

Carlisle Conservation Commission
April 28, 2011

Pursuant to a 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. Also present were Vice Chair Peter Burn, Commissioners Luke Ascolillo, Tom Brownrigg, Jen Bush, and Conservation Administrator Sylvia Willard. Commissioner Debra Kimbrell Anderson was not present.

Bills, General Agenda Items, Minutes and New Business

Minutes: *On a motion made by Burn and seconded by Ascolillo, it was unanimously voted to approve the minutes of July 22, 2010, March 10, 2011 and March 24, 2011 as amended.*

COC: DEP 125-737A, Steve Breitmaier, Carlisle Road Realty Trust, Project: Construction of a single family home; Location: 83 Tophet Road; Issued: 10/14/2004, extension issued: 10/4/2007: Willard informed the Commission that she had discovered a slight variance in the orientation of the house and a minor change to the drainage configurations while comparing the As Built Plan with the original Plan of Record. Overall, she reported that the project was completed substantially in compliance with the Plan of Record and the minor changes would not result in any increased impacts on the wetlands in her opinion. *Burn moved to issue a Certificate of Compliance for DEP 125-707A, Brownrigg seconded the motion and all voted in favor.*

Land Use Permit: *Bush moved to issue a Land Use Permit to the Old North Bridge Pony Club for their upcoming Two Phase Equestrian Competitive Fund Raising Event to be held on May 22, 2011 from 7 a.m. to 5 p.m. and to include the provision that the club may conduct pre event cleanup/preparation activities on May 14 and 15. Brownrigg seconded the motion and all voted in favor.* The Commission expressed their appreciation to club member Katherine Lochiatto for providing them with an overview of plans for parking, traffic control and pre and post event activities.

(DEP 125-0902) Notice of Intent, Continued Hearing

Applicant: Greg Mackintosh

Project Location: 303 Russell Street

Project Description: Addition of a second story, grading for a walkout basement, construction of a patio, walkways, crushed stone parking space and relocation of overhead lines to underground

Guarino opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. The hearing had been continued pending the issuance of a DEP file number and the submission of a new plan reflecting revised wetlands delineations. Willard noted that the Commission might consider allowing a red line change in the location of the haybale/siltation line, as it may be overly conservative given current costs for installation and materials. The homeowner, who was present for the hearing, stated that he had requested this location in order to provide for improved maneuverability for equipment during the construction process given the close proximity of existing fencing. Being that all outstanding requirements had been satisfied, *Bush moved to close the hearing for DEP #125-0902, Ascolillo seconded and all voted in favor. Bush moved to issue a Standard Order of Conditions, with the Special Condition that the homeowner may adjust the haybale/siltation barrier if he so desires, Ascolillo seconded the motion and all voted in favor with the exception of Burn, who was not present for the previous hearing.*

Joint Land Use Board Meeting: All were pleased with the progress made at the recent Joint Land Use Board Meeting held on April 27 and attended by members of the Conservation Commission and members of

the Land Stewardship, Trails and Conservation Restriction Advisory Committees as well as representatives from the Carlisle Conservation Foundation.

Willard reported having received positive feedback from David McLachlan, Chair of the Chelmsford Conservation Commission, who had also attended the meeting. Plans are in progress for the formation of a Carlisle Cranberry Bog Committee/Chelmsford Cranberry Reservation Committee comprised of two members each from the Carlisle and Chelmsford Conservation Commissions, Land Stewardship Committee members Warren Lyman and Debbie Geltner, and several interested adjacent landowners.

(DEP 125-0901) Notice of Intent

Applicant: Louis Baldoumas

Project Location: 40 Gormley Way

Project Description: Construction of a detached garage associated with a single-family dwelling

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. George Dimakarakos of Stamski and McNary presented the Plan for a detached garage, with associated driveway and grading as an accessory structure to the single-family dwelling and associated work occurring under an existing Order of Conditions for DEP #125-0882. The location of the proposed garage is down gradient of the wetland and is positioned to take advantage of the existing driveway for the home currently under construction under a previously issued Order of Conditions. There is a minimal increase in the amount of impervious surface area in order to provide access to the garage, as it could not be located closer to the house due to the 40-foot setback requirement. *Bush moved to close the hearing for DEP 125-0901, Burn seconded the motion and all voted in favor. Bush moved to issue a Standard Order of Conditions, contingent upon approval of the proposal from NHESP. Burn seconded the motion and all voted in favor.*

Request for Tree Removal: Willard reported having received a request from property owner James Carter for guidance relative to proposed tree removal work at 163 Brook Street. The request for removal of several dead trees along the end of the driveway is being made due to public safety concerns. Given the fact that the proposed activity is within the 200-foot Riverfront Area, the Commission will require the filing of a Request for Determination of Applicability in order to adequately address necessary resource area protection measures.

(DOA-286) Request for Determination

Applicant: Debra Hussey

Project Location: 1075 Curve Street

Project Description: Room addition, grading, and retaining wall for basement exit

George Dimakarakos of Stamski and McNary presented the Plan. There is minimal work within the 100-foot Buffer Zone. The project is exempt from MESA review. The wetland delineations had been revised based on Willard's field observations during a recent site inspection during which she was accompanied by Wetland Scientist David Crossman of B&C Associates. All provisions for minimizing disturbance were found to be satisfactory. *Ascolillo moved to issue a Negative Determination B3 for DOA-286 being that the work described within the request the Buffer Zone as defined in the regulations but will not alter an area subject to protection under the Act, based on the Condition that the work is accessed as directed to the extent practicable. Burn seconded the motion and all voted in favor.*

Plan Change Request - DEP 125-0857, 76 Sorli Way, Lot F: George Dimakarakos of Stamski and McNary presented a Plan Change Request relative to the configuration of the foundation drainage permitted under DEP File No. 125-0857. It was determined after the issuance of the Orders of Conditions that the

drainage as originally configured will flow onto the adjacent lot. Approximately 70' of the extension will occur within the Buffer Zone. The existing contours will be restored post construction and straw wattles are proposed for the Limit of Work. *Burn moved to approve the Plan Change Request as described on the Plan dated April 28, 2011, Ascolillo seconded the motion and all voted in favor.*

Request to site outside shed: Greg Schmidt of 430 Baldwin Road had requested guidance from the Commission relative to relocating a garden shed. The property owner wants to replace a deteriorated structure with an 8' by 12' shed, which would be placed on cinder blocks over a gravel base. No tree removal or grading would be required. Based on the details of the project, it was determined that a filing will not be required.

Discussion - The Values of Vegetated Buffers in Protecting Wetlands: Subsequent to having analyzed several studies of wetland buffer zones and their relative protection of water quality and wildlife habitat, Brownrigg had provided the Commission with his conclusions and was now seeking feedback on how to proceed. He noted the fact that in 2003 the Commission had attempted to revise their bylaw to include setback distances, but the motion had failed by three votes. Brownrigg attributed the defeat largely to the approach taken at that time, which he believed did not provide sufficient data to support the value of vegetated buffer zones and lacked sufficient public education and outreach.

Brownrigg cited a lecture he had attended several years previously through which he had learned of several review articles on the subject of wetland buffer zones for the protection of water quality and wildlife habitat. After conducting a review of the literature, he had used modeled data from a report by Alan Desbonnet et al. at the Coastal Resources Center, U. Rhode Island to produce a spreadsheet that graphs the pollutant removal effectiveness relative to vegetated buffer zone widths. Brownrigg had also summarized his comments and conclusions from this and several studies in a memo to the Commission dated 6/19/09 and revised on 3/26/11. Brownrigg noted that although there was a large variability in the data analyzed for pollutant removal due to differences in site conditions, soil types, vegetation, etc, all of the studies showed that at least a 50-foot buffer zone width was desirable in reducing the amount of pollution and improving wildlife habitat value.

At the conclusion of his presentation Brownrigg asked the Commission their position on whether to specify a width of undisturbed vegetation for construction or tree removal within the Buffer Zone either through a bylaw provision or as part of the Orders of Conditions. Willard suggested they could also consider implementing a setback policy, which would allow a certain degree of flexibility depending on the variables associated with a particular project. She also pointed out the fact that having a written policy could prove to be very helpful during the review process for a 40B project.

Present for the discussion was Planning Board Chair David Freedman, who acknowledged the fact that as Carlisle gets closer to buildout, the lots that come up are the tricky ones and that's why they haven't been built yet, but encouraged the Commission to consider the potential negative effect on property values. He also suggested that when the Commission is considering whether to include a setback in a revised bylaw, they keep in mind that they would no longer have flexibility in terms of waiving setback requirements on a case by case basis, as waivers would require ZBA approval.

Brownrigg agreed to conduct additional research on existing policies in other towns in order to address questions such as what is a reasonable expectation for a "no build" zone, how the policy would be applied to existing homes, the merits of a policy vs. a bylaw revision, and effective means of public outreach and education. He will provide the Commission with some draft policy language once he has completed his additional research.

Trash Removal: ConsCom is seeking Requests for Quote for trash removal from barrels on the Foss Farm and the Cranberry Bog Conservation Lands on an as-needed basis in order to address escalating costs associated with the service. A Legal Notice has been placed in the *Carlisle Mosquito* with a May 11, 2011 deadline for proposals.

Solar Photovoltaic Facility Overlay District Bylaw: Planning Board Chair David Freedman and Carlisle Energy Task Force Member Dan Cooke were present to confirm the Commission's support for the proposed Solar Photovoltaic Bylaw as it was originally written. A recent difference of opinion has surfaced relative to the specific language of the bylaw as it relates to the Site Plan Review process as outlined in Section 5.8.5. The BOS is now proposing an amendment whereby the requirement that they must allow the Planning Board sufficient time to solicit input from other boards and committees in order to provide their recommendations to the BOS could be bypassed. Freedman noted that the proposed location of overlay district is adjacent to wetland resource areas with the potential for significant Buffer Zone impact, and the BOS amendment could conceivably eliminate the opportunity for the Commission to conduct the necessary review in order to provide appropriate recommendations for minimizing potential impacts.

Bush moved to confirm the Commission's position in support of the Warrant Article relative to Solar Photovoltaic Facility Overlay District Bylaw as written, Ascolillo seconded the motion and all voted in favor.

10:10 p.m. Burn moved to adjourn, Ascolillo seconded and all voted in favor.

DOCUMENT REGISTER:

1. Foundation Drain Sketch/Plan dated 4-28-2011 relative to details of Plan Change Request for DEP #125-0857 - 76 Sorli Way, Lot F
2. Summaries of important studies on wetland on wetland buffer zones submitted by Tom Brownrigg, dated 6/19/09, revised 3/26/11; Memorandum re Setback distances within buffer zones dated 4/27/11 (Attached)