

Carlisle Conservation Commission
July 11, 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, Peter Burn and Lee Tatistcheff and Conservation Administrator Sylvia Willard were also present.

Field Edge Clearing Update: Willard reported receiving a quote from Cook Company, Inc. for field edge clearing at the Greenough Land and Towle Field, with an amount not to exceed \$4,900. The funding for the work was encumbered from the Commission's FY13 budget. The Commission will also consider moving forward with field edge clearing work at Fox Hill and the Bisbee Land during FY14 as funding permits.

BOS /CONSCOM Goals: Guarino reported having recently met with BOS Chair Tim Hult to discuss ongoing departmental goals and budgetary needs as part an ongoing BOS initiative to meet with individual boards and committees. Guarino said they discussed the need for establishing a structured means of evaluating ongoing maintenance of town owned fields in order to determine a long-term budget strategy. They also discussed the need for clarifying coordination of conservation land maintenance efforts with the DPW and sharing costs of maintaining structures on town owned conservation lands such as the well field on the Benfield Conservation Land.

Open Space and Recreation Report: Willard reported having sent the draft 2013 OS&R Report to the state (MAPC and EOEEA) for comments.

Foss Farm Wasp Monitoring: Dr. Jennifer Forman Orth, State Plant Pest Survey Coordinator at Massachusetts Department of Agricultural, has requested permission to continue the multi-year Biosurveillance Study on the ground nesting wasp, *Cerceris fumipennis*, at Foss Farm. This monitoring work has been conducted at Foss Farm over the last several years in order to study the wasp colony, believed to provide an indication of the presence of the invasive Emerald Ash Borer Beetle. The Commission determined that a Land Use Permit will not be required due to the limited number of individuals who will be assisting with the monitoring, but asked that the activity be documented for Land Use records.

7:45 p.m. New Town Counsel: Attorneys Tom Harrington and Jenny Merrill from the recently appointed firm of Miyares and Harrington, LLP, were present to discuss current issues and to confirm the Commission is operating within the law and therefore adequately keeping themselves protected. Topics discussed included the Conflict of Interest Law, Executive Session procedures, potential litigation strategies, email protocol, the local Carlisle Wetlands Protection Bylaw/fees, Article 97 (relative to locating affordable housing on conservation land), Chapter 61 provisions, reclassification of the Curve Street dam, potential Chelmsford Public Water Supply wells, and Agricultural License Agreements. Attorney Harrington said they would need time to further research the town's request to have the Curve Street Dam reclassified and also to review existing Agricultural License Agreements in order to provide their recommendations.

8:25 p.m. (DEP 125-0892A) Request to Amend Orders of Conditions

Applicant: Catherine Cole

Project Location: 81 Craigie Circle

Project Description: Removal, trimming and cabling trees; construction of a pathway and landscaping

Guarino opened the Hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Ascolillo recused himself as an abutter to the proposed project site. Ken Cole presented the request for tree removal work, foundation plantings and construction of a stone walkway. He said they had been prompted to hire arborist George Ackerson of Horticultural Technologies, Inc., to evaluate their property after a large tree fell onto their house last fall. He said they also consulted with Marquis Tree Service of Burlington in determining the details of the proposal. The report calls for pruning and cabling approximately five trees and recommends removal of seven trees. All work associated with the tree removal would be undertaken with a large crane staged on Craigie Circle. The Plan also includes a proposal to install a stone walkway connecting the driveway to the side and rear entrances of the house, as well as foundation plantings of native, non-invasive perennial plants and shrubs. The applicant confirmed he had forwarded the proposal to NHESP for their review as required for projects proposed within Estimated and Rare Species Habitat and has since received a response with no further requirements. *Tatistcheff moved to close the hearing for DEP #125-0892, Brown seconded and all voted in favor. Brown moved to approve the request to Amend the Orders of Conditions, Tatistcheff seconded the motion and all voted in favor, with the exception of Ascolillo, who had previously recused himself from the discussion.*

8:35 p.m. (DOA-306) Request for Determination

Applicant: Niles and Christie Cocanour

Project Location: 241 East Street

Project Description: Addition of a screened porch, deck and vestibule

Guarino opened the Meeting under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Niles and Christie Cocanour presented the Plan for the addition of a 12' x 13' screened-in porch to be attached to the rear of the existing house, a 5' x 6' vestibule leading to the existing back door, and a 8' x 10' deck and landing. The structures will be constructed in an existing lawn area using a "pier and beam" foundation set on three sono-tubes. The wetlands delineations were done by Norse Environmental in June, 2013 and had been confirmed upon inspection by Conservation Administrator Willard. During the site visit, Willard said she had observed a large area of Burning Bush at the top of the slope inside the dog fencing and suggested the applicant consider removing the invasive plants. The proposal was also submitted to the BOH due to the close proximity of the proposed work to the septic tank, and has been approved with requirements.

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, with a Special Condition allowing for the manual removal of Burning Bush and other invasive plant species, and in accordance with the requirements of the Board of Health. Ascolillo seconded the motion and all voted in favor.

FEMA Update: Willard reported she and Planning Board Administrator, George Mansfield, had attended the recent BOS meeting in order to provide an overview of the proposed revisions to the FEMA Flood Insurance Rate Map for the Concord River Watershed.

Their presentation included a demonstration of the digitized maps provided by FEMA, depicting the four primary areas within Carlisle where changes are proposed: Concord River, Spencer Brook, Page's Brook and River Meadow Brook.

Following their presentation, Willard and Mansfield were asked to compile material relative to the proposed changes to be posted on the Town web site. The public comment period will allow property owners to submit any appeals to the proposed changes to the BOS by September 12. Willard noted the town of Carlisle does not have any obligation to judge whether or not the appeals are adequate, rather they will forward the appeals on behalf of the property owners as submitted, along with any corrections relative to general town data (street names, population data, etc).

8:45 p.m. Public Hearing – Herbicide Use on Towle Field:

Guarino opened the Public Hearing that had been scheduled in order to discuss the potential use of herbicides on Towle Field in order to control poison ivy and invasive plant species to begin to reclaim the field for passive recreation and for habitat improvement. She explained that the Commission is interested in using the remaining SuAsCo Cooperative Invasive Species Management Area (CISMA) grant funding for this purpose and are conducting the public hearing in order to discuss objectives and to obtain public input. CISMA volunteer, Lynn Knight, who had applied for and was awarded the grant, provided an overview of the NFWF grant funding provisions, explaining that the funding is intended to allow field restoration work by controlling invasive plant species. She reported there are remaining funds available for additional invasive plant control work this year following the work done by the New England Wild Flower Society on the Foss Farm Conservation Land and CCF property Ben's Woods during the 2012 growing season. The funding will expire in September.

The proposal to use some of the field work time at Towle Field was a logical choice, since the Commission has been exploring various options for controlling the poison ivy and buckthorn that is adversely affecting the grassland habitat at the site and increasingly prohibiting passive recreational activities. The Commission had received recommendations from experts in invasive plant control, including Amanda Weise from the New England Wild Flower Society and from Landowner Incentive Program Coordinator, Mike Sawyers from NHESP, both of whom recommended herbicide treatment as the most effective method for the control of the well-established poison ivy and invasive plant species at Towle Field.

Guarino said the Commission has received a substantial amount of feedback during the last few years from the public relative to maintenance at Towle Field relative to invasive plant control and particularly the poison ivy. In response to this, they have been looking at long-term maintenance options relative to field edge maintenance, replanting/restoration plans and potential funding options. She noted that the Commission held a public meeting and conducted a public site walk in early June to explore this topic.

Brownrigg said he had recently conducted a site visit with Willard and Knight at Towle Field to discuss the project with representatives from NEWFS. At that time, they determined they could treat roughly a third of the main field or all of the north field with the remaining grant funding. Brownrigg said he would recommend focusing the limited funding on the area that had historically been confirmed bobolink nesting habitat, but in recent years is no longer suitable for the grassland nesting birds.

Amanda Weise then provided details regarding the recommended herbicide treatment options. She said there are generally two herbicide options for treatment at sites similar to Towle Field: Glyphosate or Triclopyr. She said that if the goal is field maintenance, she would recommend using Triclopyr on upland areas because it targets woody plants such as Buckthorn but does not kill grasses.

She also recommended mowing the areas to be treated a couple of weeks before in order to improve the efficacy of the herbicide treatment plan.

She said there is no recommended buffer distance for this product; rather it would be based on their determinations in the field.

Brownrigg said he had recently reviewed a technical report produced by The Nature Conservancy which found that Triclopyr can be an eye hazard, causing him to be concerned about the potential hazard to people walking dogs on the trails. Weise said that generally, this caution is for the concentrate, and as the concentration decreases, it's more of an eye irritant than hazard. They are proposing a 1% to 2% solution for this application. The re-entry time for this product for non-agricultural use is "when dry", so Weise said closing the trails for a period of 24-to 48-hours following the treatment would be more than sufficient. She said this is the most effective time of year for this type of treatment, when the weather is often sunny with little wind. The work would be done by a group of four applicators who would walk a transect across the designated areas and apply the herbicide on individual plants.

Guarino asked Weise for her recommendations relative to ongoing maintenance of the treated areas. Weise said the poison ivy would be a continuing, multi-year battle, and suggested applying Triclopyr in the upland areas and Glyphosate in areas near wetlands during the first year. Follow up would include a second treatment in the previously treated areas in order to keep them in grassland habitat by controlling any regrowth of invasives. Brownrigg said he would like to have the treatment areas flagged in order to demonstrate the effectiveness of the treatment. Weise said they could mark the areas where they have treated and could also use GPS to mark the endpoints and produce a map for future reference.

Guarino said the Commission had received a letter relative to the potential use of herbicides from Ronald and Leslie Kmiec of Bingham Road. In their letter they said that over the past several years, Poison Ivy growth has fluctuated. They said they are concerned about the potential herbicide use both because they are located downstream from the proposed treatment area and due to the potential environmental impact in general.

Mary Lynn Bohn, who has lived on Westford Street across from Towle Field since 1995, said their experience has been that the Poison Ivy has become increasingly worse and is now creeping onto their property. Guarino noted that this statement demonstrates that the lack of field maintenance is affecting property owners.

Burn asked if anyone on the Commission considers the issue of potentially poisoning the water supply to be legitimate concern. Brownrigg said his review of the TNC report showed that Triclopyr does not migrate very far down into the soil; in fact, most studies have shown that Triclopyr does not tend to move in significant quantities below the top 15cm of soil. Weise said it is generally non toxic to humans, and if there ever was an event where it got into the water supply, ingesting it has never caused poisoning because if ingested, it is excreted in the urine within a few hours. Burn said it was not so much his comfort level, but were he to own a house adjacent to this property, would he be in favor of this project. Guarino said the Commission is trying to make the point that they are not just blindly applying herbicide to the entire field without thinking through what that means. "This whole process has been gathering information".

Tatistcheff noted that this is not an agricultural application that will happen six times a year or every year for six years, rather it involves spot foliar applications on known plants.

"We are trying to get this under control so we don't have to go with herbicides in heavy quantities. The herbicide being selected is much less toxic than other options available to us, so I think as a Commission we are doing something very conservative. Brown said he agreed with this approach because the Commission has tried every other means available to control the poison ivy and invasives in order to restore the field.

Another resident raised the question of whether residential well testing for properties adjacent to the treatment areas and/or spot soil testing in treatment areas would be an option. Ascolillo said he would be willing to look into this relative to costs and availability. Guarino agreed that this would be useful information for residents to have some reassurance if it is not cost prohibitive.

Burn said the issue of lawn chemicals was raised during the Open Space and Recreation Report presentation and thought it may be an issue the town may want to consider looking at more closely. "I don't actually know what our neighbors are putting on their lawns, but it is potentially a lot more concentrated than what we are talking about.

Willard said the NEWFS crew would not be treating the designated areas at Towle Field until late July and that she would, in the meantime, be flagging the Buffer Zone in order to determine where the wetlands are located. She noted that the Town is not exempt from this kind of activity under the Wetlands Protection Act and that a filing would be required for any future work proposed the Buffer Zone.

9:24 p.m. (DEP 125-0940) Notice of Intent, Continued Hearing

Applicant: Luciano Mangarella

Project Location: Elliott Farms – 291 river Road

Project Description: To address the requirements of an Enforcement Order for work undertaken in Resource Areas that are outside the scope of the Orders of Conditions for DEP 125-0893

Guarino opened the Continued Hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. The hearing was continued at the applicant's request to July 25, 2013 at 8:15 p.m.

9:35 p.m. (DEP 125-0941) Notice of Intent

Applicant: Geoffrey Bentley

Project Location: 282 Autumn Lane

Project Description: Repair of an existing septic system within the 100' 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. William Hall of Stamski and McNary, Inc. presented the Plan to replace the existing failed system. The wetlands were delineated by B & C Associates. He said that they had added an pre-existing culvert to the Plan based on Willard's comments and have submitted the revised plan.

They are proposing to replace existing failed septic tank with a 1,500 gallon dual-compartment in the same location at 54' from the wetland. The pumping chamber and leach field are located outside of the Buffer Zone. The proposal has not yet been reviewed by the Board of Health's technical consultant.

With the representative's approval, the hearing was continued to July 25, 2013 at 8:00 p.m. pending a BOH review.

Foss Farm Trail Widening: Trails Committee member Henry Cox had recently informed the Commission that he had discovered what he believed to be unauthorized trail widening at Foss Farm. The trail in question had been constructed as part of an Eagle Scout project. Cox said it appeared that large rocks may have been relocated to the side of the trail as well, possibly to allow vehicle access to the trails.

Willard noted that when the Scouts had submitted their proposal for the trail, the Commission requested that it be wide enough to accommodate a horse, but not wide enough to accommodate vehicles. Guarino requested that Willard check with the Old North Bridge Pony Club to ask if they had possibly widened the trail during their recent work days at Foss and to also check with a few of the abutters to find out if they may have any information.

9:50 p.m. Tatistcheff moved to adjourn, Brown seconded the motion and all voted in favor.

Respectfully submitted,
Mary Hopkins
Administrative Assistant

DOCUMENT REGISTER:

Town Counsel: Executive Session Procedures

NEWFS/Weise: Technical Reports – Triclopyr and Glyphosate

Executive Session Guide: Submitted by Miyares and Harrington, LLP