

Carlisle Conservation Commission
September 22, 2022
Minutes

7:09 p.m. Vice Chair Wells - 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, Navneet Hundal, Nick Ognibene, Lee Tatistcheff
Conservation Staff: Sylvia Willard, Conservation Administrator
Mary Hopkins, Asst to Conservation Administrator

New and Pending Business:

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

Parra joined 7:11

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

Review of Carlisle's Supplemental Order of Conditions: Parra had provided the Commission with a revised draft document for their review prior to the meeting. The revised draft, with additional comments from Willard, organizes the Conditions into a more chronological order of how most projects would proceed, while retaining the intent and content of the existing Supplemental Conditions. Wells provided comments and suggestions, with the additional recommendations provided by other members. The Commission thanked Parra and Willard for their work in preparing the draft and thanked Wells for his thorough review and recommendations. A review of the amended draft and discussion of the remaining Conditions will be held at the next meeting.

7:16 p.m. (DEP 125-1110) Notice of Intent, Continued Hearing

Applicant: Derek Zanga

Project Location: Off South Street: Map 5, Parcel 9, Lot 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.

On the motion by Tatistcheff and seconded by Hundal, it was VOTED to continue hearing at the applicant's request to October 27, 2022 at 8:00 p.m. Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Wells, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye.

Off South Street: Map 5, Parcel 9 – Future Project Guidance: Scott Smyers of Oxbow Associates was present to ask the Commission if they would consider reviewing an Ecological Restoration Limited Project NOI to conduct invasive plant management activities on the site. He has been working with the property owner on a management plan, but it has been on hold due to the pending decision regarding the Riverfront Area associated with the current NOI.

Mr. Smyers did not think the means and methods of the control plan would be greatly impacted by the Riverfront Area (RA) determination, as they would be more sensitive as they get closer to the wetlands regardless: the work would include oversight by a wetlands specialist within 100 feet of the wetlands; all work within 50 feet of the wetlands would be done using hand tools only and work would be accessed on foot; from 50 to 100 feet they would include a combination of mechanical removal and selective herbicide use; all disturbed soils would be seeded with native seed mixes and voids would be planted with native shrubs and trees; monitoring progress reports would be provided over several seasons. Mr. Smyers said they would provide much greater detail in a NOI, but they wanted to share the general concept and get the Commission's reaction in a brief preliminary discussion. He believes it is a great opportunity to get control of some of the invasives on this property, pointing out that it is not often a property owner wishes to invest the resources to that level of invasive control.

Parra asked if this would be similar to the project submitted by Oxbow Associates and implemented on Bellows Hill Road. Mr. Smyers said that although he was not as involved in that project, it is the same concept. Wells said he thinks it is a great concept, but he wanted to make sure there is no conflict with the existing project if the Commission were to approve a wetland boundary in the new NOI. Mr. Smyer's recommendation was that the Commission understands that every project is a new review process, and although it pertains to the same property, if they presume that this is RA and then in the future there is evidence presented that the stream is intermittent and that evidence is acceptable, a new NOI on the same parcel should be reviewed separately. He said they are not trying to set precedent that this is RA on behalf of the applicant, they are just trying to proceed with the invasive plant control as expeditiously as possible. Tatistcheff said she was in favor of the project if there is a way it can be done without prejudicing the existing or future notice, and she thanked the representative and the applicant for taking this project on at considerable expense. Remaining commissioners were also very receptive to the proposal.

7:26 p.m. (DEP 125-1130) Notice of Intent, Continued

Applicant: Tully Foote

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.

Parra stated the representative of the new owner has requested that this filing be withdrawn without prejudice. They plan to submit a new NOI for a different project in the near future. They have requested the Commission keep the peer reviewer on hold. On the motion by Young and seconded by Tatistcheff, it was VOTED to allow the NOI to be withdrawn. Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Wells, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye.

7:35 p.m. (DEP 125-1145) Notice of Intent

Applicant: Patricia Tambone

Project Location: 442 Concord Street; Project Description: Replacement of an existing covered sun porch with a new sunroom.

Nate Cospoer of Brady Built Sunrooms presented the plan for the replacement of a deteriorating 14 x 29-foot covered sunporch located on the back of the house with a new sunroom of the same size within the existing footprint. The new sunroom will be placed approximately six feet off the ground. The existing concrete slab and wall structure surrounding the base of the existing structure will be enhanced with helical screw foundations to minimize disturbance. The new sunroom will be factory built, eliminating the need for heavy construction equipment, with very minimal disturbance in removing the existing structure and preparing it to receive the new modular sunroom being constructed off site. The wetland is a runoff retention area; there is a retaining wall located within established woods between the porch and the wetland area, as identified in photos and plans included in the NOI submittal. They are proposing to place a dumpster and facilities for the contractors in the driveway, well outside of the 100-foot Buffer Zone.

Willard provided the following comments: there is a steep slope down to the wetlands and it appears that a significant amount of leaf litter has blown over the side over the years – she recommends they be careful in the future to ensure the leaf litter does not extend into the wetland; there is a cement block located on the edge of the BVW that should be removed; there is nothing provided in the plan to address stormwater runoff. Commissioners agreed there should be something to manage roof runoff such as a gravel trench. Mr. Cosper said the new structure will have a gabled roof which will allow better positioning of the gutters and downspouts.

On the motion by Tatistcheff and seconded by Hundal, it was VOTED to close the hearing for DEP 125-1145. Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Wells, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye. On the motion by Young and seconded by Hundal, it was VOTED to issue a Standard Order of Conditions with the requirement that roof runoff be directed away from the BVW. Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Wells, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye.

8:21 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.

On the motion by Wells and seconded by Hundal, it was VOTED to continue the hearing at the applicant's request to October 13, 2022 at 7:15 p.m. pending the submittal of a report from an arborist. Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Wells, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye.

Wells left the meeting; returned 9:15

8:23 p.m. (DEP 125-1140) Notice of Intent, Continued hearing

Applicant: Martha and Kenneth Bedrosian

Project Location: 44 Bedford Road; Project Description: Construction of a detached three car garage, installation of utilities, mitigation plantings and paving of an existing dirt driveway with work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

On the motion by Tatistcheff and seconded by Young, it was VOTED to continue the hearing at the applicants' request to October 13, 2022 at 7:15 p.m. Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye.

8:20 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 Tatistcheff and seconded by Murphy, it was VOTED to continue the hearing at the applicant's request to October 13, 2022 at 7:30 p.m. Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye.

Willard reported the applicant expects the wingwall and culvert will be delivered during the first week in October. The applicant has been informed that the Order of Conditions for this project will expire on 11/10/2022; a request for an extension must be submitted no later than 10/10/22.

9:03 p.m. (DEP 125-1143) Notice of Intent, Continued hearing

Applicant: Datra Oliver

Project Location: 125 Craigie Circle; Project Description: Construction of a repair sewage disposal system on site. The existing sewage disposal system is to be removed and the proposed system will be

approximately located in its place. The existing system is 38 feet from BVW, and the proposed system will be located 51 feet from BVW.

Robert Melvin of Stamski and McNary presented the revised plan dated 9-13-2022 reflecting the following changes based on comments at the previous hearing: a label was added to the plan specifying the removal by hand of debris in the Bordering Vegetated Wetland (BVW) between WF #s BC 5 and BC 6; a label was added to the plan specifying the removal of pea stone in the BVW near WF #BC 7. The plan has been approved by the BOH with no further changes. There were no comments from the Commission. Willard noted there is no designated location for future yard waste, but the issue was not addressed because the property is on the market. On the motion by Hundal and seconded by Murphy, it was VOTED to close the hearing for DEP 125-1143. Roll Call Vote: Ognibene, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye; Tatistcheff, abstained (not present for previous hearing).

On the motion by Hundal and seconded by Murphy, it was VOTED to issue a Standard Order of Conditions. Roll Call Vote: Ognibene, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye

9:15 p.m. (DEP 125-1144) Abbreviated Notice of Resource Area Delineation, Continued hearing

Applicant: Bryan Duby, Cadyco Revocable Trust

Project Location: 0 Bingham Road, Map 16, Parcel 31-4 & 32-5; Project Description: Confirmation of wetland resource areas.

Parra said the Commission had solicited a quote for the peer review from Larry Beals of Beals Associates with which the applicant was not comfortable. The Commission has since received and forwarded to the applicant a quote from Dr. John Rockwood of EcoTec, Inc. for a not-to-exceed cost of \$2,710. Present on behalf of the applicant was Robert Melvin of Stamski and McNary, who said the applicant would like to move forward with the peer review to be conducted by Dr. Rockwood.

On the motion by Murphy and seconded by Tatistcheff, it was VOTED to engage Dr. Rockwood to provide a peer review subject to pre-payment by the applicant. Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye.

On motion by Murphy and seconded by Tatistcheff, it was VOTED to continue the hearing with the representative's approval to October 27, 2022 at 7:15 p.m. Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye.

9:41 p.m. (DEP 125-1146) Notice of Intent

Applicant: Artem Fandin

Project Location: 212 Acton Street; Project Description: Razing an existing home to the foundation and construction of a new single-family home within the outer 100 feet of the Riverfront Resource Area and within the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

Young recused as an abutter. Nathaniel Cataldo of Stamski and McNary shared the plan. The proposed project includes razing the existing dwelling to the foundation and reconstructing it within its existing footprint. The existing deck will be reconstructed as a covered porch also within its existing footprint. All work will take place within 100 feet of a BVW and within the 200-foot Riverfront Area (RA). A roof drywell is proposed to capture and infiltrate roof runoff from the reconstructed dwelling. All work will occur within the existing disturbed area on-site. There is Bordering Vegetated Wetlands (BVW) located on much of the western, northern, and southern portions of the site that project 100-foot Buffer Zone onto the majority of the site. There is an unnamed perennial stream along the western edge of the site that projects a 200-foot RA onto the northern portion of the site. The existing dwelling is within the 200-foot RA, but outside of the 100-foot inner riparian zone. The existing septic system will remain. As mitigation the plan includes removal of one of the sheds located within the BVW as well as a roof drywell which will capture and infiltrate the full roof runoff area.

Parra said the Commission conducted a recent site visit and identified a number of issues with the delineation. He said the Commission will not be making any decisions in terms of reviewing the project until they are satisfied

with the delineations, particularly because it involves RA, since the applicable standards will change significantly dependent upon where the RA is located.

Wells reported on the Commissions' findings following the site visit as follows: (1) during the site visit the Commission observed that the river extends south beyond the first RA flag, mostly off the property; it is clearly shown on the USGS map as river, so whatever methodology they use, whether trying to trace it on an aerial image or to obtain permission from the abutter to flag it, the Commission will need the actual mean annual high-water line along the western property edge; as it is shown on the current plan, the RA clips the northwestern portion of the house, but in reality, RA runs all the way to Acton Street; (2) the Commission believes the soils and vegetation in the vicinity of WF #17-19 and very close to the existing home, are upgradient of those flags by at least a few feet and would like the wetlands consultant to review and reflect those conditions; (3) although it should not impact the project, the Commission observed some upland islands to the west of the BVW line; (4) to the south, across Acton Street, the DEP wetland mapping shows a wetland that may cast a wetland farther to the east of the driveway than what is shown and the Commission requests that be reviewed by the wetlands consultant as well; some recent clearing work has been done in that area not shown on the plan. Mr. Cataldo said they had attempted soil testing in the area east of the driveway and found the underlying soil would not be suitable for SAS, so they abandoned the testing, and no test logs were completed.

Willard said the BOH has not received any information on this project; the current SAS, constructed in 1991, is a three-bedroom system with waivers because the existing system failed and had to be located within the 100-foot Buffer Zone. Mr. Cataldo said they were initially planning to upgrade the septic system, but it was determined that is not possible due to site constraints. Mr. Cataldo said he will consult with the BOH as recommended.

Parra believes the delineation issues need to be resolved and also thinks it would be helpful to the Commission if there were some clarifications as to what the BOH would require regarding use of the existing septic system. Tatistcheff requested better details of the house and echoed Parra's comments regarding the septic system. The remaining Commissioners agreed there needs to be a review of the delineations before proceeding. Hundal asked where the vernal pool is located on the property. Mr. Cataldo said he is not sure of the exact location. Wells said it is located just beyond WF #25 and he asked to have the line past WF #25 tied into the property line.

Present for the hearing was applicant, Artem Fandin, who said there are three shrubs and several stumps he would like to remove and asked if he is able to remove them or if this is something that needs to be added to the plan. Wells recommended they have the stumps they wish to remove surveyed onto the plan. Parra said the Commission is unable to give recommendations on what can and cannot be done until a revised delineation is provided because the standards are different dependent on the type of resource area that is involved.

On the motion by Hundal and seconded by Tatistcheff, it was VOTED to continue the hearing to October 27, 2022 at 7:30 p.m. with the applicants approval. Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Wells-aye; Hundal, aye; Murphy, aye; Parra, aye.

Certificates of Compliance: (all COC requests are on hold pending site visits)

Red Line Change Requests:

(DEP 125-1135) 19 Estabrook Road: Laura Burnes of Adams and Beasley was present to request a red line change to allow the installation of a new underground electrical conduit. The approved plan included the re-use of the existing conduit that connects to the utility pole at the street for the new electrical feed that would come to a hand hole. They have discovered in trying to pull the cable out that it is broken and there is something that is impeding it. The revised location avoids the leach field at the property owner's request so as not to impact any potential future plans. They propose to relocate the siltation barrier to accommodate the new location and will use a small excavator to install the new line.

On the motion by Young and seconded by Tatistcheff, it was VOTED to approve the red line plan change for DEP 125-1135. Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye.

(DEP 125-1134) 147 Westford Street: Nathaniel Cataldo of Stamski and McNary presented the red line change request to drill a new water supply well. The OOC was for replacement of the septic system, which has been completed. The property is being sold, contingent on the installation of a new well. The new well is proposed at approximately 10 feet from the existing well. A double line of siltation barrier and a stilling basin will be provided in accordance with the sketch plan. The plan has been approved by the BOH.

On the motion by Tatistcheff and seconded by Ognibene, it was VOTED to approve the red line change with appropriate reseeding for DEP 125-1134. Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye.

(DEP 125-1124) 547 Westford Street: The applicant is requesting approval of a red line plan change to allow removal of additional trees in accordance with the recommendations of an arborist: 1 Norway Maple (invasive), 2 dead/damaged trees leaning on a tree that is leaning toward the structures (to be left as totems).

On the motion by Young and seconded by Murphy, it was VOTED to approve the red line change for DEP 125-1124. Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye.

Administrative Approvals:

52 Daniels Lane; Navneet Hundal – tree pruning : On the motion by Tatistcheff and seconded by Murphy, it was VOTED to take up the Administrative Approval request for 52 Daniels Lane (not included on the agenda).

Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Murphy, aye; Young, aye; Parra, aye; Hundal, abstained.

Willard said the property owner has requested an Administrative Approval to allow pruning/maintenance of four trees that are leaning over the driveway and/or interfering with play equipment. The project is not considered exempt because the trees are located within 50 feet of the wetland.

On the motion by Murphy and seconded by Tatistcheff, it was VOTED to authorize the Conservation Administrator to issue an Administrative Approval for the pruning of 4 trees along the driveway as requested.

Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Murphy, aye; Young, aye; Parra, aye; Hundal, abstained.

233 Heald Road: Removal of Buffer zone trees near the home – pending arborist report.

Enforcement Updates:

271 Russell Street Enforcement, David Thomas: Parra reported the property owner was contacted by email and by Certificate of Mailing informing him that the Commission had voted at its 9/8/2022 meeting to issue daily fines if the terms of the Enforcement Order had not been fully complied with by 9/22/2022. The property owner did not attend the 9/8/22 meeting. Parra noted there were also multiple attempts over the previous months to discuss compliance as included on the agendas.

The Enforcement Order had been issued in May, 2022 for unpermitted tree cutting within the BVW that occurred in March, 2022. The requirements of the Enforcement Order are as follows: the property owner shall hire a wetland scientist to flag the BVW and the vernal boundary no later than 5/20/22; the wetland flags shall then be survey located onto a stamped plan showing all cut stumps and logs survey located; a mitigation Plan provided by a qualified wetland scientist shall be submitted no later than 6/23/2022 to address procedures for removal of the logs and potential damage that could be caused to the resource area and nearby trees by heavy equipment used to undertake the activity; working with the Carlisle DPW, a proposed solution to address the erosion issues resulting from the unpermitted drainage off Russell (the Commission recognizes that this is not of the current owner's making, but it is an ongoing violation of the WPA); proposed planting plan consisting of native trees and shrubs to assist in restoration of the altered resource area.

Willard reported that to her knowledge none of the terms of the EO have been undertaken. She said Mr. Thomas has said he has been unable to attend previous meetings for which she had provided the agendas due to family and professional conflicts. Parra opened the discussion for suggestions as to next steps.

Wells recalled the property owner had indicated he had engaged Norse Environmental to do the wetland delineation. Willard said she has yet to see any flags. Wells said the Commission has provided many opportunities for the property owner to communicate progress and it is unfortunate he is not responding after repeated requests. Ognibene asked how the property owner has communicated his inability to attend past meetings. Willard said typically via email, after the meetings had occurred. Ognibene said that while he was sympathetic to not being able to attend meetings, he does not believe this is reason to not provide an explanation and to make a good faith effort to address the requirements. He believes it sends a negative message if the Commission sets deadlines but does not follow through with them. Tatistcheff said that if someone cannot attend the meetings as requested, they could send a letter responding to the complaint or designating a representative to do so. She said this property owner has had numerous opportunities to comply with the requirements and she does not think the Commission can credibly hold anyone to account if they are not willing to impose fines, irrespective of how unfortunate their circumstances may be.

Willard said the Carlisle Non-zoning Wetlands Bylaw authorizes daily fines as follows: \$75 first offense; \$150 next offense; \$300 each day following. Tatistcheff said the Commission had issued notice of fines in the past but then received compliance before the fines were issued. Willard will be out of the country beginning tomorrow and asked if the ticketing could wait until she returns. Ognibene said he does not like what he views as a disrespect of the Commission's authority and is not in favor of waiting longer than they already have after making an affirmative decision to fine. A poll of the Commission indicated support for moving forward with fining immediately. Parra agreed to work with Hopkins on initiating the fining process to the extent she needs assistance and will consult with town counsel to confirm procedural requirements.

On the motion by Hundal and seconded by Tatistcheff, it was VOTED to issue daily fines as authorized under the Carlisle Wetlands Protection Bylaw. Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Wells, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye.

Conservation Land Management:

Foss Farm – Poison Ivy Removal: (Tatistcheff recused – spouse of Mr. DeKock) Assistant Community Gardens Manager Jonathan DeKock was present to request approval for the funding of poison ivy removal, as it is significantly impeding mowing in the section to the north of gardens along the roadway. He is aware the Commission had received grant funding for invasive plant removal within the last 5-10 years and the regrowth is now rapidly expanding. Mr. DeKock is familiar with a company that does removal by hand and without the use of herbicides. He has seen their work on a friend's property; he is also aware as a member of the Board of Directors that CCF has hired this firm for invasive plant management on the Spencer Brook Reservation. Mr. DeKock has received a quote of \$925 and is requesting permission to spend up to \$1,000 from the Foss Farm Community Gardens (FFCG) revolving fund to move forward with the work. Willard confirmed that she had spoken with Garden Manager Jack O'Connor, who is in the process of trying to line up the well company for repair of two wells at Foss Farm. Mr. O'Connor does now know how much the well repairs will cost. Willard said there is approximately \$6,000 in the Foss Farm account.

On the motion by Murphy and seconded by Hundal, it was VOTED to pre-approve the expenditure of up to \$1,000 for the hand removal of PI as requested. Roll Call Vote: Ognibene, aye; Hundal, aye; Murphy, aye; Young, aye; Parra, aye.

Greenough Dam: Amendment for Engineering Services – Stephens Associates: Parra said the Commission had solicited a proposal for design modifications to the primary spillway to add stoplogs on the Greenough Pond Dam to increase the water levels by one foot above normal elevations. The Commission had received concerns from pond abutters in the spring regarding the low water levels in Greenough Pond. Stephens Associates has submitted, with the caution that they do not recommend it, a proposal for \$11,100 to provide both the design

amendments and to update the O & M Plan for the dam should the Commission wish to implement the increase in elevation. Parra noted the discussion has been postponed several times due to limited member attendance in the past few weeks and he believes this is something the Commission should adopt by consensus if they choose to do so.

Willard has been monitoring the water level since last summer, prior to the implementation of the dam repair. The last time she measured the level this summer, during the declared drought and before the rain started, the level was down 3.5 feet from last year before the dam repair. She noted that even before the dam was repaired, there were fish kills due to warming water temperatures. Additionally, she has received a report from Mass Wildlife informing her that they could not access some of the wood duck boxes on Greenough Pond, as has been done for many years, even before this year's drought began.

Willard has spoken with a number of residents on Brook Street who have expressed concern about the potential for the boards to exacerbate the issue of water backing up and causing flooding issues on their properties. She noted that in the past, and prior to the dam repair, the main spillway was blocked by beavers, causing water to back up, but she believes having the ability to install the stoplogs if needed is a good plan as long as the Commission is assured of monitoring. She suggested this is an opportunity to have the ability to put in the boards at the beginning of the summer once the major spring runoff has occurred to allow for improved wildlife resilience. She has confirmed with DPW Superintendent Gary Davis that they go out to the dam regularly and could assume responsibility for maintaining the boards.

Tatistcheff said she thinks making it possible to install the boards is appropriate under the Commission's charter, but she does not think it is appropriate for the Commission to oblige the town to do the maintenance unilaterally. She strongly urged the Commission to get direction from the Select Board to have the maintenance occur, since there is the potential for legal action by abutters if there is a heavy rain event and the boards are not managed well, particularly since implementing the design modifications would be against the advice of the engineering firm. Hundal, Murphy and Young concurred. Ognibene also agreed with Tatistcheff's comments and said he believes that, from a risk perspective, going against what the engineers have recommended is a noteworthy risk. He agrees that doing the work to make it possible to control water levels is appropriate, but he also wondered if the Commission should first discuss the plan with the Select Board, specifically from a conservation perspective, before moving forward with the engineering in the event they are not in favor of it.

Present on behalf of a group of concerned neighbors was Paul Sheedy of Brook Street, who said the flooding situation has been getting progressively worse over time with the flood plain expanding and said he can understand why the engineers did not recommend the design change; the neighborhood group also opposes the change. Mr. Sheedy said he and his neighbors are highly sensitive to flooding; the new spillway elevation is a function of the water volume that is carried by the Pages Brook watershed, which is larger than it used to be in the past; the reason they believe 12 inches is excessive is because the crest of the new spillway – the point at which the water goes over the spillway – is exactly 12 inches lower than the crest of the existing spillway. If the town installs a 12-inch board in the new spillway, that will raise the water level to the other spillway as well, and as soon as the water starts flowing over the center spillway, the beavers will begin damming it. The other concern is that if the DPW is responsible for maintenance, they will likely need to do so during large storm events, when the conditions are such that they will also be managing other things. Mr. Sheedy said he thinks the town is going to have a hard time accepting an override of the engineer's recommendation not to implement the design changes unless there is another engineer that could say the flood risk is acceptable and that analysis has not been done yet. There were no other public comments.

On the motion by Tatistcheff and seconded by Hundal, it was VOTED to request that Willard inform the Select Board of the status of the design amendment and to request guidance at an upcoming meeting before proceeding, as articulated by Commissioner Ognibene. Roll Call Vote: Hundal, aye; Wells, aye; Ognibene, aye; Murphy, aye; Young, aye; Tatistcheff, aye; Parra, aye.

Towle Field Mowing RFQ for Mowing Agreement: Willard has placed a notice for the RFQ in the Carlisle Mosquito for the mowing of 5 acres of Towle after the growing season. She has also emailed 10 potential mowers who may be interested in reviewing the RFQ. The response deadline is 10/7/22.

Subcommittee/Liaison Reports:

Cranberry Bog Working Group - Annual Cranberry Bog Maintenance Agreement for Mark Duffy: Parra said the draft Maintenance Agreement has been reviewed by the Cranberry Bog Working Group. The revised agreement includes several substantive changes from the prior agreement as proposed by Parra, including the requirement that the Commission will need to issue an Order of Conditions for three year periods in order to allow mowing, as it can no longer occur under an agricultural exemption; the Conservation Administrator must be notified at least seven days in advance of work; the Contractor will be required to maintain a log of maintenance activities including dates, descriptions of work, and time spent. Parra said he believes the structure of rates has been needed in order to get a good understanding of the pricing structure for now and into the future and he asked Willard to request a pricing schedule from Mr. Duffy. Commissioners agreed the requirement should be clearly stated in the revised agreement. Wells asked how the Commission would communicate areas for which an OOC has been issued. Parra agreed this would be a useful addition and said he would include additional details regarding the procedural aspects being provided to the service provider. Willard said she has consistently received complaints about the number of times the sides of the trails are mowed due to impacts to wildlife habitat, and she suggested the trail sides could be left un-mowed until late fall. Parra will incorporate comments and provide a revised document at the next meeting.

10:09 On the motion by Tatistcheff and seconded by Hundal, it was VOTED to adjourn. Roll Call Vote: Tatistcheff, aye; Ognibene, aye; Wells, 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 upon request