

Carlisle Conservation Commission
September 5, 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.

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

(DEP 125-0939) Planting Plan – 871 Maple Street: Property owner, Jonathan Stevens, was present to discuss the proposed Planting Plan being submitted in accordance with the Orders of Conditions for a tree removal project. Approval of the project, which had been submitted to the Commission following a severe storm event during which 17 large trees within close proximity to the house had been damaged, was contingent on an acceptable Planting Plan to revegetate the areas where trees removal had been proposed. Stevens presented a sketch illustrating the proposed plantings, including mountain laurel, sweet pepperbush and black huckleberry. Willard noted there was a Continuing Condition included in the OOC's allowing the ongoing removal of invasive plants. *Tatistcheff moved to accept the Planting Plan as submitted for DEP #125-0939, Burn seconded the motion and all voted in favor.*

Cross Street Pathway: Willard reported having met with Marc Lamere of the Trails Committee and the Planning Board to clarify the issue of how construction of the final section of the pathway was going to be accessed. She said she wanted to publicly thank Lamere for his time and efforts working with the contractor in helping to determine the best approach in order to minimize disturbance in the area. Photographs of the access area where work has now been started were circulated for the Commission's review. Willard noted that the project will require removal of a portion of a stone wall, which the contractor has assured her will be reassembled to its former state upon completion of the project.

Towle Field Wetland Flagging: Willard reported that John Rockwood of EcoTech, Inc. will be flagging the wetlands on Towle Field on Tuesday, September 10 at 8 a.m. in preparation for a future filing for invasive plant management. She encouraged members of the Commission who were able to come to observe the delineation process, as she has found it to be a valuable learning experience in the past.

Enforcement Order: (DEP #125-0927) 95 Hanover Road.

Willard circulated an Enforcement Order for signatures subsequent to the failure of the property owner, Chantal Nouvellon, to comply in a timely manner with the requirements outlined in letters from the Commission dated July 24 and July 30, 2013. The Enforcement Order requires that no further work is allowed until the following actions are taken: repair sedimentation controls as identified by Willard during a site visit with the property owner on July 29, 2013; accumulated soil on both sides of the haybales is to be removed; the slope located between the home and the hay bales shall be stabilized with either jute matting or a layer of hay; the perimeter drain must be relocated in accordance with the Plan of Record.

Fall Meeting Schedule: The Commission approved the proposed Fall/Winter meeting schedule as follows: October 10 and 24, 2013; November 7 and 21, 2013; December 5 and 19, 2013; January 9 and 23, 2014.

FEMA Update: Willard reported having reviewed the preliminary Flood Insurance Rate Map panels for Carlisle and will be submitting several change requests relative to street names and population statistics. She said representatives from FEMA have scheduled a public outreach meeting on Thursday, September 12, 2013, during which residents in the Concord River Watershed will have an opportunity to view the changes and learn more about the National Flood Insurance Program

8:00 p.m. (DEP #125-0946) Abbreviated Notice of Resource Area Delineation
Applicant: Town of Carlisle Affordable Housing Trust Fund

Project Location: 338 Bedford Road

Project Description: Confirmation of Resource Area Delineations

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Ben Ewing of Stamski presented the ANRAD on behalf of the applicant, the Town of Carlisle Affordable Housing Trust Fund. Guarino explained that the purpose of the filing is to confirm the existing wetland delineation and to review the property to confirm that there are no other existing wetland resource areas or buffer zones. Ewing said the delineations were done by David Crossman of B & C Associates. Following Ewing's presentation, Willard reported she had conducted a site visit to review the proposed delineations and made modifications to a wetland flag and also found that a significant BVW at the front of the property adjacent to Bedford Road and on the Fox Hill Conservation Land that had not been delineated. Following the site visit, she said she contacted Stamski and McNary to discuss her findings and set up a subsequent site visit to confirm the modifications with David Crossman, who confirmed her recommendations. Willard also noted there is a potential vernal pool on the property which she suggested should be checked in the spring in order to make a determination.

Willard then raised the issue of when it may be appropriate to require filing fees for town projects. She said that, in this case, it is not a construction project that she would be required to follow, unlike the Benfield Farms Affordable Housing project, for which the Commission did require a filing fee. Guarino said she wants to be sure the Commission is consistent on fees, and although there is no building project at this point, if a Notice of Intent is submitted in the future, they will need to make a determination. She said she also wanted to make sure that if the town submits a filing for a housing or group home project, there are no hidden costs to the town due to waived fees.

Tatistcheff said she agreed with the general guideline in that if it is a project that requires the ConsCom Administrator to review on an ongoing basis, then a fee should be charged, but just verifying a wetland delineation is a subset of what is required for a Notice of Intent. Brown said it is reasonable to expect that the Administrator will be paid for the work she has done on this filing, but he would be in favor of billing for all future town projects in order to keep accurate records of costs associated with these projects. He suggested the Commission come up with a standardized procedure of how they deal with internal filings in the future, but in the interest of keeping this project moving forward, he was in agreement that the fee should be waived.

Guarino said the Commission has assessed a fee for some town projects such as those associated with the Gleason Public Library, but not for others. Willard said the RDAs submitted by the Trails Committee are exempt, and noted that the town is aware of built-in costs of certain projects. Willard offered to begin tracking waived fees within the Commission's budget in order to keep track of the value that is being provided.

Brown moved to waive the fee for this project, Burn seconded the motion and all voted in favor, with the exception of Brownrigg, who opposed. The Commission agreed to include the topic of fees associated with town projects on a future agenda.

Willard noted that, in the past, the Commission has required that ANRAD's be recorded against the deed of the property. She said that, although this is not a regulation of the Wetlands Protection Act, it is recommended because it will ensure that if a property changes hands, the future owners will be aware of the resource areas on property. *Brown moved to issue an Order of Resource Area of Delineation for DEP #125-0946 with the boundaries described on the Plan contained in the ANRAD as modified by the Commission are accurately drawn from the following resource areas – BVWs, and with the requirement that the document be recorded at the Registry of Deeds. Tatistcheff seconded the motion and all voted in favor.*

8:15 p.m. (DOA-308) Request for Determination

Applicant: James and Paula Banks

Project Location: 177 Davis Road

Project Description: Tree removal within the 100-foot Buffer Zone and the 200-foot Riverfront Area

Guarino opened the meeting under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Property owners James and Paula Banks presented the Plan. James Banks said they are proposing to remove nine large, and in some cases, diseased and/or damaged, white pines that are precariously close to their home. He noted that white pines are notorious for toppling over or for split trunks shearing off in heavy snow or windy conditions. They are trying to manage it such that they are taking down the trees that represent the greatest threat to their home. They will be leaving the stumps in place.

Willard said she had observed a large stand of Buckthorn during her site visit and suggested including a provision allowing the manual removal of invasive plants. She said she is satisfied that the trees are close enough to the house to be of concern to the property owners. Ascolillo asked whether the property owners are concerned that other trees will become more susceptible to damage once they are no longer buffered by the trees proposed for removal. The Commission determined that the remaining existing vegetation should provide a sufficient buffer.

Brown moved to issue a Negative Determination/B2 for DOA-308, 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. Therefore said work does not require the filing of a Notice of Intent. Tatistcheff seconded the motion and all voted in favor. Tatistcheff moved to allow the property owners to manually remove invasive plant species within jurisdictional areas as discussed, Ascolillo seconded the motion and all voted in favor.

8:30 p.m. (DEP #125-0940) Notice of Intent, Continued Hearing

Applicant: Luciano Manganella

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 hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. The hearing was continued to September 26, 2013 at 8:30 p.m. at the applicant's request.

(DEP #125-0938) Lot 3 Hanover Hill/ 82 Johnson Road: Paul Gaboury of Mosaic, LLC was present to request a Plan Change Request relative to grading within the Buffer Zone. He said the approved grading behind the left side of the septic system is 2:1, with the existing grade at 8:1. He suggested there is sufficient fill on the site to improve the grade by blending it into the approved grade on the right side of the system in order to achieve a reduction in the steepness of the slope. He also asked the Commission whether they would allow him to use some of the medium-to-large boulders excavated from the site selectively as an erosion control measure in the area within the Buffer Zone that has been cleared for the septic system.

Guarino noted that the applicant has requested several Plan Change Requests and asked the Commission to consider whether they would have approved the current request if it were presented with the original filing.

Gaboury said the previous requests were relative to changes in the septic system due to BOH requirements.

There were no objections to the current request, with the exception of a comment from Burn, who said he liked the suggestion of using the rocks.

With no further comments, Burn moved that the field changes as discussed, including placement of boulders and changing the grade of the slope, is within the scope of the original Orders of Conditions, Tatistcheff seconded the motion and all voted in favor. Commission was in agreement with Willard's suggestion that a surveyed As-Built Plan be required upon completion of the project.

8:45 p.m. (DEP #125-0947) Notice of Intent

Applicant: October Development, LLC

Project Location: 128 Log Hill Road

Project Description: Upgrade existing soil absorption system and associated grading and removal of an existing tennis court within the 100-foot Buffer Zone

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Mark Piermarini of Whitman & Bingham Associates, LLC and Bob Morrison of October Development were present for the hearing. Piermarini provided an overview of the Plan for upgrading the existing, failed septic system, including a description of the project area and proposed erosion control measures. The proposed work is 22 feet to the wetlands at the closest point. He said the location of well radius prohibits constructing the system in an alternative location.

Guarino asked whether removal of the tennis court was part of the filing. Piermarini said they are proposing to remove the court and they would then loam and seed the area, which is within existing lawn area so they would just be extending it. Willard said that it was her sense when she inspected the proposed project area that the wetlands were filled to construct the tennis court and some of the fill may have encroached on the neighbor's property. She also said that there is a stone wall along the edge of the Bordering Vegetated Wetland behind the house that she considered to be a good demarcation between upland and wetland. It is not shown on the Plan and she suggested that it be added to the Plan of Record. Guarino said she saw the proposal as an improvement, as it is farther from the wetland and they would be removing impervious surface above a portion of the leach field.

Willard noted that the Board of Health has not yet had a Public Hearing and they do not yet have the final plan. Guarino said the plan at this point is to continue the Hearing but asked the Commission to give the applicant an indication of any potential issues so they could be addressed before the next hearing. Willard asked what they would be doing with the material excavated from the tennis court. Morrison said they would be removing it from the site. Willard asked what they planned in that area once the court is removed, since it is very close to the wetland. The applicant said they had not made a final decision on this yet and asked the Commission for suggestions. Burn said there are many options for delineating the lawn area so it does not run into the wetlands. Guarino said it would be helpful for them to provide the details once they have come up with a proposed plan for this area.

The hearing was continued to September 26, 2013 at 8:15 p.m. with the applicant's approval.

Open Space and Recreation Plan (OS&R) Plan Update: Willard reported having received a response from Metropolitan Area Planning Council relative to the draft OS&R Plan submitted by the town. She said they are recommending they include additional information in the plan relative to a state program, which committee members believe will be relatively easy to incorporate. She said the bigger issue is that the state now allows OS&R Plans to be effective for seven years. The Committee is will likely check with other departments in order to include the information required in order to extend plans for the additional two years, but will wait to do final editing until the Executive Office of Energy and Environmental affairs provides their review letter.

DEP #125-0936: Library Septic System repair delay: Willard reported being notified by library director, Katie Huffman, that they had only received one bid for the septic system repair work which was permitted earlier in the year. The cost was considerably more expensive than what had been allocated for the project. Because of this they will need to delay the project until an additional funding source is identified.

Towle Field Invasive Plant Management: Brownrigg provided a report on the herbicide treatment work done on an area of Towle Field on August 5 and 6, 2013, which he had summarized in a memorandum to the Commission dated September 5, 2013. He said a crew of four applicators from New England Wildflower Society (NEWFS) performed the work under the supervision of Ecological Programs Coordinator, Amanda Weise. Backpack sprayers were used to treat an area of approximately five acres. At that time, Amanda Weise said she planned to return in about a month to evaluate the treated area.

Brownrigg said Willard had kindly donated tomato stakes to use for flagging the area to be treated, allowing for a distance of at least 100 feet from the undelineated wetlands. He said he had subsequently purchased metal fence posts to replace the tomato stakes, which will likely better survive the winter and future mowing. *Brown moved to reimburse Brownrigg for the cost of the stakes, Tatistcheff seconded the motion and all voted in favor.*

Guarino said, in terms of follow up, the Commission needed to think about what they want done in the future in order to continue the management work. Willard said the wetland flagging has been scheduled (see above) and she is now in the process of working on the Notice of Intent filing in order to undertake work within jurisdictional areas. She said they have contracted Cook Company to do some field edge clearing work at Greenough and possibly some of the work needed at Towle Field. Tom Brown agreed they are making progress in moving ahead, but an overall, long-term plan is needed. Guarino said the BOS is asking for a better understanding of long term maintenance plans in order to address funding requirements and agreed that a more cohesive plan of how to continue the restoration work at Towle will be needed. In addition, she said that while the Commission has been thinking about restoring/maintaining fields, they also need to look at forested properties as well.

Foss Farm Community Gardens Update: Willard said she had received a report from Community Garden Manager, Jack O'Connor, that one of the wells at Foss Gardens is not working properly and will need to be replaced. In discussing the issue with O'Connor, she said they have concluded that it would make more sense to wait until next season to drill a new well. There is approximately \$1600 in Foss Farm 53e.5 Revolving Account and they will collect about \$1,000 in plot fees next spring. The Commission asked Willard to arrange for O'Connor to attend an upcoming meeting to discuss current and future maintenance needs at Foss and to determine a strategy to better manage funding.

Trail Requests: Warren Spence of the Trails Committee was present to discuss preliminary plans for new trails/trail maintenance. *Tatistcheff moved to amend the agenda to discuss the trails proposals, Brown seconded the motion and all voted in favor.* Spence said the proposed trails requests have been approved by the Trails Committee contingent on ConsCom approval.

Greenough Land – Spence said there is an existing “bootleg trail” that leads from the parking lot on Maple Street. The Trails Committee proposes an additional new trail that will bypass most of Maple Street and come out on Maple Street near the Blueberry Trail, eliminating traffic hazard concerns.

Town Forest – This proposal is for a new trail which would connect two stub trails in order to make a loop. The proposed trail circles a large rock formation where Spence said he has seen coyote scat – evidence that coyotes are present in the Town Forest and the reason they are proposing the name “Coyote Rock Trail”. The entire trail is dry and therefore no boardwalks or bridges would be required.

Towle Field – Bingham Street Connector Bridge – Spence said this proposal is to replace the top of the bridge located on the Bingham Connector right fork trail. The bridge crosses a stream and is unmarked on the map, as it was constructed by local residents, and would need to be accepted as an official bridge in order to allow future maintenance. Willard asked Spence to clarify whether the Trails Committee wanted the bridge repaired or completely replaced, as it could be included in the upcoming Towle Field Notice of Intent.

Guarino said she thought the proposals were “great ideas”, but procedurally the next step would be to provide an opportunity for the Land Stewardship Committee to conduct a review of the proposals from a management perspective. Spence agreed to contact LSC in order to arrange time on an upcoming agenda to discuss the proposals and would then return to ConsCom with their input.

Blue Jay Studio: The BOS had asked the Commission whether they had any interest in Blue Jay Studio, which had been turned over to the town through a Land Court Tax Foreclosure Decree. *Tatistcheff moved to confirm the Commission has no interest in Blue Jay Studio at this time, Burn seconded the motion and all voted in favor.*

Hunting on Conservation Lands/Lyme Disease: Ascolillo reported the office had been contacted recently by someone who wanted to know the town’s position on hunting on conservation land. Burn said, for the record, he had totally underestimated Lyme Disease and deer are one of the vectors of not only Lyme Disease, but also babesiosis, anaplasmosis. He said he believed we are facing a public health problem bordering on a crisis that is going to require a significant public effort to control whether it’s hunting or tick control.

Tatistcheff, who is a member of the BOH subcommittee, Tick Borne Diseases, said they are looking at ways to educate the public and working on getting grants to fund more research on tick borne illnesses and their effects on Carlisle residents. She said they held an event last spring at the First Religious Society that featured a highly regarded presenter and held an informational event for the COA as well. She said they are currently working on getting the information posted on the town's web site. She said the subcommittee is also participating in a region-wide effort in conjunction with the Middlesex Tick Task Force, which is populated by a broad spectrum of members including public health officials and school nurses. She recommended the website Tickencounter.org for those interested in preventative information.

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

Respectfully submitted,
Mary Hopkins
Administrative Assistant