

Carlisle Conservation Commission
June 13, 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 7:35 p.m. Vice Chair Luke Ascolillo and Commissioners Tom Brown, Tom Brownrigg, Jen Bush and Lee Tatistcheff were also present. Conservation Administrator Willard was also present. Commissioner Peter Burn was not present.

General Agenda Items & New/Pending or Old Business:

Emergency Certificate - 236 Lowell Street/Patricia Holdsworth: The Emergency Certificate that had been approved at the Commission's May 23, 2013 meeting allowing tree removal was circulated for signatures.

Certificates of Compliance:

(DEP #125-0783) 157 Koning Farm Road; Applicant: Lemonias Development Co., Inc.; Project: Construction of a single-family dwelling with private well, sewage disposal system, driveway and associated grading; Issued: 5/23/2006. *Based on Willard's confirmation that 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 #125-0783, Brown seconded the motion and all voted in favor.* Willard noted there is a Continuing Condition allowing the manual removal of invasive plant species.

(DEP #125-344) 886 Lowell Road; Applicant: Installation of a Common Driveway; Issued: June 4, 1992. *Based on Willard's report that the project was never undertaken, Tatistcheff moved to issue a Certificate of Compliance for DEP #125-344, Ascolillo seconded the motion and all voted in favor.*

(DEP #125-0933) 103 Indian Hill Road; Applicant: Norma Read; Project: Installation of a septic tank, pump chamber, force main, d-box and associated grading; Issued: 1/16/2013. *Based on Willard's recommendation that the project was completed in substantial compliance with the Plan of Record, Brown moved to issue a Certificate of Compliance for DEP #125-0933, Tatistcheff seconded the motion and all voted in favor.*

ConsCom Re-appointments:

*Tatistcheff moved to re-appoint Commissioner **Luke Ascolillo** for the term beginning July 1, 2013 and ending on June 30, 2015, Brown seconded the motion and all voted in favor.*

*Tatistcheff moved to signify the Commission's appreciation for **Jen Bush's** long and very valued service on the Conservation Commission and to welcome her back anytime, Brown seconded the motion and all voted in favor.*

*Tatistcheff moved to reappoint **Kelly Guarino as Chair** and **Luke Ascolillo as Vice Chair** of the Commission from July 1, 2013 through June 30, 2013, Brown seconded and all voted in favor.*

Land Use Permit: Ingo Szegvari was present to request a Land Use Permit on behalf of the Old North Bridge Pony Club and the Carlisle Area Equestrians for a Derby Cross Fund Raising Event at Foss Farm on Sunday, June 23, 2013 from 8am to 4pm. They estimate the event will be attended by approximately 30 spectators and will feature approximately 70 horses in four sessions. The proceeds from the event will be used for continuing maintenance projects, including brush removal, field mowing, trail cleanup and jump improvements, for which they had previously received approval from the Commission. The groups would also like to hold a cleanup day on Saturday, June 22, 2013, in order to complete the ongoing maintenance work prior and set up for the event. Szegvari distributed maps highlighting the planned event courses and parking configurations.

Guarino requested that Szegvari contact Foss Farm Community Garden Manager Jack O'Connor to let him know about the event and thanked the group for their ongoing maintenance efforts. *Ascolillo moved to issue a Land Use Permit to the Old North Pony Club for the Derby Cross Event on June 23, 2013, Bush seconded the motion and all voted in favor.*

8:00 p.m. (DOA – 305) Request for Determination

Applicant: Brian Kane

Project Location: 554 River Road

Project Description: Replace an existing wood deck and footings and replace the footings on an adjacent three season room

Guarino opened the discussion under the provisions of the Carlisle Wetlands Protection Bylaw. Property owner Brian Kane presented the Plan for replacing an existing wood deck and footings and replacement of the footings on an adjacent three season room.

They also propose to relocate the staircase leading to the deck within the existing footprint of the deck to allow for better access and ease of use. Any water damaged and/or rotted wood areas of the three season room will also be replaced as needed. Access to the construction area will be via the driveway and yard.

The property owner said he also hopes to repair or repave the existing asphalt/gravel driveway during the next three years. This portion of the plan includes provisions for the installation of a protective haybale/siltation barrier at a low point in the driveway to protect the adjacent stream. The Plan also includes provisions for the removal of up to six trees over the course of the permit due to the close proximity to the house and deck. The exception is one large maple located approximately 90 feet from the house that has grown at an abrupt angle over the septic holding tank.

Relative to the proposal to potentially pave the entire driveway, including the portion of the driveway that is presently gravel, the Commission determined that a Notice of Intent will be required for those areas that are gravel given the fact that this portion of the driveway includes a stream crossing. The Commission will allow the applicant to pave the section of the driveway where it meets River Road in order to address ongoing erosion issues relative to the adjacent wetland resource area.

Tatistcheff 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 the following Special Conditions: erosion control measures will be installed for the proposed driveway maintenance work in the existing area located near the stream crossing; the trees shall be felled away from the BVW; the stump for tree #3 will be left in place; asphalt paving will be allowed in the areas that were previously paved with asphalt and at the end of the driveway where it meets River Road. Brown seconded the motion and all voted in favor.

8:25 p.m. (DOA – 304) Request for Determination

Applicant: Carlisle Trails Committee

Project Location: Map 1, Parcel 1, Lot 6, Elliott, River Preserve.

Project Description: Reconfiguration/maintenance of an Existing Trail

Trails Committee members Louise Hara and Steve Tobin presented the Plan for Phase One of the creation of trails on the Elliott River Preserve. The project consists of trail maintenance and reconfiguration of existing trails on the recently acquired conservation land so that it can be safely accessed by the public for enjoyment of natural habitats and vistas along approximately 1000 feet of the Concord River. Tobin noted that the purchase of the parcel by Sudbury Valley Trustees was finalized at the end of May, with the Town of Carlisle being designated as the holder of the Conservation Restriction. The work is being organized in conjunction with members of the Trails Committee and SVT Land Stewardship staff and work will be funded through a grant from IBM that supports community volunteer work. The tentative work days are scheduled for June 21 and 22, 2013 with volunteers being provided through the grant.

The work will take place along the upland edge of the wetland associated with the Concord River. The Plan depicts 5 locations in the proposed preserve that will require trail work, with the work in Location #1 including construction of a boardwalk and a canoe landing to be included in a future filing.

Tobin and Hara reviewed the details of the proposed work within the designated locations. The work will involve re-grading and re-routing the existing trail in order to revise a temporarily installed trail to a better location to provide better public access to and upland of bordering vegetative wetland adjacent to the Concord River. They also propose to remove invasive plants including Buckthorn using the Commission's recently acquired Weed Wrench. Trail marking signs will also be installed. It is anticipated that no trees will be removed. All work involving soil disturbance will be carried out using best practices as described in the Appalachian Mountain Club's *Guide to Trail Building and Maintenance* and as described in the Plan.

Brown moved to issue a Negative Determination B2 for DOA-304, the work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge or alter that area. Tatistcheff seconded the motion and all voted in favor. Willard noted that the applicant was required to also submit the filing to NHESP for their review in accordance with MESA requirements due to the fact that the proposed work is located within Rare Species Habitat.

8:40 p.m. (DEP #125— 0874) Request to Amend Orders of Conditions

Applicant: Andrew Yip

Project Location: 72 Brook Street

Project Description: Installation of a closed-loop geothermal system

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw.

Project Manager Chris Nowak of Coneco Energy LLC presented the Plan for the proposed closed-loop geothermal system and planned disturbances. The applicant is requesting an Amendment to the existing Order of Conditions for DEP #125-0874.

The proposed system is designed to heat and cool the home via a water based heat pump system which will use the constant temperature of the earth as a heat source or heat sink to help heat the house in a more environmentally friendly manner than burning fossil fuel. The project will require the drilling of two 6-inch diameter bores located within the 100-foot Buffer Zone. The drilling process is similar to that of a water supply well whereby 2 holes will be drilled to a depth of 325 feet into which they will install two 1-1/4 -inch HDPE pipes. They will then hand trench the connection between the 2 pipes into a single supply into the foundation. Once the pipe has been run into the house, the pipes will be filled with a water and propylene glycol (food grade anti-freeze) mixture. The closest distance to the wetland is approximately 75 to 80 feet.

Willard said her only concern is the fact that the pipe leading from the wells to the foundation crosses over the sewer line. Nowak said they always give themselves a 4-foot buffer in all directions anytime they have a crossing with utility lines. They will be hand trenching the line, and once they get out there and actually measure the depth of the sewer line, they will make the necessary adjustments.

Bush asked how they would handle potential maintenance and repair requirements. Nowak said they very rarely have been required to do repairs, as the pipe is warranted for 100 years. As an added precaution, they install magnetic locator tape over the connection so it can be located before any excavation is undertaken. In the event that the pipes were to be damaged during a septic repair, they use approved “stab fittings”. They also have included provisions for the possibility that they hit more water than predicted, whereby they install a second stilling basin located outside of the Buffer Zone so that the excess water can be pumped out during the drilling process. Hay bales will be installed around the area where the water and drillings will be located during construction.

With no further questions, *Tatistcheff moved to close the hearing for DEP #125-0874, Ascolillo seconded the motion and all voted in favor. Tatistcheff voted to approve the requested Amendment to the Orders of Conditions, Brown seconded and all voted in favor.*

8:55 p.m. (DEP #125– 0940) Notice of Intent

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 Order of Conditions, DEP #125-0893

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. At their previous meeting, the Commission discussed the details of the upcoming NOI as presented by George Dimakarakos of Stamski and McNary. During the discussion, Dimakarakos presented a preliminary description of the proposed work within six work areas where unpermitted work had occurred.

Ben Ewing of Stamski and McNary presented the Plan in response to the requirements of the Enforcement Order and for the other unpermitted work in jurisdictional areas, including the 100-foot Buffer Zone of a BVW, Bordering Land Subject to Flooding and the 200’ Riverfront Area. He described the proposed work associated with each of the six work areas as detailed on the Plan, including removal of brush, dead trees and branches, the removal in invasive plant species, and the replacement of several of the larger trees that were taken down.

After describing the work in Areas 1 and 2, Ewing said that they are proposing a siltation barrier for the proposed work in the existing field, identified as Area 3 on the Plan. They propose to completely remove the top soil for invasive plant root removal and to loam and seed in order to restore the field. Ruth Holmes, who was present for the hearing, said Area 3 is presently owned by the Rachel Webster Elliott Trust and will eventually become her property. She stated that they had given the applicant full permission to cut the branches out from under the trees in that area in order to allow for mowing.

Ewing then described the work in Area 4 including brush and debris removal, noting they would be leaving old logs greater than 6 “ in diameter. The work in Area 5 is located on multiple properties and will require permission from the owner of Lot 6 Skelton Road, the Sudbury Valley Trustees, which the applicant will request. He said they are requesting to clean up what has happened outside of the Orders of Conditions and to request a Continuing Condition to allow removal of the invasive species with non-mechanized equipment.

Tatistcheff requested clarification relative to the stump grinding proposed in Area 5. She said it seems a lot more severe than simply cutting.

Guarino said the Commission generally likes to see them cut flush or ground as opposed to pulling. SVT Stewardship Director, Laura Mattei, said she had spoken with the applicant after the Plan had been completed and informed him that they do not want to have anything ground or cut anymore. They would now like to just see what comes in and possibly plant some replacement trees and shrubs in the future. Ewing asked whether the Commission would require a formal planting plan. Guarino said that something informal indicating a list of potential plantings and locations would suffice.

Willard reported she is still in the process of checking the wetland delineation on a portion of the Plan, as the only delineations that had been approved with the previous filing were within approximately two hundred feet of the common driveway and the delineation in the area of concern for the current filing was flagged several years ago. She said she also had not heard back from NHESP for the work that was done on Lots 1 and 6, portions of both of which are located within Estimated Habitat of Rare Species. The applicant will also need to obtain written permission from SVT for the work being proposed on Lot 6 as acknowledged by Ewing.

Tatistcheff said she agreed with the decision to remove invasives but she questioned the removal of the existing topsoil, as it often results in introduction of additional invasives when material is brought from another site. Ewing said the area is within a field and that is covered in invasives including buckthorn and bittersweet. The applicant said he planned to use top soil from the construction site for the common driveway project. Brownrigg recalled having removed trees from his front lawn and said he was successful in keeping the invasives back by installing black plastic on the soil before planting grass. The applicant said he has arranged to bring in an expert to provide his recommendations on the process.

The hearing was continued to June 27, 2013 at 8:15 p.m. with the applicant's approval pending a response from NHESP, submission of written authorization from SVT to undertake the work proposed on Lot 6, completion of confirmation of the wetland delineations, and submission of a planting plan.

9:15 p.m. Request for Change to DEP #125-683: Issued: 12/19/2002, Extension Permits issued valid to 12/12/2008 and valid to 12/15/2010; Review by NHESP: 10/9/2009; Enforcement Order issued: 8/25/2008. Currently subject to Permit Extension Act until 12/15/2014: Guarino recused herself from the discussion as an abutter to the applicant. Matt Hamor of Hancock Associates was present to request approval on behalf of a potential buyer for a Plan Change. Specifically, they are requesting to allow a change in the orientation of the previously approved house in order to optimize the sunlight for planned rooftop solar panels. He described the revised Plan, showing the originally permitted location of the house and the proposed reconfigurations. He noted that the change in orientation has resulted in a 20-percent reduction in the building footprint including the garage and paved areas. Also, the original plan placed the dwelling 59' from the wetland, with the revised location being at 65' from the wetland.

Bush asked why the applicant had not applied for an Amended Order of Conditions for the project. Hamor said it is a more formal process that takes longer and the buyer is under time constraints. Bush said that although the revised Plan results in less impact, it is different, and the Commission needs the details to be properly documented. Ascolillo asked if the Plan showing the original house box with the reoriented design over it was sufficient for the files. Willard said she thought it was sufficient in that the construction is all within the original house box itself. She noted the other issue is that the Commission will eventually need to issue a Certificate of Compliance, and the question will be how to do that on a project that is different than what had been approved. Hamor said when he sees that the work in the building line falls within what was previously approved, it doesn't have any impact on the extent of the grading as long as it is within the extent of the limit of work.... "So, the Commission can consider the proposal not significant enough to require an Amendment to the OOCs because it falls within the intent that was originally approved; or they can find that it is substantial enough to require a full public hearing and full notification to abutters." Bush asked if it is sufficient documentation if the Commission just files this as a Plan Change.

Upon conducting a quick review of the Orders of Conditions for the original project, Willard cited the following General Special Conditions: "...If the site plan is modified at the hearing ... no work shall be done until the applicant revises the master plan and submits two new copies to the Commission"; and ... "when submitted, the Plan of record shall contain no modifications except as expressly approved with these conditions". Ascolillo said he did not see any issue as long as it's within the building box. Willard recalled the Commission had approved a project on Rutland Street in the past where the house box was designated but the specific house design was not included in the Plan. Hamor said the intent of the box is to show the extent of the impervious area and then to show how it grades out, with one of the critical issues being where we determine the Limit of Work is going to be so that no work extends beyond that. Willard noted that the wetland flags will need to be refreshed in accordance with the Orders of Conditions. Willard said if the Commission feels it meets these conditions, they would just approve it and sign it and add it to the file.

Ascolillo said he would accept a motion to approve the Plan as revised for DEP #125-683, which was moved by Brown and seconded by Tatistcheff.

Ascolillo asked if there were any questions or comments from the audience. Although she had recused herself, Guarino requested to comment. She said she had lived in her house on Maple Street for five years, and unless she had been sitting on the Commission, she would have had no idea this was happening because the permit was issued so long ago, and then it was extended, and then the Permit Extension Act extended it further. So unless there had been an Amendment to the NOI, she would have been unaware of the proposal. To that extent, she said she could see the logic of why the Commission has those processes in place, but she did not have an issue with what is now being proposed.

With no further questions or comments forthcoming, all voted in favor of the original motion.

9:40 p.m. Enforcement Order: Raymond Boulay - 120 Peter Hans Road:

Property owners Raymond and Antje Boulay were present to discuss the details of the remediation work they are proposing in response to the “friendly” Enforcement Order issued on June 7, 2013. The Order had been issued relative to tree removal/storm damage cleanup within the Bordering Vegetated Wetland. The property owners said they had hired a contractor to cleanup the storm damage from last fall and winter, and the work extended beyond the Severe Weather Emergency Declaration Period that allowed certain storm related work to occur outside of the standard permitting process. The Enforcement Order requires hand removal of the remaining woodchips and debris within the BVW and submission of a Restoration Plan including the details of the removal process and a proposed a planting plan for the affected area.

Ray Boulay said they had been in Florida when the storm occurred and had not yet returned when a contractor was working on cleaning up the resulting damage on their property. He thanked Willard for stopping by and giving their tree contractor advice in their absence. Photographs of the fallen/damaged trees were distributed to the Commission along with a hand drawn plot plan depicting the area of disturbance. The property owners also submitted a proposed Planting Plan, including native plants and shrubs, in an area that had previously been planted with grass.

The property owners said they would like to improve what had been there previously with this plan. They would like to work on removing the invasive plants in conjunction with the planting plan. They have scheduled their contractor for the next day to complete the woodchip removal process in order to begin replanting.

Guarino said the typical process for the Commission would be to sign the Enforcement Order, as the majority of the work resulted from storm damage and was allowed under the Emergency Declaration. Willard suggested the Commission may want to require that the wetlands be delineation to be sure all of the woodchips and debris are removed from the Resource Area. Brownrigg said it would be helpful for the property owners to know where the wetlands are located and asked if an RDA might be appropriate. Bush noted that the work occurred in existing lawn area and they will be improving upon it by planting native shrubs and plants. Tatistcheff suggested the Commission consider an amended Enforcement Order allowing the invasive plant removal.

Guarino asked if any Commissioners felt strongly about requiring the wetlands delineation. She reiterated why the Commission could consider amending the Enforcement Order vs. requiring a delineation: clean up efforts were storm related, complete clean up not possible prior to expiration of the Emergency Declaration (contractors not available); proposed substantially located in previously grassy /disturbed area.

With no further questions or comments, Tatistcheff moved to issue an amended Enforcement Order allowing removal of invasive plants in the vicinity of the disturbed area by hand or hand tool method, and to provide a more detailed planting plan for the disturbed area, Brown seconded the motion and all voted in favor.

Report on June 1 Towle Field Site Visit:

Brownrigg provided a report on the public site walk conducted at Towle Field on June 1, 2013. He said the walk had been scheduled to help determine next steps relative to invasive plant control. Brownrigg said that although several members of the Commission were in attendance, he was hoping other people outside of the Commission had been in attendance.

Guarino said one thing stood out during the site visit, which was there is more history of things that have been tried at Towle in terms of invasive management. She said she had learned that there had been some edge clearing work at the back corner in the 1990's; Licensed Pesticide Applicator and former Commissioner, John Lee, had treated an area for Buckthorn sometime in the 1980's. She also said her informal observation is she does not think the close mowing project had made a difference on the Poison Ivy. Bush agreed that it did not really have an impact on Poison Ivy, but she said she felt it did have an impact on the Buckthorn.

Guarino said the Commission needed to determine their next steps. Willard reported having received a call from an abutter to Towle Field who was concerned about the potential chemical treatment. Willard noted that, although the Commission had held a public meeting relative to potential management of invasives at Towle, the abutters were not notified.

Brownrigg suggested establishing a test plot at the entrance to Towle Field so people could see the difference after treating the area. He said another location could be the north portion of the field at the tree line where the area is heavily overgrown with Poison Ivy and Buckthorn. He said he has asked CISMA member Lynn Knight to contact the New England Wildflower Society and ask how large an area could be treated in one day. He also noted the importance of re-treating the area for the second and third year. Willard said it was her understanding that NEWFS will be at Foss June 17-19 to retreat the areas they worked on last year and that they plan to use the remaining 1 day of work in July. Brownrigg said he would contact Towle Field mowing agreement holder Jack O'Connor to coordinate the staking out of the test plots before the initial mowing is done.

Guarino said the next step would be to obtain cost information about edge clearing. She recalled LSC member Warren Lyman had said there was a group of individuals who said they would be willing to work on getting additional cost information.

With no further discussion, *Tatistcheff moved to approve the use of remaining CISMA grant funds to the extent possible in the areas Brownrigg recommended per discussion, Ascolillo seconded and all voted in favor.*

FY13 Budget /Encumbrances: Willard reported she estimates there will be approximately \$5,600 remaining in the Commission's General Budget at year end June 30, 2013. She noted that this surplus is primarily due to the Administrative Assistance's absence during the first part of FY13. She said there were about 4-5 sets of Executive Minutes that need to be drafted and asked whether the Commission might consider encumbering some of the funds for this purpose. CPC member Ascolillo said he did not believe funds could be encumbered for wage purposes.

In their continuing attempts to work to control invasives on conservation lands, the Commission agreed it would make sense to get an estimate for edge clearing work at Greenough, an initiative that had previously been identified as a priority parcel. They will discuss the findings at their next meeting on June 27, 2013.

Open Space and Recreation Report: A Public Meeting is scheduled for June 26, 2013 in the Clark Room at Town Hall.

FEMA Flood Maps: The 90 day appeal period for public comment on the revised Flood Insurance Rate Map begins next week. Willard said the Board of Selectmen has asked her and Planning Board Administrator, George Mansfield, to speak on the topic at one of their upcoming meetings.

Revised Summer 2013 Meeting Schedule: August 8, September 5 and 26

New Town Counsel: Willard reported that the firm of Miyares and Harrington was recently appointed as Town Counsel. She said they are in the process of attending various board and committee meetings and have requested that they be advised of any outstanding issues. The Commission requested that Willard try to schedule them for their July 11 meeting.

Brownrigg moved to adjourn, Tatistcheff seconded and all voted in favor.

Respectfully submitted,
Mary Hopkins
Administrative Assistant

DOCUMENT REGISTER:
ONBPC map of Derby Cross event courses/parking