

Carlisle Conservation Commission
December 16, 2010

Pursuant to the notice filed with the Town Clerk, Chair Kelly Guarino called the meeting to order in the Clark Room at the Town Hall at 7:35 p.m. Also present were Commissioners Luke Ascolillo, Tom Brownrigg, Chair Elect Peter Burn, Jen Bush, Debra Kimbrell Anderson and Conservation Administrator Sylvia Willard.

Bills, General Agenda Items, Minutes and New Business

Certificates of Compliance:

(DEP 125-138) Location: 45 Acton St.; Project: removal of a failed dam structure and replacement; Issued: 12/26/1984. COC issued: 3/14/1989, never recorded. Pursuant to conducting a recent site visit and making the determination that the Continuing Conditions relative to the maintenance of the dam and management of the surrounding area had been met, *Brownrigg moved to reissue the Certificate of Compliance for DEP 125-138, Ascolillo seconded and all voted in favor.*

(DEP 125-0891) Location: 917 Maple St. Project: Replacement of a culvert under an existing driveway; Issued: 10/6/2010. Pursuant to a recent site visit, Willard found that the project had been completed satisfactorily in accordance with the Plan. However, because the area had not yet become sufficiently revegetated in the short time period since the project had been undertaken, she recommended that the property owner be required to break up the haybales and distribute the material over the area in order to avoid future problems during the spring runoff. *Burn moved to issue a Certificate of Compliance for DEP 125-0891, Brownrigg seconded and all voted in favor.*

FY12 Budget Update:

Guarino provided a summary of the discussion at the recent FinCom Meeting relative to the Commission's proposed FY12 Budget. As requested, the Commission submitted for review a level budget scenario that included the mandatory step increase for the Administrator's salary, as well as a budget reflecting a two-percent Cost-of-Living Adjustment (COLA) increase. The primary issue raised during the discussion was that the Commission's two revolving accounts are being drawn at an unsustainable rate, with the likelihood that the 53e.5 Account will not have sufficient funds to balance out at the end of the fiscal year. In response to this scenario, FinCom has asked the Commission to return with a proposed "ideal" budget that would take into consideration the future revenue generated by the fee increases included in the proposed revised Bylaw Fee Schedule and one that would also include additional General Fund support in order to maintain the revolving accounts at a sustainable rate. The next step will be to provide FinCom with additional information relative to activities conducted through the ConsCom office that are not related to WPA filings and therefore do not generate fee based income, including conservation land management and administrative requirements.

7:50 p.m. (DEP 125- 0898) Notice of Intent, Continued Hearing

Applicant: Emily Williams

Project Location: 28 Concord Street

Project: Installation of a footing for an existing barn under renovation and sona-tubes for a deck and expansion of a room with all work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Guarino reopened the Continued Hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Bush recused herself from the discussion, as she is an abutter to the proposed project. The hearing had been continued subject to a review by the DEP and pending receipt of additional information relative to the property owner's interest in installing stockade fencing along the property line on Westford Street. At the time of the initial

discussion, the Commission was considering whether it might be appropriate to require that the area be surveyed in order to insure that the proposed fencing would not encroach on the town right-of-way. Because there is a wetland stream that runs along the property border in the vicinity of the proposed fencing where the stream flow could be compromised, the property owner was also encouraged to consider landscaping elements incorporating wetland plants in lieu of fencing to provide the desired elements of privacy and noise reduction. It was noted that the Commission could not deny the request outright, as they had permitted fencing in wetland resource areas in the past, therefore exceptions have been allowed on a case-by-case basis. At this time, the property owner is expressing a strong preference for landscape plantings vs. fencing, subject to further investigation on her part. *With no further questions or comments, Kimbrell-Anderson moved to close the hearing for DEP 125-0898, Brownrigg seconded and all voted in favor. Burn moved to issue a Standard Order of Conditions with the following Special Conditions: 1) the proposed fencing along Westford Street shall not interfere with the flow of the wetland stream that runs through the project area; 2) all consideration should be given to the alternative of installing appropriate wetland plants in lieu of fencing; 3) should the property owner decide in favor of fencing, it must be hand installed using ACQ lumber with sufficient clearing along the bottom edge to allow for a "critter gap" 4) should the property owner decide in favor of wetland plantings, the property owner must submit a plant list that would be subject to approval prior to planting. Brownrigg seconded and all voted in favor.*

8:00 p.m. (DEP 125-0893) Notice of Intent, Continued Hearing

Applicant: The Rachel Webster Elliott Trust – 2004, Continued Hearing

Project Location: 291 River Road, Map 1 Parcels 1, 1A, 1B, 3, 3B

Project: Common Driveway project within 100-foot Buffer Zone of a Bordering Vegetated Wetland, within Bordering Vegetated Wetland and within the 100 & 200-foot Riverfront Area

The hearing was continued to January 13, 2011 at 8:15 p.m. at the applicant's request.

8:10 p.m. Great Brook Farm State Park - Trail Installation

Great Brook State Park Supervisor Steve Carlin and DCR Metrowest District Manager Katherine Garcia were present to discuss reports of recent unpermitted work on a park trail within 100 feet of a Bordering Vegetated Wetland. The work included removal of trees, saplings, shrubs, and construction of an earthen berm on a trail near the Litchfield Loop. Carlin stated that they had undertaken the project in an effort to separate user groups for the winter season subsequent to receiving numerous complaints relative to hikers/dog walkers/horses damaging the groomed surface of the cross-country ski trail. The intent was to revitalize what they considered to be an abandoned trail to be used strictly for the winter ski season. Guarino said that the Commission is aware of other recent maintenance work that should have been reviewed to determine appropriate filing requirements and suggested that the DCR has been "pushing the envelope". Carlin apologized for the recent trail upgrade on behalf of the DCR and said they had been trying to expedite the trail opening for the upcoming season in order to avoid potential conflicts. Garcia explained that the DCR is aware that they had previously discussed submitting a filing for all proposed maintenance to be done over the next several years but staffing and budgetary constraints have prevented them from doing so. A compromise was reached whereby the DCR would initiate the process of drafting a plan that includes all proposed work for the next several years with the goal of submitting a filing for a comprehensive permit sometime next fall. The unpermitted trail work was addressed through the issuance of an Enforcement Order as follows: *Burn moved to issue an Enforcement Order to the DCR in order to allow work to restore and stabilize the soil along the trail using the appropriate measures, including the requirement that the DCR return with a draft long-term plan within a reasonable period of time. Ascolillo seconded and all voted in favor.*

8:40 p.m. Cranberry Bog House Repair Report: Warren Lyman was present to provide an update on the restoration of the Cranberry Bog House. At this point Lyman, along with Ad Hoc Committee members Debbie Geltner from the Land Stewardship Committee, structural engineer Alan Ankers, architect Larry Sorli and Conservation Administrator Sylvia Willard are committee members. Lyman reported that the Committee has coordinated the necessary building inspections in order to ascertain and prioritize the work moving forward. Funding for the first phase of the project will be funded through use of previously approved Community Preservation Act (CPA) Funds in the amount of \$165,000 with the goal of the Request For Proposal (RFP) being posted this spring.

9:00 p.m. Benfield A Wetland Alteration Complaint: South Street resident Alan Carpenito was present to discuss the Commission's written response relative to his claim that unpermitted work had been done within a wetland resource area on the Benfield Land in 2003. Carpenito had submitted a complaint dated October 28, 2010 claiming that a mud road had been filled in with crushed stone, mature trees were felled and a large boulder was excavated and relocated in an area he believed was within the Commission's jurisdiction. Subsequent to receiving the complaint, Willard had undertaken an in-depth review of the archival files. Her findings were then discussed at the Commission's December 2, 2010 meeting and followed up with a response letter to Carpenito dated December 7, 2010. The response provided a chronological outline of Willard's findings, which ultimately demonstrated that there was no record of this type of disturbance having been observed during a comprehensive site inspection performed by Dr. John Rockwood of EcoTec, Inc. as part of an ANRAD review process initiated on November 14, 2003. Ownership of the property changed in April 2004. Since Mr. Caprenito's complaint was received in October 2010, the intervening time period exceeds the three-year statute of limitations for which the town would be responsible in accordance with M.G.L. Chapter 131 s.40 of the Wetlands Protection Act.

Meeting Schedule: February 10 and 14, 2011; March 10 and 24, 2011; April 14 and 28, 2011; May 12 and 26, 2011.

Bylaw Fee Schedule Revision: The Public Hearing scheduled to discuss the proposed Bylaw Fee Schedule Revision has been scheduled for January 13, 2011 at 7:45 p.m.

Mannis Land Survey: Willard reported having been informed by the Trails Committee that they had recently discovered possible violation issues relative to the Mannis Land. The discoveries were made during the course of performing flagging a potential new trail off of Rutland Street on land given to the Town of Carlisle Conservation Commission through the requirements of the Chestnut Estates Conservation Cluster development. Upon receiving the report, Willard conducted an inspection of the area and confirmed that a number of rhododendron bushes had been planted in an area believed to be part of the town-owned Mannis Conservation Land that runs along an abutting private property. Although the town has a survey plan on file that shows some bounds, they are no longer present and the issue is now determining an appropriate source of funding and to request bids for completing necessary survey work to establish the actual area of the Mannis Land and the extent of possible other encroachments. The Commission also determined that it would be appropriate time to contact the property owner to facilitate a discussion of the matter in order to address the encroachment.

10:00 p.m. Kimbrell Anderson moved to adjourn, Burn seconded and all voted in favor.

Respectfully submitted,
Mary Hopkins
Administrative Assistant