

**Carlisle Conservation Commission**  
**May 27, 2010**

Chair Peter Burn called the meeting to order at 7:35 p.m. in the Clark Room at the Carlisle Town Hall. Also present were Commissioners Tom Brownrigg, Jen Bush, Kelly Guarino, Debra Kimbrell Anderson, Tricia Smith (8:05 p.m.) and Diane Troppoli, and Conservation Administrator Sylvia Willard.

**Bills, General Agenda Items, New Business:**

**Enforcement Orders:**

The revised Enforcement Order for **38 Prospect Street** was circulated for final signatures. The order was amended by vote at the previous meeting in order to allow for the removal of an additional tree that had not been included in the original EO issued in September of 2009 for removal of nine trees within potentially dangerous close proximity to the house.

An Enforcement Order was issued for **125 South Street** to allow for the remediation of a home heating oil spill to continue past the expiration date of the Emergency Certificate that had been issued in order to allow for the initial cleanup work under a Mass Contingency Plan. Willard reported that the site crew is now in the process of replenishing the soil that had been removed and are also now installing a treatment system.

The site coordinator has indicated that they are in the process of preparing a Notice of Intent.

**Certificate of Compliance: (DEP 125-803) ANRAD for Chestnut Estates, 400 Rutland Street; Issued: 1/30/2007:** Troppoli moved to issue a Certificate of Compliance for the Order of Resource Area Delineations for DEP #125-803, Bush seconded and all attending voted in favor.

**Foss Farm Community Gardens:** Garden Manager Jack O'Connor reported several infractions to the Foss Farm Community Garden Rules, which had been adopted at a public hearing last February. Among the issues is the fact that several gardeners and/or household members allegedly are not primarily tending their assigned plots as required by the garden rules. The Commission supported O'Connor's plans to contact the assignees of the plots in question in order to determine whether there are extenuating circumstances that are preventing them from personally tending the plots.

**Land Stewardship Committee Program:** River Critters at Foss Farm, May 30, 2010, 2 pm to 3:30 pm.

**Database Upgrade:** The Commission approved Willard's request to move forward with a ConsCom database upgrade in order to allow use of recently revised DEP forms. The cost of the upgrade will be covered through the Wetlands Bylaw Fee Revolving Account.

**7:50 p.m. (DEP 125-0886) Notice of Intent**

**Applicant: Charles Blake**

**Project Location: 127 Carleton Road**

**Project Description: Removal of 15 trees, excavation, replacement and enlargement of an existing driveway and installation of a drainage swale**

Burn opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. Property owner Charles Blake presented the Plan for the proposed project. He is requesting permission to have tree removal work done in order undertake the work to replace the deteriorating driveway and to prevent any possible future damage once the project is completed. The Plan also calls for the removal of several dead and/or damaged trees within close proximity to the house. After reviewing the details of Plan, *Troppoli moved to close the hearing for DEP #125-0886, Brownrigg seconded and all attending voted in favor. Troppoli moved to issue a Standard Order of Conditions, with the Special Condition that a silt barrier be installed on the east side of the driveway as marked on the Plan, and with the finding that*

*they are not making a determination relative to the stream classification, Guarino seconded and all attending voted in favor.*

**8:15 p.m. MacAfee Land Violation:** Steve Hinton of the Carlisle Conservation Foundation provided information on the results of a survey recently undertaken by Stamski and McNary on the MacAfee Land. The survey was funded by CCF in order to accurately assess of the extent of damage that had been previously reported to the Conservation Commission. Photographs illustrating the disturbed area on the portion of the MacAfee Land that is owned by the Town of Carlisle were circulated, providing evidence of the tree removal and grading activities.

Homeowner Sheldon Kolansky of Sleigh Road in Westford, who was present for the discussion, stated that the damage to the land occurred when he had hired a forester to do some tree work on his property and the clearing occurred well beyond the area he had previously defined.

Remediation measures determined by the Commission included submission of a Planting Plan to be provided by a landscape architect. The Plan must include hardwood and softwood trees in order to reestablish shade and to help prevent invasive plants from overtaking the disturbed area. The soil stockpile discovered on the town owned land must be removed, along with the pile of woody debris around the soil stockpile. A boundary delineation between the private property and the town owned land must also be constructed. The property owner has volunteered to build a stone wall boundary using excess rock from his property.

The proposed remediation plan will be discussed on July 22, 2010 at 8p.m.

Guarino thanked the landowner for his cooperation in working with the Commission and also thanked Steve Hinton for his invaluable assistance throughout the process.

**8:30 (DEP 125-0878) Notice of Intent, Continued Hearing**

**Applicant: Philip Giffee, 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**

Burn opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. Engineer Mark Beaudry of Meridian Associates provided an overview of the revised Plan, copies of which were distributed to the Commission.

Revisions to the previous Plan included the confirmation and required adjustment of the wetland delineation for wetlands within 200-feet of any potential work on the project. The adjustments were survey located by Mason Associates on the revised plan. The Plan also now reflects all BVW lines as well as Riverfront along Spencer Brook. Beaudry noted that that the revised delineation shows more extensive wetlands than shown on the original Plan submitted at the beginning of this process. Of particular significance was an area in the northwest corner of the Lot 1 meadow area, where the revised wetland line now extends over the stone wall into the site, necessitating a reconfiguration of the stormwater basin and grading modifications. The revised Stormwater Management Plan is presently under review by technical consulting firm Nitsch Engineering.

Addressing the issue raised by the Commission previously relative to proposed pavement width, Beaudry reported that they have been able to reduce the paved driveway width from 22-24' down to 20' in some areas, as reflected on the revised Plan. The reduction in impervious surface was accomplished through the addition of gravel shoulders in designated areas. Beaudry noted that a gravel surface would also be used for the trail access parking spaces.

Relative to the work proposed on the cart path leading from Lot 1 over Lot 2 to Lot 4, Beaudry distributed a Plan illustrating both existing and proposed conditions. He noted where it was necessary to relocate the existing cart path through the BVW in order to get a well rig through the Lot 2 area. They are now proposing

restoration of the existing path as part of the mitigation for undertaking the work within the BVW. As for replication, they are now proposing a new replication area in an area that is not currently classified as wetlands, allowing them to achieve a 1.5 to 1.0 ratio. The tree removal required to undertake the work would need to be reviewed by NHESP if the Commission finds the proposal to be acceptable.

The well location was adjusted so that it is no longer proposed within the Buffer Zone or within the Riverfront Area.

The question of whether or not the potential vernal pool recently documented on the site should trigger the requirement of an Appendix B Wildlife Habitat Evaluation was revisited. Beaudry estimated the cost of such a study to be in the \$10,000 range. He noted that the DEP regulations do not actually require that such a study be conducted, rather it is a recommendation contained in their guidelines for commissioners. The alternative would be for the Commission to make their own determination as to whether the performance standards are met and whether the work will have an impact on the vernal pool habitat.

Willard reported having reviewed the regulations relative to work performed within 100' of a documented vernal pool and found that measuring adverse affects on wildlife habitat beyond a permissible threshold should be performed by an individual with specific credentials. Burn asked for clarification on whether this allowed for some discretion on the Commission's part. Beaudry reiterated the fact that the requirement of Appendix B where applicable is not mandatory. Guarino did not see that an additional study would have any impact on what the Commission recommends relative to the proposed work. Troppoli suggested that allowing the applicant to obtain guidance from a qualified consultant in evaluating the habitat area would accomplish the same goal at considerably less cost. Smith offered that the Commission could include a Special Condition requiring that the area where the cart path is relocated be evaluated by a wetland scientist prior to work who would then make recommendations needed for construction sequencing and would be present during construction to the extent warranted.

Willard noted that a wildlife habitat evaluation does not necessarily address Rare Species Habitat and that the project is subject to a full review by NHESP.

*The hearing was continued to June 10, 2010 at 8:45 p.m.*

**9:15 (DOA-275) Request for Determination**

**Applicant: David Newman**

**Project Location: 625 Rutland Street**

**Project Description: Replacement of an existing driveway and deck, removal of 2 trees**

Property owner David Newman presented the Plan, the details of which met with the Commission's approval. Since the project would not alter an area subject to the Commission's jurisdiction, Smith moved to issue a Negative Determination B3, with the Special Condition that the applicant be allowed to remove one of the two pines, but not both of them, in the yard north of the house, Guarino seconded and all attending voted in favor.

**9:50 p.m. Executive Session:** Chair Burn requested a motion to enter into an Executive Session for the purpose of discussion matters pertaining to potential litigation without returning to a Regular Session. The motion was made by Smith and seconded by Troppoli. Members voted as follows: Smith, Aye; Kimbrell-Anderson, Aye; Bush, Aye; Guarino, Aye; Brownrigg-Aye; Troppoli-Aye; Burn-Aye.

Respectfully submitted,  
Mary Hopkins