

## Carlisle Conservation Commission

March 26, 2009 - 7:30 P.M.

**Vice-Chair Peter Burn** opened the meeting at 7:40 p.m. in the Heald Room at the Carlisle Town Hall. Also present were Commissioners Tom Brownrigg, Jenifer Bush, Kelly Guarino, Diane Troppoli, Tricia Smith and Conservation Administrator, Sylvia Willard. Tom Schultz was not present.

**Minutes, Bills & General Agenda Items:** The bills were passed for signatures.

**Open Space and Recreation Report:** The CPA for funding of costs associated with the production of the revised Open Space and Recreation Plan was approved by the CPC and will be on the warrant for Town Meeting approval.

**Woodcock Walk:** Brownrigg said that he is requesting a Land Use Permit for the annual Woodcock Walk at Foss Farm scheduled for April 11, 2009.

**Riverfest River Trip, June 13, 2009:** Willard reported that Ken Harte had agreed to lead the Sunrise Wildlife Viewing Canoe/Kayak trip on the Concord River during this year's Annual Riverfest Celebration scheduled for June 13 and 14<sup>th</sup>. The commission agreed to sponsor this trip again this year.

**Accounts Transfers:** The Conservation Commission approved funding from the Wetlands Protection Bylaw 53e1/2 Account to fund the Administrative Assistant position and also approved the memorandum to be submitted to the Board of Selectmen requesting a transfer of funds from the Wetlands Protection Act "Intents" account to the Commission general budget for the purpose funding the Administrator's wages. Both transfers will cover wages for the remainder of the Fiscal Year. The Commission also agreed to the transfer of the Encumbered funds for mowing fields in order to pay the mower, Jack O'Connor. Guarino moved to approve the memorandum and the transfers, Troppoli seconded and all voted in favor with the exception of Bush, who abstained.

**38 Prospect Street violation:** Willard reported to the Commission that there were calls about potential further violations of the WPA that may have been ongoing at 38 Prospect Street since last August. Willard checked to confirm but was unable to see any potential changes in site conditions. An outstanding Enforcement Order has yet to be complied with, however.

**Bog House Repairs:** Guarino reported that the request for \$130,000 to cover the cost of repairing the Cranberry Bog house was tabled by CPC and that she had tried hard to get support. CPC recommended the LSC return with a request for funding during the next fiscal year with additional support information about the need for the repairs and the future usefulness of the building.

**Brian Windmiller: Request to trap to install radio monitors on rare turtles on the Greenough Conservation Land.** Mr. Windmiller was ultimately unable to attend. Willard commented that the next hearing was for work within the rare species habitat for this turtle and that she had encouraged the applicant to bring their children to listen to Mr. Windmiller's talk.

**8:00 p.m. (DEP 125- ) Notice of Intent**

**Applicant: Robert A. Skrivanek & Larissa M. Shyjan**

**Project Location: 99 Davis Road**

**Project description: Construction of a pool, patios and retaining wall and associated grading**

Burn moved to open the public hearing under the provisions of the Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Jonathan Boland of Stamski and McNary, Inc. representing the applicant, described the site submitted with the filing, including access and stockpiling locations. Generally the haybale line would be coincident with the haybale line installed for the original construction of the house, although a retaining wall will be installed immediately adjacent to it. Willard said that she reviewed this plan along with the previous plan approved when the home was built and noted that the wetlands had moved closer to the home by at least five to six feet from the original delineation and expressed the opinion that it was likely due to beaver activity in the area.

Burn expressed concern about the retaining wall proposed for approximately 25 feet from the BVW and members also discuss their concern with wetland species such as turtles and salamanders getting into the pool. Smith suggested that the applicant design their pool fencing so as to discourage animals from being caught in the pool. Smith expressed support for the wall as she appreciates a defined yard. Since there was not DEP number and no required response from the Natural Heritage and Endangered Species Program for the work in Estimated Habitat for Rare Wildlife, the hearing was continued to April 9, 2009 at 8:15 pm.

**8:15 p.m. Conservation Land Use Regulations, Continued Hearing:** Burn moved to reopen the public hearing on the Conservation Land Use Regulations required by the Camping Permit. Willard provided copies of the revised draft as well as a copy of a permit and outlined the changes made to the original draft. Relative to charging for camping, Willard had found out charging for camping is allowed on Conservation Land. However, she pointed out that it was likely most users would be scout troops or other nonprofit organizations. Willard estimated that it would likely take about 2 hours of her time to undertake the camping permit process about \$50 expense. More information was sought about what other towns do. Smith moved to adopt the Camping Rules and Regulations as presented and amended on 3.26.2009 and to adopt the Overnight Camping Permit Form. Brownrigg seconded and all attending voted in favor.

**8:25 pm (DEP-125-0849) Abbreviated Notice of Resource Area Delineation, DECISION**

**Applicant: Joseph Topol**

**Project Location: 879 Concord Street**

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

Neither the applicant nor his representative was present for the discussion of the draft Order of Resource Delineation to be voted upon at this time. Willard noted that the applicant had informed her that he was now looking at another property, although he had not withdrawn this application. She also noted that the \$900 Peer Review fee for the services of EcoTec, Inc. had not yet been paid by the applicant. The commission delayed their decision until 9:30 that evening anticipating that the applicant may appear.

**8:30 p.m. DEP 125-0844) Notice of Intent, Continued Hearing**

**Applicant: Luciano Manganello**

**Project Location: 383, 389 River Road and Assessor's Map 1 Parcel 8A**

**Project Description: restoration of BVW and 100-foot Buffer Zone.**

Burn moved to reopen the public hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection bylaw on this project and Willard read a letter from the applicant's representative stating significant progress was being made and requesting a continuance. The hearing was **continued to April 23, 2009 at 8:45 p.m.**

**8:45 p.m. Farmers Meeting**

Present for the meeting were Dick Shohet who licensed Fox Hill east field, George Frasier, who licensed the Bisbee Land fields and Mark Duffy who licenses Greenough, Fiske Meadow, Hutchins/Robbins fields, Foss Farm fields and leases the Cranberry Bog.

Shohet stated that at Fox Hill is a low profile, organic operation. He uses a rotary cutter to inhibit the weeds. The hay is used for his beef production, with 1/3 to 1/2 of the beef going to food pantries. He spoke about his brush cutting edge work and confessed that a bluebird nest box had been demolished accidentally and that it would be replaced. He also said that there was great coordination and cooperation between him and the Bakewell operation on the Fox Hill West Field. He will return the report form as soon as possible.

Burn commented that a report on the work on the West Field at Fox Hill was done by Bakewell at a previous meeting.

**George Frazer**, who licenses Bisbee field, reported that the previous season had been fair and he feeds the hay to his horses. He reported that he had hired a crew to remove the brush along the stone wall to open up the vista.

**Mark Duffy** addressed the manure complaint reported to the Board of Health. He commented that the new barn and the manure storage system will eliminate the problem and he is waiting to hear from the Department of Conservation and Recreation imminently with an update on funding for the project. During the winter he cannot store manure on the farm as it interferes with the ski operation. His current handling and storage practices are the same as what he has been doing for approximately 20 years, moving it to fields during winter and spreading it in the fields in the spring as soon as possible.

As for his agricultural leases of conservation properties, it was a wet year but he had a good corn crop. At *Greenough*, he had to pull the corn chopper with a bulldozer to keep it from sinking because it was so wet. The *Cranberry* crop was a failure due to lack of oxygen under the ice. As soon as the ice melted the leaves dropped off but fortunately the plants did not die. This has never been a problem before. To plant a new field of cranberries it costs about \$30,000/field which in today's market takes generations to pay back. *Hutchins and Robbins Field* he works out with Jack Valentine. He anticipated that he might switch corn with Valentine's alfalfa. *Fiske Meadow*: The field was shot when he took it over. It was a year to raise corn so it worked out ok, but a tough year. Not easy to chop the corn there. "The homeowners seemed to be back on board once they realized why the field was plowed up."

**9:15 p.m. (DEP 125-0851) Notice of Intent, Continued Hearing**

**Applicant: David Valchuis**

**Project Location: Map 6, Parcel 1 Berry Corner Lane**

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

Burn moved to reopen the public hearing under the provisions of the Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. George Dimakarakos stated the wetland flags were reviewed at the site visit held with Willard and David Crossman. Several changes were made to flag locations and haybales added to the plan as request by ConsCom recommendations and corrected data sheets were distributed. Guarino asked about defining the yard area to which Smith commented that the grading would likely accomplish the task. Willard commented that it was a large property with significant wetlands but an area of upland further back. It was noted that it was good that the wetland was being avoided. Smith moved to close the hearing, Bush seconded and all attending voted in favor. Smith moved to issue a standard Order of Conditions in accordance with the revised plan dated 3/26/2009. Bush seconded the motion and all attending voted in favor. Willard asked Dimakarakos about the status of the outstanding enforcement order on the lane itself. He explained that an updated draft plan had been submitted by LandTec, Inc. to his office and that slowly progress was being made.

Mr. Topol arrived and provided the Commission with a \$900 check to cover the cost of the Peer Review for DEP 125-0849. Guarino moved to issue the Order of Resource Area Delineation for DEP 125-0849 as drafted, Brownrigg seconded and all attending voted in favor with the exception of Smith, who abstained. Mr. Topol, who now plans to build on a property off Applegrove Lane requested advice about filing for a small area of driveway that would be within the buffer zone. Willard pointed out that the BVW delineation was expired on the lot that the Commission was within its right to ask for a new delineation. It was concluded that the old flags will be re-hung and David Crossman, of B & C Associates will review the line to determine whether a new filing would be necessary.

**Cub Scout Rocket Launch:** Mr. Topol requested guidance about the annual Cub Scout rocket launching event held at Foss Farm by the Cub Scouts during the fall. The Commission advised that a Land Use Permit will be required and that he must coordinate with Mark Duffy's haying schedule.

**9:50 p.m.** Smith moved to adjourn the meeting, Guarino seconded and all attending voted in favor.

Respectfully submitted,

Sylvia Willard  
Conservation Administrator