

Carlisle Conservation Commission
August 19, 2010

Chair Peter Burn called the meeting to order at 7:35 p.m.in the Clark Room at the Town Hall. In addition to Burn, also present were Commissioners Tom Brownrigg, Jen Bush, Debra Kimbrell Anderson and Tricia Smith (7:45), as well as Conservation Administrator Sylvia Willard. Chair Elect Kelly Guarino was not present.

Bills, General Agenda Items, Minutes, New Business:

Plan Change Request – (DEP 125-0867) 236 Lowell Street: Applicant Patricia Holdsworth is requesting permission to undertake work associated with the installation of a natural gas service with trench work within the 100-foot Buffer Zone. Since the proposed project would occur within the existing limit of work, the Commission determined that an Amended NOI would not be necessary. *Bush moved to allow the gas line installation as a red line change as noted on the existing Plan of Record for DEP 125-0867, Brownrigg seconded and all voted in favor.*

Certificates of Compliance:

(DEP 125-0855) Applicant: Sam Pietropaolo; Location: 110 Maple Street; Project: Razing an existing dwelling, addition to septic system, landscaping and associated grading; Issued: 5/5/2009: completion of driveway pending; not ready for a COC; in the meantime wants permission to remove a portion of the silt barrier for safety reasons. Willard found the area in question to be satisfactorily stabilized, *Brownrigg moved to allow the early removal of a portion of the siltation barrier for DEP 125-0855, Bush seconded and all voted in favor.*

(DEP 125-0800) Applicant: Katherine Endicott; Location: 180 Prospect Street; Project: Creation of a farm pond within the 100-foot Buffer Zone of a BVW; Issued 10/27/2006: *Upon Willard's recommendation, Smith moved to issue a Certificate of Compliance for DEP 125-0800, Bush seconded and all voted in favor.*

(DEP 125-670) Applicant: Ronald and Eileen Nardone; Location: 259 South Street; Project: Removal of trees and clay surface; construction of a tennis court; issued 4/29/2002: *Upon Willard's recommendation, Bush moved to issue a Certificate of Compliance for DEP 125-670, Smith seconded and all voted in favor.*

(DEP 125-670A) Applicant: Ronald and Eileen Nardone; Location: 259 south Street; Project: Expansion of work area to include stump removal and leveling area with excess clay material; Issued: 9/13/2002: *Upon Willard's recommendation Bush moved to issue a Certificate of Compliance for DEP 125-670A, Smith seconded and all voted in favor.*

(DEP 125-693) Applicant: Ronald and Eileen Nardone; Location: 259 south Street; Project: Home addition; Issued: 6/20/2003: *Upon Willard's recommendation Smith moved to issue a Certificate of Compliance for DEP 125-693, Bush seconded and all voted in favor.*

(DEP 125-0816) Applicant: Ronald and Eileen Nardone; Location: 259 south Street; Project: Grade, loam, install irrigation, seed, fence for dogs, an existing lawn; Issued: 10/18/2007: *Upon Willard's recommendation Smith moved to issue a Certificate of Compliance for DEP 125-0816, Bush seconded and all voted in favor.*

(DEP 125-669) Applicant: Randy Easton; Location: 102 Pine Brook Road; Project: Construction of a swimming pool and associated grading and landscaping; Issued 4/10/2002 *Smith moved to issue a Certificate of Compliance for DEP 125-669, Bush seconded and all voted in favor.*

Enforcement Orders:

81 Craigie Circle – An Enforcement Order was issued to property owners Kenneth and Catherine Cole for stockpiling fill within the 100-foot Buffer Zone of A BVW and within the 200-foot Riverfront Area (Pages

Brook). Upon her previous inspection, Willard spoke with the new property owners and determined that they were not aware of the fact that a permit would be required for the activity. The property owners have now agreed to install a haybale/siltation barrier in the area designated by the Administrator and to cover the soil stockpile and are presently in the process of filing a Notice of Intent.

739 Concord Street: Debra Kimbrell Anderson is an abutter to the property owners and recused herself from discussion. Property owners Louise Hara and Wayne Davis had previously reported that during a storm in the winter of 2010, a large, dead pine tree broke off above ground level and fell across Spencer Brook into an area that is classified as a 100-year flood zone. The tree is now impeding the natural flow of this perennial stream. They had anticipated removing it next winter but are now requesting permission to remove it during the current extended drought conditions. The Commission agreed to allow the removal of the tree under an Enforcement Order in a manner so as to minimally disturb the area.

879 Concord Street: A previously approved Amended Enforcement Order was circulated for signatures, allowing the property owner, Linda Taylor, to maintain a 4' to 6' wide trail in a portion of the area where vegetation within the BVW associated with Buttrick's Pond and within its 100-foot Buffer zone was previously removed without an Order of Conditions. The rest of the altered area is to be allowed to revegetate. The property is presently on the market and the trail is needed so that prospective buyers can access the back areas of the property. This property was subject to an Order of Resource Area Delineation issued on 3/31/2009, which addressed the BVW but not the Riverfront Area due to the time of year during which the fieldwork was undertaken. The Enforcement Order also required that the property owner provide the Conservation Commission with proof of recording of the document from the Registry of Deeds prior to their September 30, 2009 meeting.

Wildlife Viewing Platform Update: Project coordinator Steve Hinton presented the recently completed Notice of Intent filing for the project to Vice Chair Peter Burn for his signature on behalf of the Commission. The project is planned for the Benfield Conservation Land.

Interview – Applicant for opening on the Conservation Commission: Luke Ascolillo was present to discuss his qualifications for consideration in filling the open seat on the Commission following Tricia Smith's impending move to central Massachusetts. While his present position focuses on infectious disease and public health, his background in environmental engineering, training in ecological risk assessment, and demonstrated proficiency in site investigation and environmental impact assessment work made him an ideal candidate. *Smith enthusiastically moved to send a letter of recommendation to the BOS nominating Luke Ascolillo to fill the open seat on the Conservation Commission, Bush seconded and all voted in favor.*

Benfield Update - DEP Site Visit: The Orders of Conditions issued by the Conservation Commission had been appealed by an abutter, Juergen Lemmermann. Willard and Brownrigg reported on a recent site visit conducted by Mass DEP Representative Gary Bogue. They were joined by several residents of South Street, as well as by representatives Mark Beaudry of Meridian Associates and Toby Cramer of Neighborhood of Affordable Housing (NOAH). For those in attendance who were not familiar with the issue at hand, Burn explained that the Commission had previously made the determination that the stream within the vicinity of the Benfield Affordable Housing Project is Intermittent, which allowed for more non-jurisdictional area available than there would be if the stream had been determined to be perennial. The difficulty in making such a determination is that, unlike a wetland delineation, there's no actual proof other than field observation. Willard had been conducting stream observations for several weeks.

During the site visit, Willard shared aerial photographs and a previous filing depicting a private pond and a driveway located upstream, which had been previously been thought by some abutters to be impeding the outflow of the stream.

The DEP will announce their finding relative to the classification of the stream within the next thirty days.

Request for Guidance on Tree Removal: Property owner John Williams of 104 Hart Farm Road was present to request guidance from the Commission relative to removal of a large River Birch that is approximately nine feet from the house and is located within the 100-foot Buffer Zone of a BVW. Williams cited safety concerns, particularly with the upcoming hurricane season, as well as a need for better air circulation as his reasons for wanting the tree removed. Willard circulated several photographs of the tree taken during a recent site visit. *Smith moved to issue an Emergency Certificate to allow tree removal within close proximity to the dwelling, Brownrigg seconded and all voted in favor.*

Minutes: *Smith moved to approve the March 18, 2009, April 1, 2009 and April 15, 2009 minutes as amended; Brownrigg seconded and all voted in favor.*

Chestnut Estates Updates: Willard distributed a draft memorandum from Planning Board Consultant Steven Ventresca of Nitsch Associates relative to work that had occurred within the Open Space parcel adjacent to the Chestnut Estates common driveway. Chestnut Estates is a residential construction project at 400 Rutland Street. The memo also includes proposed restoration measures and requires that the property line between the Open Space parcel and the work site be surveyed and demarcated with silt fence to prevent future further disturbance. The Commission approved of the proposal as submitted.

Foss Farm Fencing: The Commission expressed their appreciation to Foss Farm Garden Manager Jack O'Connor with assistance from Mark Duffy for their recent efforts in replacing a section of fencing that had been damaged as a result of an auto accident.

Extension Permit: (DEP 125-0815) Applicant: Hing Watt; Location: 156 Carriage Way, Map 13, Parcel 21; Project: Construction of a single-family home; septic system, well, driveway, water quality swale and associated grading; Issued 10/18/2007. This project was originally permitted in 2004. The permit expired and a new Notice of Intent was filed in 2007 at which time the property was redelineated. The project was also submitted to the Natural Heritage and Endangered Species Program for review due to the site's inclusion in a rare species polygon. The project was approved. *Smith moved to issue an Extension Permit for DEP 125-0815 for a period of three years, Brownrigg seconded and all voted in favor.*

COC: (DEP 125-0822) Applicant: Town of Carlisle; Project: Pathways – Concord, East, Lowell Street and Bedford Road; Issued 12/7/2007. The issuance of the COC was delayed due to several items that have yet to be completed satisfactorily. Willard reported having reviewed the list with DPW Superintendent Gary Davis, who will contact her for a final inspection once the work has been completed.

Site Plan Review CPS: In response to a request for comment the Carlisle Public Schools Building Committee, the Commission had several suggestions relative to stormwater management and construction management.

Town Building Committee: Subsequent to a discussion at a previous meeting, Willard circulated a draft memorandum to be submitted to the BOS in favor of establishing a permanent Town Building Committee.

9:30 p.m. *Smith moved to adjourn, Brownrigg seconded and all voted in favor.*

Respectfully submitted,
Mary Hopkins
Administrative Assistant