

Carlisle Conservation Commission

Minutes

1/26/12

Chair Peter Burn opened the meeting at 7:35 PM. In addition to Burn, members Tom Brown, Tom Brownrigg, Jenifer Bush, Kelly Guarino (arrived at 7:40 PM) and Conservation Administrator Sylvia Willard were present. Member Luke Ascolillo was absent.

7:35 – 8:00 PM General Agenda Items, New/Pending Business

Cranberry Bog Dog concerns - Deborah Geltner, co-chair of the Land Stewardship Committee reported that there have been problems with aggressive and unruly dogs at the Cranberry Bog. She has personally experienced problems on three occasions with dogs and their owners in the past year. She distributed a draft one-page sheet that listed problems, with suggestions as to how to minimize conflicts.

Willard stated that although many people use the bags provided for dog waste, many do not. Bush asked Geltner if she had spoken with the Dog Officer regarding these problems; Geltner said she would do so. Burn asked if the agricultural fields should be closed to dogs. Geltner said that she recommends posting signs of the kind proposed to see if the situation improves. Guarino suggested that these issues could also be publicized in the Carlisle Mosquito, “cityinthetwoods” (a yahoo group), and dog walker groups. She also noted that Chelmsford has a leash law, but does not enforce it at the Chelmsford Cranberry Bog Reservation. ConsCom members seemed to agree that dog issues should be addressed. Geltner said that she will ask LSC members to discuss the content of a sign at the next LSC meeting.

OPDMD (Other Power-Driven Mobility Devices) update – Bush reported that Town Counsel has reviewed the draft report on the use of OPDMD and had two significant comments. First, he suggested calling the proposed rules “regulations”, which are legally stronger and allow fines. In addition, Town Counsel questioned the rule prohibiting gasoline-powered vehicles from service trails, such as those at Foss Farm. At Foss Farm, gasoline-powered vehicles are allowed by permit for agricultural activities and by people using the community gardens. Town Counsel thought that prohibiting gasoline-powered vehicles could be challenged if other gasoline-powered vehicles are already allowed.

Regarding Town Counsel’s comment about gasoline-powered vehicles on service trails, Bush said that the group drafting the policy favors keeping the current wording, and requiring anyone wanting to use a gasoline powered vehicle to have a permit like other users of gasoline powered vehicles; the policy could be changed if the rule or regulation were challenged. The draft rules are being reviewed by CRAC, LSC, and Trails Committee for possible revisions. Willard said that she has obtained permission from the Board of Selectmen to discuss with Town Counsel the question of Conservation Restrictions with public access that prohibit the use of motorized vehicles.

2011 Town Report – Willard reported that she has nearly finished writing the annual report, due February 6.

Carlisle School Planting Plan - Bush met with a group at the Carlisle School to discuss the landscaping plan for the new building. One of the Kindergarten teachers, Mimi Chandler, is very enthusiastic about using native plants. The current plan uses native plants (or cultivars) almost exclusively, with just two exceptions. Burn thanked Bush for attending the meeting.

8:00 – 8:10 PM DEP 125-0910 Notice of Intent - Decision. Applicant: Elizabeth Barber; Project Location: 100 Aldershot Lane; Project Description: fencing, pathways, plantings, and tree removal.

Willard had distributed a Draft Standard Order of Conditions with Special Conditions prior to the meeting. The commission felt that the Order of Conditions and Special Conditions were acceptable as written, except for comments from Brownrigg and Bush. Brownrigg suggested that the Special Condition related to the 175 +/- ft. boardwalk be conditioned as follows: that the name and contact information of the contractor be provided; that the contractor provide a written procedure and list of materials for raising the boardwalk; and that the contractor contact the Administrator prior to start of work. Bush provided additional grammatical corrections to Willard. Guarino moved to accept the Order of Conditions with Special Conditions as amended; Bush seconded, and all voted in favor.

Discussion of the Enforcement Order related to the Mannis Land abutting 100 Aldershot Lane was postponed until the February 9 meeting.

8:10 – 8:20 PM General Agenda Items, New/Pending Business, continued

Cranberry Bog Coordination Committee – Guarino reported that she, Warren Lyman, Willard, and Mark Duffy had attended a meeting in the Carlisle Town Hall on January 24. A discussion of the proposed test wells at the Chelmsford Cranberry Bog Reservation was on the agenda. Also in attendance from Chelmsford were David MacLachlan, chair of the Chelmsford ConsCom, Tom Wilson, Friends of River Meadows Reservation, two representatives of the Chelmsford Water District, two representatives of Stan Tech (name?), contractors for the Chelmsford Water District (CWD) and a representative of the Heart Pond Homeowners Association. Also in attendance was Attorney Frank DiLuna representing the Town of Carlisle. Willard said that CWD must file a Notice of Intent for the well testing that is planned with Chelmsford ConsCom, DEP, and file for a permit from EPA. Guarino said that CWD has the burden of proof to show that water withdrawal will not negatively impact water resources needed for the cranberry bog operation.

Duffy gave the group an overview of water use for cranberry growing, and stated that he works closely with the Heart Pond Homeowners Association when he withdraws water from the pond. CWD will provide a draft of their proposal to Carlisle representatives on the committee. Guarino will contact representative John Gorecki of the Board of Selectmen regarding the meeting.

Attorney DiLuna will send a letter to CWD expressing the Carlisle's concerns regarding the proposed wells. Burn thanked Guarino and Willard for attending the meeting.

8:20 – 8:30 PM DOA-292 Request for Determination. Applicant: Melanie & Markus Schiefele; Project Location: 24 Bingham Rd., Map 15 Parcel 27 Lot 1C; Project Description; installation of a sunroom and rain barrel approximately 20 ft. from the Bordering Vegetated Wetland.

Mike Hayes of New England Sunrooms and Markus Schiefele were present for discussion. Hayes stated that the sunroom will be constructed on an existing deck and that only foot traffic and hand tools would be used during construction. A rain barrel on a gravel bed would collect runoff from the roof and be used for growing vegetables. Willard stated that only a few wetland flags remain, and that, in her opinion, the wetland should be reflagged if any additional work is proposed. After discussion, Brown moved to issue a Negative Determination, based on criterion B3. Guarino added the condition that the determination does not confirm the current delineation, and the wetlands must be delineated if additional work is proposed. Bush seconded the motion as amended and all voted in favor.

8:30 – PM General Agenda Items, New/Pending Business, continued

Elliott Land Acquisition – Steve Tobin, President of CCF, was present to answer questions regarding ConsCom sponsorship of a proposal requesting CPA funds towards the purchase of the Elliott parcel. After some discussion, Guarino moved that ConsCom sponsor the request, Bush seconded, and all voted in favor. Burn signed the application on behalf of ConsCom.

Community Gardens 2012 , preliminary discussions – Garden Manager Jack O'Connor was present to discuss proposed rule changes for this year. A proposed change will allow two gardeners from different households to share a plot, provided that neither gardener has already been assigned a plot. O'Connor said that they had considered extending this arrangement to three or more people, but felt that it would result in more vehicles at the gardens. Guarino asked O'Connor if he and his two Assistant Managers would be continuing, and he answered in the affirmative. Willard suggested that the proposed rule changes be discussed at the next meeting to seek input from gardeners.

O'Connor mentioned that one well at Foss Farm gardens, not an "official" well, is in need of replacement. He would like to install a new well, at a probable cost of \$1100; a new pump might also be needed. He thought there should be enough money in the Foss Farm 53e1/2 account to cover the costs. O'Connor said that he will get a bid for the well and pump. Guarino moved to approve the bid in advance, Brown seconded, and all voted in favor.

Potential Warrant Article: Fines under non-criminal disposition for violations of Conservation Land - Willard noted that the proposed fine in the OPDMD regulations as proposed by Town Counsel is \$100. However, the maximum fine that can be assessed by the Conservation Commission according to the General Bylaws of the Town of Carlisle (copy distributed at meeting) is \$50. A Town Meeting vote would be required to change the maximum fine. Guarino said that, since ConsCom virtually never issues a fine, she thought that it would not be

worthwhile to change the maximum fine in the Bylaw. Guarino suggested that the fine in the proposed OPDMD regulations be lowered to \$50 in order to be consistent with the Town Bylaws.

Bog House fire safety – Willard stated that Deputy Fire Chief Jonathan White contacted the Building Inspector, John Luther and said that he did not know that people were living in the Bog House, and was concerned about fire safety. Subsequently, there was a site visit on January 26 attended by Fire Chief Flannery, Building Inspector John Luther, Warren Lyman, Debbie Geltner, and several others. The Chief Flannery determined that the building needs a better fire alarm system, and also some changes to the electrical system. Lyman spoke with Luke Ascolillo, chair of the CPC about using unspent CPA funds allocated for the Bog House restoration; Ascolillo thought that this was allowable because the building is an historic structure and that fire safety was consistent with historical structure preservation. The Fire Chief also recommended an annual fire inspection at \$500 per year. It was not clear if this fee would be paid from ConsCom's budget or the Town's budget.

George Fraser: Tree and shrub work at Bisbee Land – Willard reported that George Fraser will be undertaking some edge clearing and continue keeping trees and shrubs from encroaching onto the Bisbee fields. The Conservation Commission members were very appreciative of his efforts.

Greenough Skating Shed – Willard stated that a Greenough skating shed user had contacted her requesting that he be able to take a board from the shed (scheduled for removal) with an inscription written as a eulogy to a friend. Superintendent Gary Davis of the DPW thought it would be very difficult for his workers to remove the board with the inscription, and suggested that the resident take a photograph.

Resignation – Willard stated that Town Administrator Tim Goddard had received a letter of resignation from Debra Kimbrell-Anderson dated January 9, 2012. After discussion, the commission decided to write a letter to Kimbrell-Anderson thanking her for her service, and expressing the hope that she might return to the commission in the future.

At 9:15 PM Guarino moved to adjourn, Brownrigg seconded, and all voted in favor.

Minutes respectfully submitted by Tom Brownrigg.

Minutes approved 2/09/12.