall installation, with the goal of getting the stop work order lifted as soon as possible.

Parra asked Mr. Defeo if he would be stepping in for the environmental monitor, David Crossman. Mr. Defeo said his role is limited to construction management. Parra asked Mr. Defeo if he had reviewed the Order of Conditions. Mr. Defeo confirmed and said they will be taking a proactive approach to keeping the Commission informed of what their plan of action is on a regular basis.

Willard asked Mr. Defeo what is planned for the wetland replication area. Mr. Defeo said they would like permission to begin prepping that area to avoid future disturbance, since they will be working in that area for the crossing. Parra asked Mr. Defeo when he anticipates beginning work on the first crossing. Mr. Defeo said the goal is to begin work on the crossing next week following additional survey work currently underway. Wells requested they provide Willard with written notification when work on the crossing will begin. With regard to prepping the wetland replication area, Wells said doing the work now during a dry period makes sense

vs later in the season. Willard noted she has compiled photographs taken of both streams prior to construction in order to provide a baseline of what the stream should look like post construction.

On the motion by Young and seconded Murphy, it was VOTED to issue an amended Enforcement Order to allow work to begin in prepping the wetland replication area. Roll Call Vote: Wells, aye; Murphy, aye; Young, aye; Parra, aye. Parra requested a status update at the Commission's next meeting on September 8.

**271 Russell Street, David Thomas (issued May, 2022):** The Commission had been informed Mr. Thomas would be in attendance, but he was not present. Willard will contact him and request he attend the next meeting to provide an update.

**(DEP 125-1089) 1215 Curve Street - Tamara Murray:** Mitch Maslanka of Goddard Consulting was present to provide an update on the status of the wetland crossing: they are working with their site contractor to enhance the erosion controls and secure the limit of work between the driveway and the wetlands in accordance with Willard's recommendations; the steel plates have been swept on a regular basis to prevent sediment from entering the stream channel; they are to begin work on the permanent crossing within the next couple of weeks; they are postponing construction of the wetland replication area (WRA) until late September/early October due to the likelihood that current drought conditions will negatively impact plantings; work on the permanent stream crossing is slated to begin within the next couple of weeks.

Willard shared the plan and identified the locations on the site where the erosion control needs repair. She requested they confirm all wetland flags have been checked and replaced/refreshed as needed at the crossing including bank. She noted the location of a red maple tree in the vicinity of the WRA that has been removed that was to be preserved in accordance with the Plan of Record. Wells stressed the importance of ensuring the erosion control issues are addressed immediately, as we are entering hurricane season. He recalled specifically identifying the red maple that has been removed as one of the trees that should be preserved, and he stressed the importance of ensuring the site contractor has read and understands the details of the OOC. Mr. Maslanka said they would certainly look into mitigating the red maple with a large replacement planting of the same species and assured the Commission he would be reviewing the OOCs with the site contractor.

Parra requested the applicant provide Willard with notice of 48 hours in advance of work in order to confirm the required actions have been taken. The engineer agreed to provide a status report at the September 8 meeting.

**Red Line Change (125-1135) 19 Estabrook Road:** The applicant's request to amend plantings at the base of the wall associated with the tennis court currently under construction by replacing highbush blueberry bushes with Hay scented fern was denied; the applicant will be informed the Commission does not believe the proposed replacement plantings would provide comparable wildlife habitat value.

#### **Certificates of Compliance:**

**(DEP 125-1068) 111 Carriage Way; Applicant: Elmer and Allison Lai;** Project: Construction of a detached garage - accessory use building, patio, elevated gravel driveway and deck and retaining walls. Driveway construction, drainage and utility connections, grading and landscaping are within the 100-foot Buffer Zone of a BVW; Issued 8/28/2019. Decision deferred for site visit.

**Administrative Approval - 104 Hart Farm Road, John Williams:** On the motion by Wells and seconded by Young, it was VOTED to approve the Administrative Approval to allow five trees in accordance with the recommendations from a licensed arborist. Roll Call Vote: Wells, aye; Murphy, aye; Young, aye; Parra, aye.

#### **Conservation Land Management:**

**Land Use Permit: Johnstone Huntress; MTB50 2022 Fall Bike Ride:** On the motion by Wells and seconded by Young, it was VOTED to issue a Land Use Permit to John Huntress for the Fall Bike Ride on 9/18/2022. Roll Call Vote: Wells, aye; Murphy, aye; Young, aye; Parra, aye.

8:35 p.m. On the motion by Young and seconded by Murphy, it was VOTED to adjourn. Roll Call Vote: Wells, 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 upon request**