

Carlisle Conservation Commission
October 22, 2009

Chair Peter Burn called the meeting to order at 7:40 p.m. in the Clark Room at the Carlisle Town Hall. In addition to Burn, also present were Commissioners Tom Brownrigg, Jen Bush, Kelly Guarino (8:20 p.m.), Tricia Smith and Diane Troppoli and Conservation Administrator Sylvia

Minutes, Bills & General Agenda Items

Certificate of Compliance - DEP #125-809; Map 7, Parcel 21A, Cross Street, Issued 5/24/2007, Project: Common Driveway: Based on Willard's determination that the project area was not yet satisfactorily vegetated, the issuance of the COC was postponed until spring 2010.

Minutes: Smith moved to accept the **July 16, 2009 and September 10, 2009 minutes**, Bush seconded and all attending voted in favor.

FinCom Request for Impact Statement: Burn requested comments/suggestions in preparation of a response to FinCom's request for an Impact Statement relative to a possible ten-percent budget cut for FY11, with the responses being due to the Town Administrator by November 6, 2009.

Emergency Certificate, Great Brook Farm State Park: Park Manager Steve Carlin was present to request an Emergency Certificate for installing water control devices as part of a beaver management program. Carlin circulated photographs of the area within the park where the beaver activity is blocking a spillway, causing flooding of the Woodchuck Trail bridge and creating a significant safety concern. They had previously attempted unsuccessfully to manage the beaver activity through trapping. Carlin explained that the proposed water control devices that had been recommended by the state's trapper would allow water to continue to flow through the dam, therefore not disturbing the activities of the beavers. *Smith moved to issue a 30-day Emergency Certificate for the proposed work on Woodchuck Trail with the Special Condition that the Administrator be informed before the start of work. Bush seconded and all attending voted in favor.*

Pathway Committee Response to ConsCom Letter: Concord Street resident Jack O'Connor informed the Commission that the issues he had reported several weeks ago associated with the construction of the pathway had still not been addressed. Specifically, O'Connor had previously reported to the Commission that the siltation barrier that had been installed along Concord Street had deteriorated to the point at which it should be removed or replaced, depending on the status of the project. He also reported that the stone wall that runs along the front of his property had been damaged during pathway construction and cannot be repaired until the COC has been issued, according to the DPW. Willard reported having informed representatives from the Committee of the outstanding requirements several weeks ago when they had inquired about obtaining a COC. The Commission requested that Willard inform the BOS of the situation at their next meeting, since the Pathways Committee is a subcommittee of the BOS.

Request for Tree Removal: Willard reported having been contacted by Concord Road resident Louise Hara requesting guidance on requirements for removing a large white pine. According to Hara, removal of the tree has been recommended by several tree companies due to its deteriorating condition and close proximity to the house. Because the work would be undertaken within a jurisdictional area, a Request for Determination will likely be required before the work can begin.

8:00 p.m. (DOA-271) Request for Determination

Applicant: George and Nadine Bishop

Project Location: 54 Judy Farm Road

Project Description: Repair of a foundation drainage system and driveway within 100' of a Bordering Vegetated Wetland

Burn opened the discussion under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Property owner George Bishop described the proposed work which includes replacement of the failed foundation drainage system and the repaving of the driveway. The Plan calls for rerouting the foundation drain in order to circumvent the driveway so as to eliminate the possibility of the new drain being crushed by heavy vehicles. Once the work associated with the replacement of the drainage system has been completed, the driveway would be repaved with no additional area being proposed. Being that the Plan met with the Commission's approval, *Smith moved to issue a Negative Determination B3 with the Special Condition that the work be done in accordance with the Plan of Record. Troppoli seconded and all attending voted in favor.*

Greystone Crossing Incident: Willard reported having been informed of the removal of large boulders from a documented significant rock outcropping from the Open Space Parcel C Conservation Land adjacent to the Greystone Crossing development. Extensive damage to trees and trampling of vegetation caused by heavy equipment was also reported, as well as damage to the adjoining private property which is protected by a Conservation Restriction with the Carlisle Conservation Foundation as the Grantee. The report came from members of the Trails Committee who had discovered the damage during the weekend of October 17 while conducting a site walk as part of a public trail construction project, plans for which had been determined through repeated visits during the previous month. As a result of the damage, the public trail will need to be rerouted. The planned location is no longer safe due to the removal of the boulders, which has destabilized the proposed trail location.

Willard will inspect the site with Chief Sullivan within the next few days and the matter will also be addressed by the BOS at their October 27, 2009 meeting. The Commission will defer taking any action until all options have been considered.

Foss Farm – Sled Dog Training Discussion: Present for the discussion were local members of the New England Sled Dog Club (NESDC), including current President Meg Mizzoni of Littleton and past President Dr. Robert Tucker of Concord. Club members from Concord, Westford, Carlisle, and Littleton were also in attendance.

The Commission had reserved time on the agenda for the discussion in an effort to address a series of complaints put forth over the last year by Bedford Road resident Christopher Adamchek, who asserts that his health is being adversely affected by the noise associated with the sled dog training that occurs seasonally at Foss. In a letter dated January 4, 2009, he informed the Board of Selectmen that he was a totally and permanently disabled veteran "whose health has been compromised as a direct result of the [dog training] situation". Although numerous attempts have been made to accommodate Adamchek, including relocating the unloading area for the training activities, he maintains that his condition is being exacerbated and is requesting additional action by the Town.

Carlisle resident Bob Dennison, who had served as club president for several terms in the past, provided an overview of the history of dog sled training in Carlisle spanning over sixty years.

Thanking Dennison for his presentation, Burn noted that the purpose of the discussion was not purely informational; it was also to ensure that the interference with other activities and disruptions to neighbors are minimized.

Smith commented that the dog sled training appears to be a different use than that of the other major club user at Foss, the Old North Bridge Pony Club, who has always pulled permits for their events and has also done fundraising both for their club and for improvements to the facilities they use at Foss. She noted that the Pony Club's organizational efforts leading up to events, including plans for parking and setup, ensure that the land will be protected and cared for appropriately.

Carlisle resident Margaret Szegvari of Fielding Farm Road stated for the record that she and her family are members of both the Pony Club and the NESDC. She said that she felt she could speak to both worlds because of their involvement with both groups. She believed that the Wednesday afternoon Pony Club lessons could be equated with the Saturday morning sled dog training sessions. She said that to her knowledge, NESDC had not recently hosted any events at Foss. Willard noted that the Pony Club regularly pulls Land Use Permits for their lessons series, which are typically held on Wednesday afternoons and Saturday mornings, while her records showed that the NESDC had not pulled a permit since applying for a General Use Permit in 1998.

At the Commission's request, past NESDC president Dr. Robert Tucker then provided the details of a typical "unloading" scenario, as well as the club's requirements for when and under what conditions they can feasibly use Foss for training. Smith noted that the primary source of the conflict seems to be caused by the barking that occurs when the dogs are being unloaded for the training exercise, suggesting that they continue to look at parking/unloading alternatives.

Foss Farm abutter Christopher Adamchek of 1036 Bedford Road reiterated that he was a totally and permanently disabled veteran and that the dogs' barking had exacerbated his illness to the point that he had to leave his house last year in order to find a safe place to be, as the noise from the dogs so affects his illness. He reported having spoken at length with Carlisle Police Sergeant Scott Barnes, as well as with Mr. Dennison. He noted that he is a member of the ADA Task Force in Carlisle and that they are aware of the situation as well. "I know that they are aware of this. I go on record for saying this, as I must; since this is a public meeting all of the organizations that are involved now know that I have this disability that is being exacerbated". He said he had tried painstakingly to work with the sled dog group, including meeting several Selectmen and the Police Chief to observe a training session in January 2009 in an effort to look for alternative unloading areas. It was at this time that Adamchek discovered that there were almost seventy dogs training; he was informed by Bob Dennison that there could be upwards of 100 dogs on a given training day. He concluded his statement by stating that his illness was not his choice and that although he is a rescue dog person and he does support the sled dog group's activities, his disability does not allow him to say "that's simply fine".

Burn thanked Mr. Adamchek for his input. Guarino asked Adamchek what he was looking for or whether he had any suggestions for a solution to the problem he described. Adamchek responded by saying that he was not asking anything, rather he was informing the town that there is a medical situation that is right across the street, and that he did not have solutions, as he was not trained in that area. When asked whether relocating the parking had improved the situation, or whether there was a specific distance the unloading could be moved from his home that would not stimulate his disability, Adamchek stated that he was at the site where the dogs were unloaded and was not at his home, so he did not know. Rather, he informed the Commission that, at this juncture, he was really going to have to assert his rights, stating, "No one can question this disability. If there is a question of my disability, I

have absolutely no problem producing problems right now.” Burn assured Adamchek that no one on the Commission was questioning his claim; however, he doubted that they would be able to settle the matter that evening other than the fact that, in good faith, they are trying to come up with a solution that on the one hand preserves the historic use of the land and at the same time preserves Mr. Adamchek’s rights as a citizen.

Suggestions for improving the situation moving forward included a recommendation from NESDC President that the trainers might install a temporary sign at the kiosk when they are training, with the training being scheduled in advance, on specific days. This would provide some degree of certainty as to when there might be impacts and would provide a degree of predictability. Ingo Szegvari of Fielding Farm Drive stated that he had volunteered to plow the parking area when they were asked to relocate last year, as he did not believe that it should be the responsibility of the DPW.

Smith suggested a planning exercise by which they could look at alternative locations on the parcel that could be developed to facilitate the training activities while also providing additional auditory screening. Troppoli suggested reserving time on a future agenda to continue the discussion along these lines, where members of the Land Stewardship Committee might provide a map of the land in order to determine possible alternate locations. Willard’s suggestion of a public training demonstration to be provided by the Club was also well received.

Burn reiterated the fact that they were clearly not going to reach a settlement that evening, and that in order to resolve the situation, everyone involved would need to put forth a sincere effort to reach a solution. Moving forward, Burn asked that the Club designate a few spokespeople and provide their contact information in order to coordinate a planning session in conjunction with representatives from the Land Stewardship Committee and ConsCom.

Burn assured Mr. Adamchek that his rights in this are going to have to be completely considered and that the Commission is going to try to accommodate everyone, but it’s not necessarily going to be easy. Adamchek said that he understood and was sure that an accommodation would be made.

When asked when the group expected to start training at Foss, Tucker said it would be next weekend or the weekend after, depending on weather conditions. Burn asked club members to do everything possible to distance themselves from Mr. Adamchek’s property should any training sessions occur prior to the planning session.

Tucker offered the suggestion that they park at the agricultural field at the far corner where they had been parking in early 2009. Burn noted that there is in fact an issue with the agricultural field that they hadn’t even touched on, which is something which will need to be considered in the planning process.

9:05 p.m. (DEP 125- 0876) Notice of Intent

Applicant: Charles Delong

Project Location: 70 Timothy Lane

Project Description: Upgrade of an existing subsurface sewage disposal system

Burn opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Present for the hearing was the property owner and his representative, Jeff Hannaford of Norse Design Services, who presented the Plan for the upgrade of the failed septic system. With the existing septic tank remaining, they are proposing to add a second septic tank and a pump chamber that would discharge into a new leaching area located outside of the BZ. Hannaford noted that because they are pumping, they are raising the elevation of the new leaching area,

accomplishing two improvements: increasing the distance between the system and groundwater, and increasing the distance between the system and the wetlands. Because of the existing plumbing and the location of the dwelling, a portion of the work will be required in the Buffer Zone. For siltation controls, they are proposing a combination of silt fence and straw wattles. Hannaford noted that the Town of Westford now requires straw wattles vs. haybales in accordance with their most recent bylaw revision, as they are easier to install and are less likely to introduce non-native perennial plants. Because the project falls within Priority and Estimated Habitat for Rare Species, the applicant was required to submit the Plan to NHESP for a review, which is pending. The Plan has received approval from the BOH.

Due to limitations on construction activity of this nature at this time of year and the likelihood that NHESP will ultimately approve the Plan as proposed, *Smith moved to close the hearing for DEP #125-0876, Troppoli seconded and all attending voted in favor. Smith moved to issue a Standard Order of Conditions with the Special Condition that approval is contingent on approval of the Plan by NHESP within the next 21 days. Guarino seconded and all attending voted in favor.*

9:20 p.m. (DEP-867A) Request to Amend the Orders of Conditions

Applicant: Patricia Hollsworth

Project Location: 236 Lowell Street

Project Description: Removal of a porch, addition to a home, and removal of a tree

Burn opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. George Dimakarakos of Stamski and McNary presented a proposal to undertake the following work in addition to the replacement of a failed septic system as permitted under the original Order of Conditions issued on July 21, 2009: removal of an existing porch; construction of an addition to the existing house; addition of a deck; removal of an ant-infested tree. Although none of the proposed work will impact the design of the septic system, a copy of the revised Plan will be submitted to the BOH for their records.

With regard to the proposal to remove the infested tree, Dimakarakos stated that it would be cut with hand power saws and felled away from the wetlands, with the stump being left in place.

Guarino moved to close the hearing for DEP #125-867A, Troppoli seconded and all attending voted in favor. Guarino moved to issue an Amended Order of Conditions referencing the Plan dated June 9, 2009 last revised on October 5, 2009. Troppoli seconded and all attending voted in favor. Smith moved to amend the motion with the Special Finding that removal of the maple in no way implies approval of additional tree removal. Bush seconded and all attending voted in favor, with the exception of Guarino, who opposed.

9:40 p.m. Planning Board 40B Regulations: Following several previous discussions with regard to the Commission's adoption of two documents proposed by the Planning Board for consideration by town land use boards, with the goal of improving consistency across land use board reviews of development applications, several language modifications were proposed to the following: 1) Policy Governing Use of Town Hall Advisory Groups (THAG), which formally supports the use of the THAG process ; 2) Agreement for Reimbursement of Expenses and Certification of Accuracy of Application, which documents an applicant's agreement to reimburse the town for fees associated with the use of outside consultants. After receiving clarification from Planning Board Chair David Freedman on several points including how the reimbursement agreement will affect the timeline for the Commission's review of a filing, a vote was taken as follows: *Smith moved to adopt as drafted on June 22, 2009 and as amended in discussion on 10/22/2009, the Policy Governing Use of Town Hall*

Advisory Groups and the Agreement for Reimbursement of Expenses and Certification of Accuracy of Application dated June 22, 2009. Troppoli seconded and all attending voted in favor.

Conservation Land Management Plan: Representing the Land Stewardship Committee, Co-Chair Dwight DeMay presented a request for the Commission's approval to proceed with the development of a Conservation Land Management Plan. The need for such a document, as previously outlined to the Commission in a memo dated October 2, 2009, had become increasingly apparent given the influx of proposals for the use of conservation land, particularly for agricultural uses, from both residents and non-residents. These requests have largely been referred by the Commission to LSC for their evaluation. The Committee proposes that there is a need for a more consistent means of evaluating proposals for new uses on conservation lands, as they have found that there are some inconsistencies in the goals of the documents presently available for such purposes, including the Open Space and Recreation Plan and Conservation Land Management Plans. Approval for LSC to proceed with the development of the plan was granted, with the goal of completing the process in advance of the agricultural license renewal process in October, 2010.

Foss Farm - Wells Update: Lynn Knight informed the Commission that resident Jack O'Connor had volunteered to install the previously-approved irrigation wells at the Foss Farm Community Gardens for \$400 per well, which is considerably less than the quotes previously obtained. O'Connor was given approval to proceed with the installations, weather permitting, and was asked to provide an update at the next ConsCom meeting.

Hanover Hill Wetland Restoration: As required in accordance with the Enforcement Order issued in the fall of 2008 following a major failure of the partially completed stormwater management system, the Commission received report from Wetland Consultant David Crossman stating that the vegetation planted in the restoration area was not becoming sufficiently reestablished. Although Crossman's report recommended additional plantings, the Commission determined that a full Planting Plan will be required and the applicant and his representative will be informed accordingly.

10:45 p.m. *Smith moved to adjourn, Guarino seconded and all attending voted in favor.*

Respectfully submitted,
Mary Hopkins, Administrative Asst.