

Carlisle Conservation Commission
August 8, 2013

Pursuant to the notice filed with the Town Clerk, Chair Kelly Guarino called the meeting to order in the Clark Room at the Town Hall at 7:30 p.m. Vice Chair Luke Ascolillo and Commissioners Tom Brown, Tom Brownrigg, and Lee Tatistcheff and Conservation Administrator Sylvia Willard were also present. Commissioner Peter Burn was not present.

Bills, Minutes, General Agenda Items & New/Pending or Old Business:

CPC Liaison: *Tatistcheff moved to appoint Ascolillo as the Commission's representative to the Community Preservation Committee, Brownrigg seconded the motion and all voted in favor.*

Certificates of Compliance:

(DEP #125-509) 32 Hartwell Road, Issued 6/30/1998; Installation of in-ground swimming pool: Willard said that a COC request had been denied in 1999 due to several deficiencies relative to the sump pump and landscaping. Based on her observations during a recent site visit, Willard reported finding that the deficiencies have now been addressed and in her opinion the project had been completed in substantial compliance with the Plan of Record and the Orders of Conditions. *Ascolillo moved to issue a Certificate of Compliance for DEP #125-509, Brown seconded the motion and all voted in favor.*

(DEP #125-0882) 40 Gormley Way, Issued: 4/27/2010; new home: Willard reported that this project, which was permitted by the developer, Hanover Hill, was constructed and purchased by Lou Baldoumas. She said the project had been completed in substantial compliance with the Plan of Record in her opinion. Baldoumas submitted the filing for the garage project in 2011 **(DEP #125-0901) 40 Gormley Way, Issued 5/6/2011; new garage**. Willard reported that, although the clearing for the garage was done, the structure was never built and instead a gravel pad was installed. No further work is planned for this project. *Tatistcheff moved to issue Certificates of Compliance for DEP #125-0882 and for DEP #125-0901, Brown seconded the motion and all voted in favor.*

Land Use and Camping Regulations: The Commission requested that this agenda item be included in the September 5, 2013 agenda to allow for a thorough review of revisions proposed by the Land Stewardship Committee that were largely based on feedback from a local Boy Scout Troop 135 following an overnight camping event last summer.

Plan Change Request: (DEP #125-683) 57 Maple Street: Plan Redesign/Sewage Disposal System

Guarino recused herself from the discussion as an abutter to the project location. Meisner Brem Corporation had submitted a revised Sewage Disposal Plan dated July 31, 2013 for review by the Commission. In their letter of July 31, 2013, they requested that the Commission confirm in writing that the new design is of De minimis change to the Buffer Zone. Willard reported having compared the revised Plan with the Plan of Record dated November 25, 2002. She said she found that, within the jurisdictional area of the new plan, the revised grading, house footprint and driveway were different from the original plan, but those changes were not significant enough in her opinion to require an Amended Orders of Conditions.

Brownrigg said he found the proposed location of the well was concerning to him because it puts the distance between siltation fence and the wetland at approximately 13 feet. He suggested an alternative location for the proposed well in order to get a distance of at least 25 feet from the wetland. Because the location of the well had been previously approved, the Commission asked Willard to send a letter to Meisner Brem Corporation requesting that they consider relocating the well so as to allow an undisturbed buffer of at least 25 feet between the resource area and the siltation barrier.

Tatistcheff moved to inform Meisner Brem Corporation in writing that the revised Plan dated July 31, 2013 has been accepted and to include a request that they consider relocating the well such that there is a 25' offset between the siltation fence and the wetland. Brown seconded the motion and all voted in favor.

Cross Street Pathway – Paving: (DEP #125-801): Willard reported having been contacted by site contractor Dave Erikson relative to completing the final section of the pathway project between Captain Wilson Lane and Greystone Lane. He had informed Willard that this section is located between two boardwalks, requiring him to access the project site from Cross Street. This section of the roadway is now town-owned conservation land that is under the care and custody of the Commission in accordance with the terms of the Conservation Cluster General Permit. Willard said this approach would require a temporary disturbance to an ancient stone wall, but the contractor has assured her that it would be returned to its original condition upon completion of the project. She also reported that the contractor does not believe the project will require removal of any trees larger than 2" in diameter, and she said she had found the understory in this area to be comprised of primarily poison ivy and glossy buckthorn. Willard noted that there are no longer any wetland flags at this location and recommended a siltation barrier be required to demarcate the limit of work.

Willard said she had consulted with Louise Hara of the Trails Committee and also with Planning Board Administrator George Mansfield relative to the proposal, with the general response being that the section they are now proposing for access is the least damaging to cross. Also, because the disturbance to the stone wall will be temporary in nature, the change does not require a public hearing with the Planning Board in accordance with their Scenic Roadway Bylaw.

Guarino said the Commission needs to look at this request from two perspectives: first as to whether the change in access fits within the parameters of the OOC's and also whether it is appropriate to allow access on conservation land that is under the Commission's care and custody. Tatistcheff said she had no problem with using public land to access a public pathway. Brown said he wanted to be sure the stone wall will be returned to its original condition, to which Willard said the contractor has agreed to provide pre and post-construction photographs of the stone wall to ensure this.

Brown moved to approve the use of the Greystone Conservation Land as defined to access the Greystone Pathway project area, provided the stone wall at this location is returned to its original condition, Tatistcheff seconded the motion and all voted in favor. Brown moved that the Commission, as the regulating body which approved the original Plan of Record, approve the request to change the access approach to the project area contingent as defined with the requirement that the wetland flags in the project area are reset, and the office is notified prior to the start of construction, Ascolillo seconded the motion and all voted in favor.

8:10 p.m. (DEP #125-0942) Notice of Intent, Continued Hearing

Applicant: Brian and Meghan Wells

Project Location: 155 Woodridge Road

Project Description: Construction of a garage, retaining wall and associated grading and installation of a propane tank

Guarino opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Guarino recalled for those who were not in attendance at the previous hearing that the Commission had cited several issues, including the fact that there were several additional structures observed during a recent site visit that were not in existence during previous filings on the property and are likely well within the Buffer Zone but are not shown on the plan. Also noted was the fact that the gas line connecting the propane tank to the garage was also not shown. Willard reported having overlain the revised Plan dated August 2, 2013 onto the original Plan from 2004, revealing the fact that the original Plan had a more complete wetland delineation, including the BVW associated with a pond located behind the house. Willard said she noted a fence that had been constructed by the previous owners of the property that appears to run along the wetland line that was also not shown on the Plans.

Ben Ewing of Stamski and McNary said they had revised the Plan in accordance with the Commission's comments from the previous hearing to include the following revisions: the approximate location of a gas line from the

underground propane tank to the proposed garage has been shown; the existing patio that was constructed within existing lawn has been shown; the extent of the existing play area has been shown. Ewing said they had also included a note on the revised Plan dated August 8, 2013 stating that the previous wetland delineation has not been confirmed. Ewing said Willard had requested they also show the old wetland line from the previous filing and, upon his inspection, he said it did in fact look like the play area crossed over the wetland line. Ewing said he had consulted with David Crossman of B&C Associates at that point, who said he recalled that a fence had been constructed along the wetland line, with the play area on the inside of the fence and the wetlands on the other side. Property owner Brian Wells, who was present for the hearing, said he found one remaining flag along the fence line, confirming his assumption that the play area is outside of the wetland. At the Commission's request, Wells agreed to mark the approximate location of the fence onto the revised Plan.

Guarino said it makes a difference for her to know there is a fence at the wetland line, but not enough to require submission of another Plan revision. She said that, otherwise, it seems disingenuous to her for the applicant to mark some, but not all wetlands, including an existing pond - both of which are significant features. Therefore, she suggested the Commission make it clear that the delineation is incomplete. Willard suggested including a Finding in the OOC's stating that wetlands exist on property that are not delineated on the Plan.

Brown moved to close the hearing for DEP #125-0942, Ascolillo seconded the motion and all voted in favor. Brown moved to issue a Standard Order of conditions with the Finding that wetlands exist on the property that are not delineated on the Plan dated August 8, 2013, Tatistcheff seconded the motion and all voted in favor.

8:15 p.m. (DEP #125-0940) Notice of Intent, Continued Hearing

Applicant: Luciano Manganello

Project Location: Elliott Farms – 291 River Road

Project Description: To address the requirements of an Enforcement Order for work undertaken in the jurisdiction of the Carlisle Conservation Commission

Guarino opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. The hearing was continued to September 5, 2013 at 8:30 p.m. at the applicant's request.

Foss Farm – Unauthorized Trail Widening: Willard updated the Commission relative to unauthorized trail widening at Foss Farm. She said she had consulted with the Trails Committee on the matter and their recommendation was to request that the DPW place large boulders at the entrance to the trail spaced apart so as to allow horses to pass through but prohibiting vehicle access.

Staff Meeting Communication: Willard reported the town has hired Human Resources Services, Inc. to conduct a review of town employee job descriptions, recognizing that many positions have evolved since this process was last undertaken over 13 years ago. The consultants will be conducting the review starting in September with the goal of concluding the process in December.

8:30 p.m. (DEP #125-0944) Notice of Intent

Applicant: Marc Raibert

Project Location: 493 Baldwin Road

Project Description: Installation of a water supply line to an existing structure and a pump chamber and sewer line to be connected to an existing septic system

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Ben Ewing of Stamski and McNary presented the Plan. The proposed work is located within the 200-foot Riverfront Area of a perennial stream that is associated with a pond on the site. The applicant is proposing to run a water service to the existing garage and to tie the sewer service with a ground pump back into the existing septic system. There are no changes proposed to the existing septic system.

Willard reported that there was an error in the Legal Notice that had been placed in the *Carlisle Mosquito* in that the notice indicated the proposed project was within the 100-foot Buffer Zone of a BVW as well as within the 200-foot Riverfront Area, when the project is located within the Riverfront Area only. Relative to her recent site visit, Willard said there is a jurisdictional area to the west of the property that possibly extends onto the property that is not shown on the Plan. Other than that, if the applicant is willing, she recommends the Commission include a Continuing Condition to allow the removal of the Oriental Bittersweet and other invasive plants she observed at the project site.

Tatistcheff moved to close the hearing for DEP #125-0944, Ascolillo seconded the motion and all voted in favor. Tatistcheff moved to issue a Standard Order of Conditions with the Finding that other wetland resource areas exist on the property that are not captured on the Plan of Record and with a Continuing Condition allowing the manual removal of invasive plants within jurisdictional areas. Brown seconded the motion and all voted in favor.

8:35 p.m. Towle Field Treatment:

Brownrigg reported on the invasive plant removal field work conducted by Ecological Programs Coordinator, Amanda Weise, along with several other New England Wild Flower Society staff members at Towle Field on August 5 & 6, 2013. He said the NEWFS crew had treated the entire area of approximately three acres that he and Willard had previously staked out in order to ensure the chemical treatment work was well outside of the Buffer Zone. Weise will be revisiting the area in about a month in order to evaluate the effectiveness of the treatment thus far. Brownrigg said he recommends replacing the bamboo tomato stakes he and Willard had used to temporarily delineate the treatment area with metal stakes, as monitoring of the area will likely occur over a period of several years.

Moving forward with the Commission's intention to implement a long-term management plan at Towle Field, Willard recommended having all wetlands at Towle Field delineated by a wetland scientist in order to prepare a future filing to include any and all potential work the Commission may want to undertake over next three years. This likely will include herbicide treatment, field edge clearing and a planting plan for the treated areas. She said she had received an informal estimate from David Crossman of B&C Associates in the amount of \$1,500 to \$2,200. Crossman told Willard he was not in a position to do the actual delineation due to a potential conflict of interest issue. Willard suggested John Rockwood of EcoTec, Inc., who had done peer review work for the Commission previously. The Commission asked Willard to move forward with this by obtaining a written proposal from Rockwood as well as estimates for any other costs associated with the project.

8:45 p.m. (DEP #125-0945) Notice of Intent

Applicant: Justin Neal

Project Location: 80 Captain Wilson Lane, Lot 9

Project Description: Construction of a single-family dwelling, driveway, installation of a water supply line, septic tank, associated tree removal and grading within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Ben Ewing of Stamski and McNary presented the Plan. He said this property is part of the original Greystone Subdivision Plan. Willard commented that the Plan showed quite a steep slope. Ewing concurred, stating they would be building up the area for the septic system and the house, with a walk out in the back of the house in order to work with natural contours. Ewing said there is a Bordering Vegetated Wetland located in the western and southern portions of the lot. The proposed work is located within the 100-foot Buffer Zone of a BVW, with the soil absorption system to be located greater than 100 feet from the BVW. The limit of work line is approximately 25 feet from the BVW at the closest point.

Ewing said there was some discrepancy as to whether a wetland resource area on the property was still active. David Crossman of B & C Associates reexamined the wetland flag locations in this area and revised the lines to accommodate a slight modification, but the change did not impact the work they are proposing. A revised Plan reflecting the change has been submitted.

Willard noted that the property was adjacent to the Greystone Open Space Parcel but the Plan did not include the open space markers required in the Orders of Conditions for the development. Ewing said this was an issue that the developer would need to address because it was a requirement included in the Orders of Conditions for the Greystone Subdivision Plan. Willard asked why they did not locate the house to the east in order to locate it farther from the BVW. Ewing said they did consider that possibility, but it would have required a substantial increase in fill in order to meet the existing roadway.

Guarino noted that the location of the ellipse for the house on the proposed Plan differed from the location for the subdivision plan. Ewing said there is an ellipse requirement relative to lot regularity dictated by the Planning Board that was approved with the subdivision plan. Ewing explained that from the conceptual stage, which shows a potential location, to where they actually try to locate the house to accommodate setback requirements, is a multi-step process.

Willard said of concern to her was that there is Buffer Zone beyond the proposed well that is not identified on the Plan, and if they start clearing the entire area, they could unintentionally stray into the 100-foot Buffer Zone. Ewing agreed to add construction fencing in this area. Willard recommended a Continuing Condition allowing manual removal of invasive plants, which will likely move into the area proposed to be cleared for the well.

Brown moved to close the hearing for DEP #125-0945, Tatistcheff seconded the motion and all voted in favor. Brown moved to issue a Standard Order of Condition with a Special Condition requiring construction fencing to identify the Buffer Zone Limit of Work and the Continuing Condition to allow the manual removal of invasive plants. Tatistcheff seconded the motion and all voted in favor.

9:00 p.m. (DEP #125-0943) Notice of Intent

Applicant: Steve Lupo

Project Location: 38 Greystone Lane, Lot 1

Project Description: Construction of a single-family dwelling, tree removal and grading in the 100-foot Buffer Zone of a Bordering Vegetated Wetland associated with installation of the home and a septic system

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Ben Ewing of Stamski and McNary presented the Plan, which is part of the Greystone Subdivision development. The resource area is a BVW located in the western and southern portions of the lot. The BVW was confirmed in the Orders of Conditions dated March 14, 2006 under DEP #125-773, which was extended under the Permit Extension Act. They are proposing locating the house box within the 100' Buffer Zone, with the Limit of Work at 25 feet from the Buffer Zone. The septic system will be located outside of the Buffer Zone with some associated grading within the Buffer Zone in order to tie into Greystone Lane.

Willard noted the property is adjacent to the Greystone Open Space Parcel but the Plan did not include the open space markers required in the Orders of Conditions for the development. Ewing said this was an issue that the developer would need to address because it was a requirement included in the Orders of Conditions for the Greystone Subdivision Plan. Willard recommended that the siltation barrier, which is the limit of work for the tree clearing, be pulled closer to the septic tank and the line heading to the septic field. Ewing agreed that it was a generous access corridor. Willard also recommended a Continuing Condition allowing the manual removal of invasive plants.

Guarino commented that the walk out for the basement in the back of the house is 25 feet from the wetland and asked the engineer to propose options amenable to the property owner and to the Commission in order to keep it from creeping closer to the wetlands. She said this proposal is closer than the Commission would normally prefer because this is such a tight lot. She also noted that if the property owner wants to access the Greystone Open Space Parcel via a pathway or bridge/boardwalk at some point in the future, he must come back to the Commission requesting a Plan Change.

Ascolillo moved to close the hearing for DEP #125-0943, Tatistcheff seconded the motion and all voted in favor. Brown moved to issue a Standard Order of Conditions with the Special Condition requiring that the area at 25' from the walkout to the wetland is delineated in a manner that is acceptable to the Commission and with the Continuing Condition allowing the manual removal in invasive plants. Tatistcheff seconded the motion and all voted in favor.

9:10 p.m. COC: (DEP #125-598) 252 Westford Street; Issued 5/15/2000; Installation of clay barrier, grading and repaving portion of driveway: Property owner, Greg Fairbank, was present for the hearing.

The Orders of Conditions for this project initiated by the previous owners were not properly closed out because they were never recorded at the Registry of Deeds. A True Copy Attest had been recently provided to the current owner and it has now been recorded. Stamski and McNary recently submitted the request for a Certificate of Compliance stating they found the project had been completed substantially in accordance with the Orders of Conditions and the Plan of Record. *Tatistcheff moved to issue a Certificate of Compliance for DEP #125-598, Ascolillo seconded the motion and all voted in favor.*

9:15 p.m. (DOA – 307) Request for Determination

Applicant: Edgar S. Miller

Project Location: Red Pine Drive

Project Description: Preparation and paving a portion of an existing paved common driveway with work in the 100-foot buffer zone of a bordering vegetated wetland

Guarino opened the meeting under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. The contractor, Keith Anastasy from The Dirt Doctors, was present to describe the project and answer any questions that may arise. The proposal includes the scope of work and erosion control measures to ensure minimal disturbance of existing vegetation and established grass areas.

Willard provided the Commission with the original Plan for a common driveway that had been approved by the Planning Board. She said the ownership of the roadway was an issue because it is a common driveway that was constructed in the early 1960's under a subdivision regulation that has since been repealed. She said she discussed the issue with Planning Board Administrator, George Mansfield, who said the property owners each own to the middle of the road and confirmed there is no homeowners association in place. Willard said her concern was that work is being proposed on someone else's land. She said she had consulted with Town Counsel on this, who has ruled that everyone has the right to maintain access to their home and that the Commission only needs to be concerned with wetland issues associated with the proposal. Willard said she has since obtained signatures from most of the property owners, but still needed approval from the owner of the lot on the left at the bottom of the hill on Bedford Road. She reported the applicant informed her that he has since contacted this property owner for approval.

With the proposal meeting with the Commission's approval, Brown moved to issue a Negative Determination/B3, the work described in the Request is within the Buffer Zone but will not alter an Area subject to protection under the Act. Therefore said work does not require the filing to a Notice of Intent, subject to the following condition: silt fence must be installed on the pond side of the road beginning approximately 40 to 50 feet from Route 225 and extending approximately 20 to 30 feet past the pond. Tatistcheff seconded the motion and all voted in favor.

9:35 p.m. (DEP #125-791) 337 Bedford Road

John Bakewell – Request to discuss plan regarding proceeding with invasive removal work

Applicant: Ed Fields

Current Owner: Nicholas Fohl

Project Location: Bedford Road, Parcel 88-1; **Orders issued 10/18/2006; Ext Permit - Extended to 10/18/2012; Permit Extension Act - Extended to 10/18/2016**

Guarino said John Bakewell had submitted a proposal to conduct invasive plant removal work under an existing Order of Conditions which was discussed at the Commission's previous meeting. Bakewell has submitted a schematic illustrating the proposed work as requested by the Commission. Bakewell said the property is engulfed by invasives

plants, including but not limited to buckthorn, multiflora rose and honeysuckle. He said it is lowlands behind Bates Farm, with Pages Brook going through it and there is evidence of remnants of an old mill based on the fact that when you approach it from the common driveway, there is some stonework and rock walls that appear to be a bridge abutment across the stream.

Bakewell said he is proposing to mow the upland areas in order to get closer to the invasive plants using a brush hog. He said he would be staking the limits of work for the mowing as illustrated on the sketch he had provided. If this is acceptable, he is proposing to use a tractor and cable combination to tie groups of larger invasives together and then treat the remaining stumps with herbicide and leave them to decompose.

Bakewell asked the Commission where it would be acceptable to them to locate the tractor for a one time application. He also asked for guidance as to the Commission's preference for choice of herbicide. He is proposing to cut and paint with Triclopyr in seed oil, which bonds to the plants upon application. Willard noted that the Orders of Conditions recognize that invasive plant removal would be required in the future, but they state that a new Order of Conditions would be required if herbicide use is proposed. Brownrigg noted that one of the Conditions in Perpetuity state that "no pesticides or herbicides are allowed within a wetland resource". He suggested that, if Mr. Bakewell's work is approved, the Commission modify the Orders of Conditions to reflect a change in policy regarding use of herbicides. Guarino said the approach being proposed to improve the property for the building and for the habitat is the most conservative approach in her opinion. She asked Bakewell whether he is proposing to replace the trees and shrubs that will be removed. Bakewell said he would wait to see what comes in following the treatment, noting that it is difficult to continue invasives removal and to replant simultaneously. He estimated the project will require two to three years of continuous treatment in order to be successful.

Regarding Bakewell's questions relative to choice of herbicide, Brownrigg said he would like to know that whatever is used will not migrate into the wetlands. He recalled from his work with New England Wild Flower Society staff on using herbicides at Towle Field that certain herbicides should not be used within 100 feet of wetlands. The Commission discussed various options and agreed there are herbicides that have been approved for aquatic use and/or wetland applications. Bakewell said he would use the most wetland friendly formulation to protect the wetland resource areas.

Willard noted that most of the wetland flags are missing. Bakewell agreed to mark the wetlands with oak stakes wherever he finds flags and said he would contact Willard once this has been done in order to coordinate a site visit with the Commission.

With no further questions or comments, *Tatistcheff moved to approve the invasives management plan within the original Orders of Conditions as discussed, using the most friendly version of Triclopyr, Ascolillo seconded the motion and all voted in favor.*

Discussion/Requirements: (DEP 125-558) 44 Bedford Road: Willard reported the property owners are planning to convert an existing deck to a four-season room. According to the Massachusetts Wetlands Protection Act, a deck that is greater than fifty feet from the wetland does not require a filing, but because it is being converted and is located within the Buffer Zone, it is no longer exempt. Based on the fact that the most recent delineation for this property was done in 1998, the Commission determined that the property owners will need to have their wetlands delineated and will be required to submit a Request for Determination prior to undertaking the project.

10:30 p.m. *Tatistcheff moved to adjourn, Ascolillo seconded the motion and all voted in favor.*

Respectfully submitted,
Mary Hopkins
Administrative Assistant