

Carlisle Conservation Commission
July 8, 2010

NOTE: UNABLE TO REMOVE "DRAFT" WATERMARK DUE TO MS WORD CONVERSION ISSUES – THIS IS FINAL/APPROVED VERSION

Pursuant to the notice filed with the Town Clerk, Guarino called the meeting to order in the Clark Room at the Town Hall at 7:30 p.m. Also present were Vice Chair Peter Burn and Commissioners Tom Brownrigg, Jen Bush, Kimbrell-Anderson and Tricia Smith (8:20 p.m.) and Conservation Administrator Sylvia Willard.

Certificate of Compliance: (DEP 125-0868) Project: Sewage disposal upgrade; Location: 98 Wolf Rock Rd., Issued 10/14/2009: Based on Willard's recommendations that the project had been completed substantially in compliance with the OOCs and subsequent to a recent site visit, *Burn moved to issue a Certificate of Compliance for DEP #125-0868, Brownrigg seconded and all voted in favor.* Willard noted that she observed an area that was within the construction site but outside of the jurisdictional area that is not sufficiently vegetated.

Election of Vice Chair: *Guarino moved to nominate Burn as Vice Chair of the Commission for FY11, Bush seconded and all attending voted in favor.*

Committee Re-appointments: *Burn moved to appoint Liz Carpenter and Debbie Geltner for additional 3-year terms serving on the Land Stewardship Committee, Bush seconded and all attending voted in favor.*

Land Use Permit: *Brownrigg moved to issue a Land Use Permit to Molly Heuss of the U.S.D.A. Forest Service to conduct a study on the ground-nesting wasp *Cerceris fumipennis* at Foss Farm for a period of five weeks commencing July 12, 2010. Bush seconded the motion and all attending voted in favor.* The study will be subsequent to a related biosurveillance training session conducted at Foss recently under a separate Land Use Permit. Heuss' efforts are part of a large-scale study of the wasp, which collects beetles from the family Buprestidae for its nests. This family contains the invasive emerald ash borer, and scientists are hoping to use the wasp as a means to survey areas for the invasive emerald ash borer beetle as it moves outward from the Midwest. A summary of the results of the study will be submitted to the Commission at the conclusion of the study.

Spencer Brook Boardwalk/Wildlife Platform Update: Steve Hinton, coordinator of the project for CCF, recently informed Willard that they have assembled a team that is now working on compiling the materials that will be required for a filing. Willard noted that the upcoming filing will cover only the portion of the boardwalk project that runs from the end of Benfield Lot 4 out to the viewing platform only. The group hopes to submit the filing sometime in mid August.

Greystone Pathway Field Change: George Dimakarakos of Stamski and McNary had recently submitted a field change request in order to substitute the use of bituminous concrete for the

pathway surface in place of the stabilized gravel that had been approved in accordance with the original plan. The substitution is being requested due to difficulties in finding contractors that are willing to work with the proprietary material and to avoid long-term maintenance issues. It was noted that the change request has been approved by the DPW, the Trails Committee and the Planning Board. *Burn moved to accept the field change as proposed, Smith seconded and all attending voted in favor, with the exception of Bush, who opposed.*

8:10 p.m. Restoration of Wetland Resource Area on Hanover Hill: David Crossman of B & C Associates was present to provide an update on the status of the implementation of the Restoration Plan that had been required subsequent to the collapse of a partially constructed detention basin that occurred in September, 2008 during an extended heavy rain event. The collapse resulted in extensive flooding and siltation erosion into a large area of wetland.

Crossman noted that the Commission had initially agreed to wait a year following the removal of the siltation material from the wetland in order to determine whether a sufficient amount of the herbaceous layer was still present in order to allow the area to revegetate naturally. Upon inspection the following fall, Crossman found that the area had not produced sufficient regrowth. He proposed a Planting Plan that was accepted by the Commission. During Crossman's most recent site inspection conducted on May 24, 2010, he found that the restoration area is recovering, although somewhat more slowly than anticipated. The extremely wet spring likely impeded the amount of regrowth that may have occurred this spring, but Crossman was optimistic that the vegetation should return more quickly next year after the seeding from this fall reaches the drier ground.

Relative to the cart path that exists in the area that, Crossman said it would likely take longer to vegetate due to the soil conditions, which are more compacted than the adjacent woodlands. His proposal to plant conservation seed mix along the path this fall or when conditions are was accepted by the Commission.

Smith moved to accept the restoration of the wetland resource area pending the planting of conservation seed mix as soon as conditions are feasible followed by a memo for the file confirming the completion of the seeding process, Brownrigg seconded and all attending voted in favor.

8:25 p.m. (DEP 125-0888) Notice of Intent, Continued Hearing

Applicant: George Lohrer

Project Location: 125 South Street

Project Description: Remediation of an oil spill

Guarino opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. Representing the applicant seeking a permit to allow the ongoing remediation and restoration of the home heating oil release on the property was Licensed Site Professional Paul McManus of EcoTec, Inc. McManus reported that the following pending issues had been addressed subsequent to the previous

hearing: (1) the property owner has obtained and submitted for the record signed letters from each of the potentially affected property owners allowing any remediation that may be deemed necessary; (2) the proposal has received approval from NHESP as required due proposed within the outer fringe of mapped Priority/Estimated Habitat.

A status report prepared by McManus relative to the remediation and restoration of the property along with site photos taken on June 30 were submitted for the record.

Proposed work not yet completed includes planting of the restoration areas including wetland and Buffer Zone; activation of the proposed treatment system recently approved by the DEP Bureau of Waste Site Cleanup and associated quarterly groundwater sampling of the downstream wetland to be continued until sufficient site cleanup is achieved from both a human health and ecological standpoint; and, sampling of the downstream wetland, which is planned for later this summer.

Smith moved to close the hearing for DEP #125-0888, Burn seconded and all attending voted in favor. Smith moved to issue a Standard Order of Conditions, Burn seconded and all attending voted in favor.

8:40 p.m. Enforcement Order - 879 Concord Street: An Enforcement Order had been issued to the property owner on July 1 subsequent to confirmation of unpermitted clearing within the BVW associated with Buttrick's Pond and within its 100' Buffer Zone. It was noted that the clearing may also have occurred in potential Riverfront Area, but because an ORAD issued for the property on 3/31/09 did not address the Riverfront Area, this has not yet been determined. Present for the discussion was property owner Linda Taylor, who stated that she was in the process of putting a portion of the property on the market and had undertaken the pathway clearing work at the suggestion of a realtor for access purposes. She also stated that no further work is being proposed at this time.

The Commission agreed to continue the discussion to July 22 at 8:30 p.m. pending a site visit scheduled for July 14.

Wetland Bylaw Fees Update: Willard reported that she and Brownrigg are in the process of compiling data to be used in amending the existing bylaw fee schedule in order to better recover costs associated with the operating the office of the Commission. Brownrigg and Willard plan to present a summary of their findings at the Commission's July 22 meeting.

Foss Farm Community Gardens - Current Issues:

Guarino opened the discussion by providing a brief overview of the process through which the Foss Farm Community Gardens Rules were revised in 2010. It was noted that the process involved a series of meetings sponsored by the Land Stewardship Committee through which they sought participation and input from existing community gardeners. As part of this process, the Commission adopted the revised rules on February 25, 2010 and appointed Jack O'Connor to fill

the recently vacated position of Garden Manager following the retirement of long time manager Bob Dennison. Carol Foster and Ed Humm will be assistants. It was also determined at that time that an annual review of the rules would be undertaken and the rules would be amended as deemed appropriate.

During the course of the 2010 gardening season, the garden manager had expressed concerns to the Commission relative to violators of the rule, which states that each plot must be tended primarily by the household assigned to that plot unless the garden manager is notified of extenuating circumstances.

In an effort to address the issue, the Commission requested that the garden manager inquire as to whether extenuating circumstances existed that in fact prevented the garden plot assignees to attend their own plots. It was determined that in at least one case, the assignee was unable to attend her plot and had requested assistance. As for others, the garden manager had submitted a draft letter to the Commission to be sent to potential violators as a means of reminding them of the rules and emphasizing that they apply to all gardeners. Kimbrell Anderson agreed to assist O'Connor in finalizing the draft letter, suggesting that the letter also encourage gardeners to become involved in the upcoming review process.

Another issue that was recently brought to the Commission's attention via a memo submitted by a gardener is that there is an increased and perhaps unwarranted amount of oversight and scrutiny of the day-to-day activities by the garden managers. Smith said she is aware that "there is an intimidation factor going on", as she has spoken directly with several gardeners on an informal basis, and as a result of this, the atmosphere at the gardens is deteriorating.

Being that this was the first year that the essentially completely revised garden rules were adopted and that perhaps not all gardeners had understood the reasons the changes had been put in place, the Commission determined that they may have put the garden managers in an unfair position in asking them to deal with the various issues that have surfaced. In order to alleviate this and in an attempt to deescalate the situation, the commission decided to adjust the management structure relative to garden managers' responsibilities. The garden managers would deal with technical issues only and the implementation of the rules would be addressed by the Commission.

Addressing the issue of gardeners tending multiple plots for small-scale commercial purposes, the Commission will request that the Land Stewardship Committee undertake a feasibility study in order to identify land that could potentially be developed into larger plots for such purposes.

10:20 p.m. Burn moved to adjourn, Smith seconded and all voted in favor.

Respectfully Submitted,
Mary Hopkins, Administrative Assistant

DOCUMENT REGISTER

Memo dated July 8, 2010 from Paul McManus of EcoTec, Inc. re Site Remediation at 125 South Street
Memo dated July 8, 2010 from Sylvia Willard to Finance Committee
Memo dated July 8, 2010 from Patrick Gordon to Lynn Knight of LSC re Foss Farm Community Gardens

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