

Carlisle Conservation Commission
Minutes
11/17/11

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

7:35 – 8:00 PM New/Pending Business

Emergency Certification: 194 Nowell Farme Rd.; removal of one nearly dead 22 in. diameter white pine near a single story home. Willard showed a photograph of the tree, which was badly rotted, and could fall onto the house; the owners would like to have the tree removed. Guarino moved to issue an Emergency Certificate, Ascolillo seconded, and all voted in favor.

Emergency Certification: 119 Maple St.; removal of three trees interfering with emergency access. Willard showed a photo of one of the trees, which was leaning over the driveway. Guarino, the property owner, would like the trees removed; she recused herself from the discussion. Ascolillo moved to issue an Emergency Certificate, Bush seconded, and all voted in favor except Guarino, who abstained.

Certificate of Compliance, DEP 125-0821, Hanover Hill; Location: Westford St., Roadway, three common driveways, and drainage, issued 6/05/08. Brownrigg recused himself, being an abutter. Willard stated that the work is complete, and the site looks stable. Bush asked if the structures had been built to specification, and Willard replied that they had, although the sandy fill originally under a culvert had been replaced with rip-rap after a storm event two years ago. She said that straw wattles with plastic netting are still in a wetland and should be removed. Applicant Rob West (not present) said that he would have the netting removed. Guarino moved to issue a Certificate of Compliance subject to removal of the netting, Ascolillo seconded and all voted in favor except Brownrigg, who abstained.

Regulatory Reform at Mass DEP – Willard sent a condensed version of the proposed changes aimed at “streamlining” the review process, since DEP is understaffed. Willard mentioned that one of the proposed changes is a Buffer Zone General Permit that would allow incentives for applicants to restrict work to the outer 50 ft. of the buffer zone. Willard mentioned that she had attended a meeting in Concord that day and learned that the Town of Lincoln has a permitting procedure for people who would like to remove invasive plants in the buffer zone on their property. Willard will forward the procedure to the commission. Willard also stated that DEP will revise their regulations. Burn asked commission members to provide comments for discussion at the Dec. 1 meeting. The deadline for submitting comments to DEP is Dec. 5.

Cranberry Bog dike failure – The north dike at the Cranberry Bog failed on Oct. 30? during a storm with rain and snow. Cranberry Bog Land Steward Debbie Geltner was at the meeting and saw the break; she did not know what caused it but noticed that water was within six inches of

the top of the dike the day before. Mark Duffy has contacted USDA and asked that they classify Middlesex Co. a disaster area. Duffy hopes to obtain USDA funding to repair the dike. Willard has written a letter to USDA requesting funds to repair the dike as quickly as possible. Geltner said that, in her opinion, the dike is getting narrower in other areas and will need additional repairs. Guarino asked if USDA funds could include repair of the entire dike. Willard said that she would mention this possibility to Duffy. Willard suggested that Duffy speak with the commission regarding his plans to repair the dike prior to the repair.

8:00 – 8:08 PM DEP 125-0907 Notice of Intent, Continued Hearing. Applicant: Town of Carlisle, Gary Davis; Project Location: South St.; Project Description: installation of a culvert under South St.

Burn reopened the hearing, continued from Oct. 27. Willard reported that NHESP stated that the proposed work is not in their jurisdiction. Willard has looked at the work plan and a dewatering facility is not shown. She suggested meeting with Davis regarding dewatering and construction sequencing prior to start of work. Guarino moved to close the public hearing, Ascolillo seconded, and all voted in favor. Guarino moved to issue a Standard Order of Conditions, with the Special Condition that Davis meet with Willard regarding dewatering and construction sequencing prior to start of work. Ascolillo seconded the motion and all voted in favor.

8:08 – 8:15 PM DEP 125-0907 Notice of Intent. Applicant: Romie Taylor; Project Location: 125 Bellows Hill Rd.; Project Description: replacement of a failed soil absorption system.

Willard reported that there were several problems with the NOI: a list of abutters was missing, there were no Certified Mail green cards (proof of abutter notification), and wetland flags were not numbered in the field, making it difficult to check the delineation. Since the hearing was closed at the Oct. 27 meeting, a decision as to whether to permit the work was due today (21 days after closing). Because of the problems with the filing, Guarino moved to rescind the decision to close the hearing on Oct. 27. Brown seconded the motion, and all voted in favor except Bush, who abstained. Burn continued the hearing to Dec. 1.

8:15 – 8:30 PM Discussion relative to “Other Power Driven Mobility Devices” (OPDMD) to allow for the use of public trails by persons with disabilities

A subcommittee consisting of Jenifer Bush (ConsCom and Conservation Restriction Advisory Committee, aka CRAC), Kevin Smith (Trails Committee) and Dwight DeMay (Land Stewardship Committee) produced a policy regarding use of OPDMD on town conservation lands. Bush reviewed the main features of the policy for the commission. Vehicles with internal combustion engines will not be allowed, and the maximum speed will be 3 mph. No OPDMD will be permitted in “historical structures”; Burn asked what this term meant. DeMay said that term was taken from similar policies adopted by other towns and could mean, for example, the Cranberry Bog house or the Greenough barn.

Trails have been grouped into three categories appropriate for OPDMD: Service Trails, Wide Single Track Trails, and Narrow Single Track Trails. OPDMD will not be allowed on Single

Track Trails, and there are width restrictions on the two wider trails. The document gives examples of trails in the three categories. Bush said that Narrow Track Trails are often too narrow or too steep to allow OPDMD. Regarding lands with Conservation Restrictions, some of these allow public access and some do not. For those with public access, Bush said that CRAC will decide how to categorize the trails during their periodic inspections.

According to Bush, the Land Stewardship Committee, Trails Committee, and CRAC have reviewed the draft policy, and the next step will be Town Counsel review. After review by Town Counsel, there will be a public hearing at a ConsCom meeting for final discussion and acceptance. Brownrigg asked how handicapped people with OPDMD could find out which trails were available to them. Smith said that the Trails Committee website will have maps showing these trails. Warren Lyman of the Land Stewardship Committee suggested that maps identifying OPDMD trails also be placed in conservation land kiosks. Lyman asked if this policy is adopted, whether it will become “official ConsCom policy”. Bush said that Town Counsel will provide advice on this.

DeMay has agreed to lead a discussion of the policy at the December Conservation Coffee.

8:30 – 8:45 PM Notice of Intent. Applicant: Andrew Sims; Project Location: 127 Tophet Rd.; Project Description: sewage disposal system, retaining wall, tree removal, driveway and parking space, associated grading and landscaping.

Representative Maureen Hanley of Norse Environmental Services, Inc. presented the plan of work. Willard stated that the Board of Health may require that the entire leaching field be outside of the 100 ft. Buffer Zone. Willard suggested that the applicant replace the white pines proposed for removal with smaller native trees and shrubs. Applicant Andrew Sims was present and stated that they have indicated in their narrative that native plants will be used. Guarino suggested that tree removal be considered a subject for comment to DEP regarding regulatory reform (discussed earlier). Willard suggested that the hearing be continued since BOH will discuss the plan at their next meeting. The applicant agreed to continue the hearing until the Dec. 1 meeting.

8:45 – 9:00 PM New/Pending Business, continued

Land Use Permit: Foss Farm Dog Sledding – Bob Dennison was present to request the permit for several dog sled owners. Guarino asked if Dennison had coordinated these events with the Foss Farm Garden Manager and he said that he had. Dennison said that sledding activity “dwindled” last year, not because of abutter complaints but because of heavy snow and the abutter situation. The permit requests access to Foss Farm from Nov. 19- March 31, 2012, from 9 AM until noon; the permit would be valid for seven days a week throughout this period. Guarino noted that dog sledding has taken place at Foss Farm since 1942, and the permit gives the dog sledders more flexibility in terms of weather. Guarino moved to issue the permit with the same conditions as last year (these were provided by Willard prior to the meeting). Ascolillo seconded the motion and all voted in favor.

9:00 – 9:15 PM Old Business

Cranberry Bog Coordination Committee – Guarino reported that she met with Willard and former ConsCom member Carolyn Kiely regarding the Chelmsford Water District’s proposal for new water wells at the Chelmsford Cranberry Bog Reservation. When this issue came up ten years ago, the Town of Carlisle hired attorney Frank DiLuna, who has expertise in agricultural issues and water rights. The group asked to be on the agenda for the next Board of Selectmen meeting, where they will recommend that the Town hire DiLuna; Guarino and/or Burn will represent ConsCom. Guarino said that there has been no activity regarding the proposed wells with the Chelmsford ConsCom. Willard has given Guarino copies of correspondence regarding possible wells at the Chelmsford Cranberry Bog Reservation. Ascolillo expressed an interest in participating in future discussions.

Fiscal Year 2013 Budget Discussion – Burn reported that Burn, Brown, and Willard met with Jerry Lerman of the Finance Committee regarding the budget. The discussion included the use of revolving funds (a diminishing source of income), and the proposal to fund the budget entirely from the General Fund. Burn said that ConCom’s work is regulated by statute, and Guarino noted that ConsCom’s budget appropriation is similar to that of other boards. Willard stated that ConsCom activities differ from other boards in two respects: Willard does more field work (Rob Frado does this for the Board of Health, and is paid from filing fees) and also ConsCom members take more training courses. Willard stated that she needs the services of the Assistant Administrator, who has been on leave due to poor health. Brown said that the budget developed for discussion with FinCom should be as complete as possible, and noted that, for example, the OPDMD law might necessitate new signs at conservation lands. Burn said that the next budget discussion with FinCom will be in December.

Maintenance of field edges – Jack O’Connor, present in the audience, asked about this topic. Guarino said that ConsCom should be proactive about keeping trees and shrubs from encroaching on field edges; this could be accomplished through license agreements or grants. O’Connor, who mows several fields in town, said that clearing field edges was important.

Towle Field management for invasive/nuisance plants – Brownrigg reported that Michael Sawyers, Landowner Incentive Program Coordinator for Division of Fisheries and Wildlife, visited Towle Field on Nov. 14. In attendance were Burn, Lynn Knight (Land Stewardship Committee), D’Ann Brownrigg, and Tom Brownrigg. The LIP program does not provide grant money for publicly-owned lands. However, Sawyers provided helpful suggestions regarding habitat restoration. Knight and Burn expressed concerns about the safety of certain herbicides used for invasive plants, and Sawyers said that he will contact his colleagues regarding this. Brownrigg said that he will also begin investigating health effects.

9:15 – 9:30 PM New/Pending Business, continued

Proposed new trail for Foss Farm Conservation Land – Joe Campagna of Bedford Rd. was present to discuss the proposed trail. The trail would start from Bedford Rd. north of private property, near the intersection with River Rd. Campagna presented a map showing the proposed trail. He said that other people living near Foss Farm were in support of the trail for access with their horses, and that he has received a letter of support from the director of the Pony Club.

Brownrigg expressed concerns about people on horseback crossing Bedford Rd., a busy street. Campagna replied that the crossing was chosen to have better sight-lines than the present location, at the Foss Farm parking area. Willard said that Police Chief John Fisher was informed of the proposed trail, and will visit the site and provide safety recommendations. Although no vote was taken, ConsCom members appeared to be in support of the proposed trail.

9:30 – 10:00 PM Executive Session

Guarino moved to enter Executive Session in order to amend the Executive Session minutes of Oct. 13, and to not return to regular session afterward. Ascolillo seconded, and members voted as follows: Ascolillo: aye; Brown: aye; Bush: aye; Brownrigg: aye; Guarino: yes.

Minutes respectfully submitted by Tom Brownrigg.

Minutes approved 1/12/12.