

Carlisle Conservation Commission
May 13, 2010

Vice Chair Kelly Guarino called the meeting to order at 7:45 p.m. in the Clark Room at the Carlisle Town Hall. Also present were Commissioners Tom Brownrigg, Jen Bush, Debra Kimbrell Anderson and Diane Troppoli and Conservation Administrator Sylvia Willard. Chair Peter Burn and Commissioner Tricia Smith were not present.

Bills, General Agenda Items, New/Pending Business:

Emergency Certificate Signature: An Emergency Certificate for 271 Russell Street was finalized for the repair of a septic system, which was damaged when a fire pond across the street from the property overflowed during a recent major flooding event. The resulting deluge also washed out the material from around the foundation of the house into a downgradient wetland on the property. A decision as to the extent of and responsibility for the work to remove the material from the wetland is pending additional review.

Public Notices/Announcements:

A notice requesting nominations for the 2010 **Conservationist of the Year** will be placed in the *Carlisle Mosquito* with the selection of this year's recipient to be made at the June 10, 2010 meeting.

ConsCom Member Vacancy: An advertisement will be placed in the *Carlisle Mosquito* announcing the two upcoming vacancies on the Commission due to the imminent departures of Commissioners Diane Troppoli and Tricia Smith.

Towle and Benfield Mowing Agreement: A notice will also be submitted to the *Carlisle Mosquito* announcing a Request for Quote due no later than of June 7, 2010. All proposals will be reviewed in a public hearing at the Commission's June 10, 2010 meeting. The announcement will note that the agreement may be subject to revisions depending on the status of construction on the Benfield affordable housing development, which could prohibit access to some areas.

Joint Gathering: A joint meeting of the ConsCom, the Land Stewardship, Trails and Conservation Restriction Advisory Committees, and the Carlisle Conservation Foundation has been scheduled for Monday, May 17 at 7:30 p.m. at Town Hall.

The suggestion to add the subject of **sled dog training at Foss Farm** to the agenda was put forth, but it was determined that it would be more appropriate to address it at a public hearing in the fall when a request for a Land Use permit will be required for the upcoming season.

Guarino reported having received an email from the Board of Selectmen stating that their decision relative to sled dog training at Foss Farm is that they believe that the town bylaw banning dog barking for more than 15 minutes in a residential area applies to Foss Farm; therefore, the police do in fact have the authority to enforce the restriction.

Summer Meeting Schedule: Meetings were scheduled for July 8 and 22; August 18, with the Commission's regular meeting schedule to resume in September.

Wetland Bylaw Fees: Brownrigg agreed to assist Willard in drafting a revised bylaw fee schedule based on the research she has completed, including data from numerous sister communities. The Commission plans to hold a public hearing to discuss the revised schedule by mid to late summer.

CR Inspection Buttrick Lane: Several minor infractions were cited by TTOR following a recent routine annual inspection of the parcel. Notification will be sent to the property owner once the Commission has had an opportunity to assess the extent of the violations.

Chestnut Estates Update: Willard informed the Commission that the owners of the property on Rutland Street have a buyer who plans to start work on the development project immediately. The engineer for the original project has agreed to provide the Commission with additional material relative to the construction details for the replication areas and the wetland crossing.

8:05 p.m. Tall Pines CR Violation: Steve Hinton of the Carlisle Conservation Foundation provided the Commission with an update on the survey work being conducted on several conservation parcels surrounding the town-owned McAfee Land. He had informed the Commission at their March 18 meeting that tree cutting and land clearing had been discovered in February along the presumed property bounds of the McAfee Conservation Land and a privately-owned home when surveyors were reviewing the lines in order to restore/reconnect a historic trail connection between Kimball Road and the Tall Pines State Forest trail network.

Upon completion of the survey work and associated staking of boundaries, the data will be incorporated into a final Plan of Land in order to more accurately assess the extent of any infractions and to determine an appropriate course of action relative to remediation requirements as needed. The discussion was continued to June 10, 2010 at 8:30 p.m.

8:40 p.m. (DEP 125-0854) Notice of Intent, Continued Hearing

Applicant: Thomas and Barbara Bjornson

Project Location: 38 Prospect Street

Project Description: Removal of approximately 60 trees within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Guarino opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. The hearing had originally been continued from May 13, 2009 when the Commission requested an appropriate Plan and additional detail from the applicants before a decision could be reached with regard to their proposal to remove approximately sixty trees and undertake landscaping on the property. The property owners were informed of the additional requirements in writing, as well as being made aware of their option to withdraw the filing. After numerous continuances and no response to written requests for the additional information, *Bush moved to close the hearing for DEP #125-0854, Troppoli seconded and all attending voted in favor. Brownrigg moved to deny the application for DEP #125-0854 due to the fact that the information submitted by the applicant does not include measures which are adequate to protect the interests of the Act, Troppoli seconded and all attending voted in favor.*

It was noted that the Commission had allowed the removal of nine trees due that were within potentially dangerous close proximity to the house under an Enforcement Order issued in September of 2009.

Willard reported having conducted a site visit recently when she discovered a large tree that had been flagged for removal but was not covered by the Enforcement Order because it had not been located on the Plan.

Brownrigg moved to Amend the Enforcement Order to include the removal of an additional tree as identified by Willard, Troppoli seconded and all attending voted in favor.

8:55 p.m. (DEP 125-0878) Notice of Intent, Continued Hearing

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

Project Location: 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 Bylaw. Mark Beaudry of Meridian Associates was present to provide an update on the outstanding requirements before the hearing can be closed.

Beaudry stated that Meridian Associates had completed the redelineation of the wetlands, which they have now field surveyed and is reflected on a revised Plan. He noted that the locations are substantially similar to the sketches previously provided to the Commission. Flags were also reestablished in order to provide for one of the two alternative well locations discussed at the previous hearing, with the decision to go with the location depicted on the revised Plan after CCF came back strongly in support of this location, citing the fact that there would be less impact on the uses of the main field. Beaudry noted that several adjustments to the Plan will be required based on the fact that the new location puts the well just outside of the BZ but into the Riverfront Area.

Brownrigg put forth a request that the well location be moved farther up so as to be located out of the Riverfront Area and would eliminate the need for additional tree removal. Beaudry agreed to take this under further consideration.

It was noted that the Board of Health has requested access for monitoring wells in order to conduct testing should it be deemed necessary. Beaudry said that they are not included in the Plan at this time, as the BOH has only requested access, not necessarily the wells, and it is highly unusual to include monitoring wells unless there is a groundwater discharge system.

With regard to the documented, but not yet certified, vernal pool that exists on the site, Beaudry reported that it has now been flagged, although he questioned whether the pool will meet state certification requirements that it hold water for two consecutive months during the growing season. Willard reported having confirmed with NHESP that the pool is likely certifiable, and if that status is confirmed, the applicant would be required to show that the proposed project will not adversely affect the vernal pool habitat area. Brownrigg noted that certification of the vernal pool could result in the requirement for a Wildlife Habitat Study. Beaudry said that the Wildlife Habitat Study regulations do not require a study; rather it is included in their guidelines to be used as tools to assist a commission in determining requirements for evaluating a wildlife habitat area. Cost estimates received from Oxbow Associates ranged from five to ten thousand dollars. It was agreed that the Commission would review the regulations prior to the next meeting.

During the Commissions discussion of the annual Benfield Mowing Agreement, the question was raised as to whether there would be access to that field during construction. Beaudry stated that this could be addressed in construction sequencing, although there would be times when access would have to be restricted.

Relative to ongoing roadway management, it was noted the Commission typically includes a condition restricting the use of salt due to the impact on wetlands. Beaudry stated that sanding would likely be the primary agent, and although deicing materials would be needed for maintaining sidewalks, they discourage the use of sodium chloride.

Willard reported that the issue of trail parking came up at the recent ZBA meeting. Toby Kramer of NOAH said there would be an area designated for conservation parking. It was noted that a Land Use Permit would be required for all evening activities, and it was agreed that the management staff would need to be notified in each case.

With the representative's approval, the hearing was continued to May 27, 2010 at 8:30 p.m.

Curve Street Dam Repair Project:

Willard reported having been confirmed with the Office of Dam Safety that a dam safety inspection must be performed by July 15, 2010. The Commission had previously asked the state to change the classification dam to agricultural which would make it exempt from the inspection requirements, but the request was denied. She also reported having received a recommendation from Town Counsel that a request be made to the dam inspector that a recommendation relative to the current state classification of the dam be included in his report. A subsequent conversation with the dam inspector revealed that the additional work involved in providing documentation to the state in order to change the classification, including stamped engineering plans, could amount to fifteen to twenty thousand dollars in addition to the \$3,800 for the initial inspection. The Commission agreed to proceed with Town Counsel's recommendation that an inspection be undertaken with a request that an informal recommendation be made as to whether the current status is appropriate, which is presently classified as a non-agricultural/significant hazard dam. Willard noted that there was some damage done to the structure during the major spring flooding events, which will require repair work..

Guarino inquired as to when the state classified the dam as non-agricultural. Willard reported that the DCR has required inspection of all dams in Massachusetts following several major flood events in 2008. Based on the information contained in the report submitted by Tighe and Bond to the DCR, the DCR determined that it is significant hazard dam.

Brownrigg moved to proceed with hiring of lowest bidder for curve street dam, Bush seconded and all attending voted in favor.

Public Information Request: Willard announced having recently received a public records request to which the response containing cost estimates for the time in preparing the documents was sent within the required ten-day period. A subsequent follow up request for additional material was submitted which has been forwarded to Town Counsel.

Foss Farm Community Gardens– Manure Management: Willard reported having received a letter from Foss Farm community gardeners Ed and Bev Humm questioning the practice of using fresh animal bedding as mulch for the gardens. It was determined that the issue will be addressed during the Commission's annual review of the garden rules.

10:45 p.m. Troppoli moved to adjourn, Bush seconded and all attending voted in favor.

Respectfully submitted,
Mary Hopkins
Administrative Assistant