

Carlisle Conservation Commission
March 18, 2010

Vice Chair Kelly Guarino called the meeting to order at 7:35 p.m. in the Clark Room at the Carlisle Town Hall. In addition to Guarino, also present were Commissioners Tom Brownrigg, Jen Bush, and Tricia Smith and Conservation Administrator Sylvia Willard. Chair Peter Burn and Members Debra Kimbrell-Anderson and Diane Troppoli were not present.

Bills, General Agenda Items, New Business, Minutes:

Extension Permit: (DEP 125-0807) Applicant: Leon and Michelle Small; Project Location: 486 Autumn Lane; Project: Garage & driveway extension; Issued: May 16, 2007: Based on the fact that no work will be undertaken in wetlands, and it is unlikely that site conditions have changed since the OOC's were issued, *Smith moved to grant an Extension Permit for DEP 125-807, Bush seconded and all attending voted in favor.*

Emergency Certificate: 209, 303, 321, and 333 Bedford Road; Applicant: Dick Shohet: The Emergency Certificate that had been issued previously to allow repair work on the common driveway in order to provide access to the homeowners was circulated for signatures. The driveway had been damaged extensively due to recent heavy rains and flooding.

Authorization to Issue Emergency Certificates: Willard noted that there is a strong likelihood that a request for an Emergency Certificate may be forthcoming from another River Road resident during the next week or so for driveway repair. Being that she will be out of the office during that time, the Commission authorized the Administrative Assistant to issue an Emergency Certificate during the Administrator's absence should the need arise.

Upcoming ConsCom Events:

Riverfest Canoe Trip Sponsorship: The Commission will sponsor the Annual Sunrise Canoe Trip on June 12, 2010 as part of this year's Riverfest celebration.

Joint ConsCom/Trails Committee Vernal Pool Walk: Former ConsCom Chair and wildlife ecologist Chris Kavalauskas will lead a vernal pool walk on Sunday, April 11, 2010 on the Greenough Land.

Foss Farm Land Use Permits: Land Use Permits were issued to the *Old North Bridge Pony Club* for three of their upcoming *annual spring events*: the Spring Lesson Series, the Spring Training Camp, and the Two-Phase Event. The Commission also authorized the ONBPC to do the grading work that is necessary to address drainage problems in the dressage ring that is causing erosion into the adjacent hay field. They also addressed the issue of multiple vehicles being parked down near the riding rings as a general practice and determined that the participants should limit parking to one vehicle only for smaller events and should discontinue the practice of parking trailers in the area. A Land Use Permit was issued to *Tom and D'Ann Brownrigg*, who will lead a *Woodcock Walk* on Saturday, April 17, 2010 at 7:30 p.m.

8:00 p.m. (DEP 125-0806) Chestnut Estates: (DEP 125-0806) Applicant: Richard Howe; Project: Chestnut Estates Conservation cluster including wetland crossings, replication areas; Project Location: 400 Rutland St., Issued: May 31, 2007.

Representing the applicant was Steve Erikson of Norse Environmental Services and Attorney Martha Howe, who were present to request a three-year Extension Permit and two Plan modifications. With regard to the request for an extension of the Orders of Conditions, Erikson reported that the project had not gone forward due to the downturn in the economy, but they now have a buyer with who wishes to proceed with the project.

Willard reported that her review of the Wildlife Habitat Evaluation that was required as part of the OOC's has only been partially completed, as the document was not submitted until March 10, 2010. She noted that the Wildlife Habitat Evaluation requirements went into effect towards the end of the permitting process, this being the reason the requirement that the document be submitted was incorporated into the OOC's.

She indicated that she is aware of several issues with the wetland flags, including missing flags. Erikson stated that he will be reinstalling the flags for Willard's inspection prior to work being undertaken.

The Plan change requests being put forth by the applicant are relative to the vernal pool that had been documented on the site. The applicant is requesting that they be given permission to begin work on April 15, two weeks earlier than was required in the OOC's. The earlier start date is being requested in order to commence work in accordance with requirements under the new federal stream crossing standards determined by the U.S. Army Corps of Engineers. Erikson noted that these new requirements, put into effect in January, might also require an additional modification to the Plan, the final details of which have yet to be determined. Although the date restriction had been incorporated into the OOC's in order to minimize disturbance to vernal pool migration that occurs during that time of year, the Commission agreed to allow the change, as most migration activity is known to occur during the nighttime hours. The applicant is also requesting that the Commission allow them to replace the siltation barriers in this area with spaced hay bales, as the barriers would have prohibited migration of vernal pool species.

*Smith moved to issue an **Extension Permit for DEP #125-0806**, Bush seconded and all attending voted in favor.*

*Smith moved to **Amend the Orders of Conditions for DEP #125-0806** to allow the following modifications: 1) relative to Special Condition #84 in the OOC's, to accommodate an earlier work date of April 15, 2010, specifying daytime work only; 2) approval to eliminate the siltation fencing from the erosion control measures through Station 3 on the Plan of Record; 3) requirement that documentation be submitted to NHESP for VP Certification. Bush seconded. Guarino opposed the requirement that the vernal pool must be certified through NHESP based on the discovery that it is now located on privately owned land on which a house was constructed under a previous Order of Conditions. Smith amended her motion to include only the Items 1 and 2 above. All attending voted in favor.*

Willard requested the new owner's contact information be provided and that she be provided an opportunity to meet with present owners at the site prior to the sale of the property.

8:25 p.m. (DEP 125-0881) Notice of Intent, Continued Hearing

Applicant: William O'Brien, Pinnacle Partners

Project Location: 142 Bedford Road

Project Description: Removal of an existing dwelling and driveway and construction of a proposed dwelling, soil absorption system and associated site work

Guarino opened the Continued Hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaws. The hearing was continued at the applicant's request to April 1, 2010 at 8:00 p.m.

8:30 p.m. (DEP 125-0878) Notice of Intent, Continued Hearing

Applicant: Philip Giffie, Neighborhood of Affordable Housing, Inc, (NOAH)

Project Location: 273 South Street

Project Description: Residential community consisting of 26 residential rental units & associated site improvements including drives, parking, stormwater management, on-site septic and water supply

Guarino opened the Continued Hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaws. Willard reported having inspected the wetland flags that had recently been reestablished in accordance with the ORAD issued in 2003 and recommended to the Commission that they also be reviewed by a qualified professional.

Representing the applicant, Mark Beaudry of Meridian Associates reported that the Site Plan for the Benfield project has been revised based on the recently obtained electronic drawing files created by MetroWest during the ORAD permitting process. He believes the revised maps more accurately depict the resource areas and boundaries.

The revised Plan, which according to Beaudry is generally consistent with the progress plan presented at the previous hearing, now includes the locations of buildings and infrastructure. The Plan has been produced in 80 scale in order to include the brook on the southern side of the site. It was noted that the Buffer Zone lines depicted on the Plan were manually transposed and will be added to the next Plan iteration.

Relative to the site changes that have been incorporated into the Plan, Beaudry said they took the original Plan and “pulled everything in to make it more compact”. Changes included relocating the driveway by routing it through the parking area, reducing the width of the driveway where practical, and reducing the number of parking spaces. The utility shed originally intended for storage of maintenance equipment has been moved in order to allow it to function also as the pump house for the fire protection system. The location of the emergency generator has been moved to the rear of the buildings. As a result of this consolidation, they were also able to reduce the total impervious surface area by approximately 32% thereby allowing a significant decrease in the size of the stormwater management system. They reportedly are also now close to meeting the objective of less than 15k sf of total upland forest habitat disturbance previously set by NHESP in order to provide adequate protection of the Priority/Estimated Habitat for the blue-spotted salamander.

Beaudry reported that although the Planting Plan now includes more detail, it is still in the preliminary phases with a more definitive plan to be provided at a later date after the project is approved. The final Planting Plan must be submitted to the review boards and subject to their approval prior to the issuance of a building permit.

Responding to questions relative to the construction and functionality of the detention basin, Beaudry said they would be required to provide a NIFTES Construction General Permit which requires that a stormwater pollution prevention plan be submitted prior to construction and can be required as part of the OOC’s.

Referencing the letter sent to the ZBA from ConsCom requesting additional detail on the design of the septic field and well in order to determine that the design terms of CR57 are met, Beaudry said they have now included additional detail on the disposal area, location of test pits, seasonal high water table, existing and proposed grades as depicted in the profile view of the layout of the disposal system. He confirmed that existing grades will be maintained under the revised design.

Addressing concerns expressed in writing by abutter Alan Carpenito relative to the accuracy of the documentation provided by Jeffrey Kiel on February 11, 2010 relative to the classification of the stream along the west of the site, Willard confirmed that the submitted documentation is in accordance with requirements under the Wetlands Protection Act Regulations. South Street resident Ray Kubacki questioned whether the Commission’s determination that the stream was intermittent had been based solely on the information provided by Mr. Kiel, or whether there was other data used in making the determination. Smith said that the Commission’s determination was based only partially on Mr. Kiel’s testimony, as the testimony was also confirmed using the USGS StreamStats hydrological model, which showed that the upgradient area that contributes runoff to the stream does not meet with requirements for contributing watershed or for flow rate in order to be classified as a perennial stream.

As for the Riverfront area associated with Spencer Brook, Beaudry reported that they have been unable to make a determination due to winter conditions.

Abutter Alan Carpenito inquired about the work he has observed in the area of the cart path over the past few years as to why there was no permitting associated with the work. Smith said that the activity likely occurred prior to the town’s purchase of the property and/or may have been associated with soil testing activities.

The hearing was continued to April 1, 2010 at 8:30 p.m. at the applicant’s request.

9:45 p.m. 779 West Street Landscape Plan: Representing the property owner Gregory Bruell, Site contractor Jon Storer presented a revised Restoration Plan, which now includes the edge of the replication area and an outline of the proposed pond. Landscape Architect John Russo of Zen Associates presented a revised Garden Management Plan. Submission and approval of these documents was required under an Enforcement Order issued to the property owner on November 9, 2009. After satisfactorily addressing questions raised by the Commission including clarification on construction sequencing, *Smith moved to accept the letter from Zen Assoc dated March 2, 2010 in conjunction with the Wetland Restoration Plan last revised March 3, 2010, Bush seconded and all attending voted in favor.* The representative did not expect work to begin for several months and agreed to contact the Administrator prior to the start of construction.

9:50 p.m. (DEP 125-0882) Notice of Intent

Applicant: Wilkins Hill Realty, LLC.

Project Location: Hanover Hill, Lot 14, and 40 Gormley Way

Project Description: Construction of a portion of the proposed single-family dwelling, construction of a driveway, well, utilities and associated grading

Guarino opened the Hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaws. The hearing was continued to April 1, 2010 at 8:15 p.m. at the request of the applicant.

9:51 p.m. (DOA-273) Request for Determination

Applicant: James Ford

Project Location: 307 Cross Street

Project Description: Installation of a septic tank and sewer line

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaws. Ben Ewing of Stamski and McNary provided an overview of the Plan. The dwelling is currently served by a cesspool that is located within the Buffer Zone and 55' +/- from BVW. The Plan calls for replacing the cesspool with a septic tank, connecting into the existing line and running it into the disposal system that is located well outside 100' BZ. The only proposed work within the BZ is the installation of the septic tank and the filling of the existing cesspool, the work for which will be in an existing lawn area within close proximity to the house. No grading will be required. *Being that the details of the Plan met with the Commission's approval, Bush moved to issue a Negative Determination B3, referencing the Plan dated November 30, 2009, Smith seconded and all attending voted in favor.*

Plan Change Request - David and Pam Ely, 610 Rutland Street: Ben Ewing of Stamski and McNary was present on behalf of the property owner to request approval of a change to the Plan approved in October 2008. The changes are relative to reduction in scale of design due to the downturn in the economy. Based on the details provided by Ewing, the Commission will allow the red line changes to be documented with a revised Plan.

10:00 p.m. Carlisle Conservation Foundation & Carlisle Trails Committee:

Hartwell to Benfield Connection: Trails Committee member Steven Tobin and Steve Hinton of CCF were present to discuss preliminary details for construction of a trail connection between the Benfield Conservation Land and Hartwell Road circle, including details on the construction technology that may be used for the boardwalk and platforms. The Commission was supportive of the concept and encouraged the group to move forward with their preliminary planning process.

Pines Woodlot: Steve Hinton reported that Stamski and McNary is in the process of resurveying the boundary lines of the CCF owned Pines Woodlot. This was deemed necessary when several discrepancies were discovered during the process of reviewing the lines in order to restore/reconnect a historic trail connection between Kimball Road and the Tall Pines State Forest trail network. There is also the concern that there may have been some tree cutting and associated clearing on portions of the McAfee Land. Next steps include recording the new Plan with the Registry of Deeds and staking property lines in disputed regions, also in accordance with the new Plan. Should encroachments be confirmed,

Hinton will work with ConsCom, Town Counsel and /or CCF as needed to address any damage that may have occurred. The discussion will be continued at the April 15, 2010 meeting at 8:00 p.m.

Agricultural Burn at Foss Farm: Permission was granted to Foss Farm Garden Manager Jack O'Connor to coordinate an agricultural burn prior to the upcoming growing season.

Review Policy for Dog Sled Use at Foss Farm: Guarino reported that Town Counsel has recommended that the Commission discuss the possibility of officially adopting the guidelines relative to Sled Dog Activities at Foss Farm as outlined in their memo to the BOS dated February 25, 2010. Town Counsel also advised the Commission to conduct the discussion of adopting the guidelines in an Open Session, as the guidelines put forth in the memo were determined during an Executive Session. Smith cited concerns about voting on the guidelines without first gaining a better understanding of what possible litigation implications may exist. It was agreed that the details of the potential litigation would be reviewed in an Executive Session on April 1, 2010 before any additional action is taken.

10:50 p.m. Smith moved to adjourn, Brownrigg seconded and all attending voted in favor.

Respectfully submitted,
Mary Hopkins
Administrative Assistant