

## **Carlisle Conservation Commission**

**March 12, 2009 - 7:30 P.M.**

**Vice Chair Peter Burn opened the meeting at 7:30 pm in the Clark Room at the Carlisle Town Hall. In addition to Burn, also present were Kelly Guarino, Diane Troppoli, Jen Bush, Tom Brownrigg Tricia Smith (8:15 PM) and Conservation Administrator Sylvia Willard. Chair Tom Schultz was not present.**

**Minutes, Bills & General Agenda Items:** The Commission signed the bills being circulated.

**BOH Manure Complaint:** Willard informed the Commission that the Board of Health (BOH) received a complaint on January 23, 2009 relative to manure dropping from an open wagon being pulled by a farm tractor along Curve Street. Manure was being transported by Mark Duffy for fertilizing Hutchins Conservation Land at the corner of Fiske and Curve Street. Willard stated that she and Linda Fantasia, Board of Health agent had visited the area and observed a stockpile of manure in the middle of the field and traces of manure in the roadway from the field to Lowell Street. Fantasia had spoken with Duffy who agreed to be more careful. A second complaint was received on March 2 and the Board of Health was now asking ConsCom to require that Mr. Duffy stop transporting manure in open vehicles. Willard reported that she had spoken with Duffy and that he said that when he moves his cows to the new barn it would not be a problem. Guarino stated that she has noticed problem in the past and that she felt it was a police matter. Willard also pointed out that in some respects this is no different than vehicles leaving construction sites tracking mud from wet construction areas. Burn asked Willard to relay to the Board of Health that the Commission is sympathetic to the matter but that the Conservation Commission has no authority as to how Mr. Duffy transports the material to the fields. It is a police matter.

**389 River Road, Request for filing recommendation:** a letter was received along with a proposed plan for landscaping with native plants, expansion of an existing patio and reconstruction of a stairway all within the existing landscaped area and at least 50' from the Bordering Vegetated Wetland associated with the Concord River at 389 River Road. The letter requests whether a filing would be required. The letter, from Stamski and McNary, Inc. stated that all the work qualified as an exempt minor activity and therefore they felt it to be exempt. It was also noted that the work area was within Priority/Estimated Rare Species habitat. After a discussion, Brownrigg and Bush voted in favor of a filing of a Request for Determination and Burn, Guarino and Troppoli voted against the need for a filing. Willard pointed out that this decision was consistent with a similar decision rendered for a property on Partridge lane.

### **8:00 p.m. Conservation Land Use Permits:**

Beth Platt, District Commissioner of Old North Bridge Pony Club was present to discuss the club's planned spring activities. 1). The Two-Phase Event: Old North Bridge Pony Club & Carlisle Area Equestrians will be held on Sunday May 3, 2009 and raises funds to help maintain Foss Farm equestrian complex. There is a \$50 fee per rider to enter the event and a \$10 fee for any additional jumping event a rider wishes to enter. She said that they usually raise about \$2000 - \$2,500. They will again have trailers parking near the rings and provide an outhouse. 2. Spring Lesson Series: The lesson will begin on April 3, but is dependent upon the weather and upon footing condition in the ring. The pony club is concerned about footing in the old ring and is looking into refurbishing its base. Willard pointed out that the dressage ring was very dusty and Platt said that the club hopes that someday there would be water available for watering down the ring. Troppoli moved to approve the land use permits, Bush seconded. All voted in favor to approve and sign both Land Use Permits.

### **8:15 p.m. Wireless Bylaw, Carlisle Planning Board.**

Michael Epstein and David Freeman were present for a discussion of the conservation related changes in their proposed Wireless Bylaw revision, last revised in 2006 in response to litigation. The purpose for this revision is to refine and further the goals of the Wireless Bylaw. They are proposing to modify an existing 900 foot setback to wetlands, vernal pools and habitat of rare or endangered species. The proposed bylaw change will require a project to comply with the Massachusetts Wetlands Protection Act with respect to wetlands, provide a 100-foot setback for vernal pools, comply with any regulatory process required if proposed within Estimated/Priority habitat for Rare Species and any review process that may be required under the Wild and Scenic Rivers should a tower be proposed within ¼ mile of the Concord River.

**8:30 p.m. (DEP-125-0849) Abbreviated Notice of Resource Area Delineation, Continued Hearing**

**Applicant: Joseph Topol**

**Project Location: 879 Concord Street**

**Project Description: Conformation of Wetland Resource Area boundaries**

Burn reopened the continuing public hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. George Dimakarakos represented the applicant and reported that the wetlands had been reviewed on site by Dr. John Rockwood of EcoTec, Inc. since the hearing opened and the plan updated. Also in attendance at the wetlands review was Tom Brownrigg, David Crossman and Conservation Administrator, Willard. He commented that since the pond was frozen and, as Rockwood had recommended, no determination could be made at this time as to the existence of Riverfront. However, Dimakarakos pointed out that no work was being proposed within any area that could be considered Riverfront. Dr. Rockwood, also present for the hearing, went over his report submitted to the Commission and stated that the revised plan showed all the changes he found to be necessary. The pond is a dilemma at this point he said, but there is some evidence of flow at least down to Flag 3. A further determination as to whether the pond had riverine characteristics would need to be made under an additional filing at a future date when the pond is not frozen. Willard commented that an old plan dating from before 1995 showed a vastly different wetlands delineation. Rockwood pointed out that the protocol for delineating wetlands changed in 1995, making use of soils instead of simply vegetation. To a question from Bush, Rockwood said that any work proposed within 200 feet of the BVW would require a filing for a determination of Riverfront. Willard also pointed out that there were two previous filings, with work permitted, although no work was done and the Orders were never recorded at the Registry. She wanted the commission to recommend how to proceed with these old filings. It was recommended that a note to the file be written that the work was not done. **Bush moved to close the hearing, Troppoli seconded, all voted to approve except for Smith, who abstained. Willard will generate a draft OOC and will have Rockwood review them prior to the next meeting.**

**8:50 p.m. (DOA-265) Request for Determination**

**Applicant: Carlisle Trails Committee**

**Project Location: Carlisle Town Forest**

**Project Description: Installation of a boardwalk over a stream and associated Bordering Vegetated Wetland**

Burn open the meeting and Louise Hara of the Carlisle Trails Committee presented the Trails Committee's proposed 80' boardwalk project to place a boardwalk over a stream in the Town Forest to replace informal pallets in poor condition placed many years ago. The proposed boardwalk will use the Massachusetts Audubon's recommended plan generally used by the Trails Committee and will use ACQ lumber. Volunteers, including community service young people will help with construction. Hara stated that CPA funds, already appropriated, will be used. John Lasky, 203 East Riding Drive inquired about potential fire hazards and wondered if there was any regulation against smoking in the Town Forest. It was pointed out that the draft Baseline assessment for the property was now in the library, would be reviewed soon by the Conservation Commission and that LSC would be looking for stewards to help monitor the property. At this time there was no prohibition relative to smoking on town-owned lands. Brownrigg asked if the structure was strong enough for horses and Hara said it would be, but that the boardwalk was so narrow that usually horses do not go over the boardwalks. Smith moved to issue a Negative B. 2, with a condition that work comply with the construction detail and placed in the location as described in the Request. Troppoli seconded and all voted to issued a Negative Determination

**9:10 p.m. (DEP 125-0851) Notice of Intent**

**Applicant: David Valchuis**

**Project Location: Map 6, Parcel 1**

**Project description: Construction of a single family home and associated septic system, driveway and grading.**

Burn opened the hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. George Dimakarakos reviewed the plan and the lot's resource areas and general topography for a proposed single family house on Berry Corner Lane. Smith thanked Dimakarakos for keeping work fifty feet away from Bordering Vegetated Wetlands, but expressed concern for the flagging where it crosses the topographical lines on the plan and wondered why hydrologically this would occur. Willard indicated that there appear to be errors on the field data sheets and that she was uncomfortable with the delineation as it may be incorporated into a future filing for work on the lane itself. She also provided photographs of the current site conditions. A site visit will be set up in coordination with Crossman, prior to the next meeting for a review of the delineation. **Hearing was continued to March 26, 2009 at: 9:15 pm.**

**FY '10 budget:** Willard attended the FinCom meeting held to review requested changes in the department budgets. No changes were made in the Commission's budget.

**Open Space and Recreation Plan:** The warrant article for funds to undertake the needed revision of the Open Space and Recreation Plan has been removed from the Warrant but is still being proposed for the Community Preservation Act funding warrant article.

**Comment on BOH Draft Well Regulations:** Willard pointed out that there did not appear to be anything in the proposed well regulations related to geothermal wells. Comment on the Board of Health's draft was deferred to a future meeting.

**9:35 p.m.** Smith moved to adjourn, Brownrigg seconded and all attending voted in favor.

Respectfully Submitted.

Sylvia Willard  
Conservation Administrator