

Carlisle Conservation Commission
July 16, 2009

Chair Peter Burn called the meeting to order at 7:50 p.m. in the Clark Room at the Carlisle Town Hall. In addition to Burn, also present were Commissioners Tom Brownrigg, Jenifer Bush, Diane Troppoli and Tricia Smith and Conservation Administrator Sylvia Willard. Kelly Guarino was not present.

Certificates of Compliance:

(DEP 125-12) Location: 100 Stoney Gate Road, Project: Construction of a roadway, driveways and associated drainage. Issued: March 7, 1978. *Based on Willard's recommendation after a recent site visit, Bush moved to issue a Certificate of Compliance for DEP #125-12. Brownrigg seconded and all attending voted in favor.*

DEP 125-189) Location: Elizabeth Ridge Road, Project: Construction of a roadway and common driveways, including wetland crossings & replication areas (Lot 27, 123 Elizabeth Ridge Road), Issued: May 15, 1986. *Willard reported that the original COC had never been recorded against the deed and recommended based on her recent site visit that a duplicate certificate be issued. Smith moved to issue a duplicate Certificate of Compliance for DEP #125-189. Troppoli seconded and all attending voted in favor.*

(DEP 125-636) Location: 72 Brook St., Project: Construction of a swimming pool: Issued: 1/2/01.
(DEP 125-125-0856): 72 Brook St., Project: installation of a septic system; Issued: 5/5/2009.
(DEP 125-148) Location: 72 Brook St., Project: Construction of a garage; Issued: 6/7/85. *Based on Willard's recommendation, Smith moved to issue Certificates of Compliance for DEP #125-148, DEP #125-636 and DEP #125-0856, as the projects had been completed satisfactorily in compliance with the OOCs. Bush seconded and all attending voted in favor.*

Enforcement Order - Mehdi Khayami, 41 Patten Lane: The Amended Enforcement Order that had been voted on at the June 18, 2009 meeting was circulated for final signatures. The Amended Order requires that the restoration work be undertaken in the area located between WF 7 and WF 11 as identified on the Plan of Record for DEP #125-0858 and as described in the approved Wetland Restoration Plan dated June 5, 2009.

Enforcement Order - Lucianno Manganello, 383 River Road: Willard reported the following violations to the Orders of Conditions issued for DEP #125-0844, under which the property owner was to implement an approved plan for restoration for unpermitted grading, clearing and wall construction within the 100-foot Buffer Zone: (1) the Orders of Conditions were not recorded at the Registry of Deeds; (2) the DEP number was not posted at the project site; (3) work proceeded without the required pre-construction site inspection of the siltation controls by the Conservation Administrator; (4) work was not performed under the direct supervision of a certified wetland scientist. The Commission will issue an Enforcement Order citing the violations against the Orders of Conditions. The EO will inform the property owner that a daily fine will be assessed against each cited violation in accordance with MGL Chapter 131, Section 40 until the Orders of Conditions are recorded at the Registry of Deeds, at which time the fine may be vacated. The Commission will also require a letter from a certified wetland scientist providing procedures by which the sediment was removed.

8:10 p.m. Certificates of Compliance – 211 Bellows Hill Road

(DEP 125-0850) Project: Construction of a replication area, planting of an existing replication area and loaming and planting an existing pathway, Issued: 3/2/2009

(DEP 125-666) Project: Land clearing and driveway wetlands crossings; Issued: 4/2/2002

Willard circulated the post-site inspection report and accompanying photographs that had been submitted by Wetland Biologist David Crossman of B & C Associates as part of the monitoring process required by the Commission under the Order of Conditions for this project. The report stated that the construction of the smaller of the two replication areas had been corrected and the area has now been completed as proposed. The larger replication area required additional material in order to bring the elevations up enough to alleviate the ponding of water and the replanting of wetland plants, which according to the report had been done satisfactorily. As required, Crossman will be monitoring the replication areas for the next two growing seasons in order to ensure that the seventy-five percent of the areas are vegetated satisfactorily in accordance with the performance standards of the WPA. *Smith moved to issue a Certificate of Compliance for DEP #125-666 and #125-0850, contingent upon the establishment of a 53G Account to be used to fund the monitoring of the replication areas. Troppoli seconded and all attending voted in favor.*

8:25 p.m. (DEP 125-0867) Notice of Intent

Applicant: Abrahms, Little-Gill, Loberfield, P.C.

Project Location: 236 Lowell Street

Project Description: Installation of an on-site sewage disposal system and associated grading

Burn opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. Ben Ewing of Stamski and McNary presented the Plan for the replacement of the failed septic system. He noted that they are proposing to locate the septic tank, pump chamber and hydraulic unit within the Buffer Zone due the gravity requirements of the alternative technology system. Willard recommended the requirement that construction fence be installed in the vicinity of the Certified Vernal Pool that is located on the property to the east in order to provide additional protection. *Smith moved to close the hearing for DEP #125-0867. Troppoli seconded and all attending voted in favor. Smith moved to issue a Standard Order of Conditions with the Special Condition that construction fencing be installed approximately 20 feet upgradient of the location of the discharge line to the disposal field in order to better define the limit of work. Troppoli seconded and all attending voted in favor.*

8:35 p.m. (DEP 125-0866) Notice of Intent, Continued Hearing

Applicant: Jill S. Goldman

Project Location: 501 Lowell Street

Project Description: Installation of a driveway, carport and addition to an existing single-family home.

Burn opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. The previous hearing was continued due to the lack of a file number from the DEP and several outstanding plan modifications, including: reduction of the size of the soil stockpile; demarcation of the wetland edge; removal of a proposed shed that is no longer to be included in the proposal. *Smith moved to close the hearing for DEP #125-0866. Bush seconded and all attending voted in favor. Smith moved to issue a Standard Order of Conditions with reference to the revised Plan dated 6/19/09. Troppoli seconded and all attending voted in favor.*

Land Use Permit: A permit was circulated for signatures for the annual Summer Jumper Event to be sponsored by the Old North Bridge Pony Club on Tuesday, July 7, 2009 from 11 a.m. to 5:00 p.m.

FY10 Budget: The approved FY10 General Fund Budget has been distributed, as have the figures for the Commission's two Revolving Accounts. The Commission requested more time to determine allocations for staffing. Brownrigg offered to re-circulate the minutes from the two Executive Sessions held several months ago, during which the Commission discussed the status of the FY09 budget as it relates to staff funding.

8:45 p.m. Cranberry Bog House - Land Stewardship Committee: Present for the discussion of the draft revised lease for the third floor apartment and town funding for the proposed repairs to the Bog House were LSC members Warren Lyman, Debbie Geltner and Liz Carpenter and Cranberry Bog farmer and lessee Mark Duffy. The LSC representatives informed the Commission that they have learned that they will need support from the Historic Commission in order to qualify for CPA funding for the repairs to be Bog House. With regard to the actual proposal that will be submitted, they requested advice from the Commission as to whether to prepare a minimum stabilization request and/or an expanded request for funding. They also asked for direction on whether to submit a funding proposal to both the Long Term Capital Requirements Committee and the Community Preservation Committee. In order to better assess the costs of the repairs, they requested that the Commission authorize the expenditure of up to \$350 for a professional assessment and report, which will focus on structural needs of the building and will include a budgetary estimate of the associated repair costs. The discussion was continued to August 13, 2009.

9:25 p.m. Enforcement Order: Kevin Wells, 119 Estabrook Road: Willard reported having discovered unpermitted work including the addition of soil and associated grading within the 100-foot Buffer Zone of a BVW, that appeared to have occurred between July 3 and July 5. Because the unpermitted work was discovered during the holiday weekend, Willard had issued a verbal stop-work order on Monday, following up the next business day with an Enforcement Order formally requiring that the property owner cease and desist until such time a wetland scientist is hired to delineate the wetland resource area and to subsequently provide the Commission with a Plan showing the jurisdictional area on subject property. The Order also informed the property owner that he is expected to appear before the Commission at their July 16, 2009 meeting at 9:15 p.m. Since the time that the EO was issued, Wetland Scientist David Crossman of B&C Associates has inspected the site and has determined that he will need to do the delineations based on hydric soils because the vegetation had been removed or buried. The owner proposed using a power auger rather than heavy equipment to pull back the soil in order to determine the edge of the wetland resource area. At Willard's recommendation, an Amended Enforcement Order will be issued which will expand on the requirements of the original EO as follows: 1) if they have not already done so, the property owner shall provide adequate stabilization as directed by a wetland scientist to limit runoff into the BVW; 2) provide the Commission with a Plan and procedures for removal of any fill and/or sedimentation within the resource area, including a plan for restoration of any wetland resource areas; 3) the property owner shall submit a NOI illustrating existing and proposed grading within the 100 foot Buffer Zone of the BVW; 4) above plans shall be submitted no later than August 10, 2009 to allow for review prior to the hearing scheduled for August 13, 2009.

9:40 p.m. Enforcement Order: Phillip Heidke, for Roberta Mazzola, Trustee of the Russell Street One Realty Trust, 383 Russell Street: An Enforcement Order was issued on July 9, 2009 for unpermitted work undertaken within the Commission's jurisdictional area including removal of bituminous concrete and substrate along approximately 200 feet of a driveway within the 100-foot buffer zone of a bordering vegetated wetland. The existing driveway had been constructed under a

permit issued in 2004. Willard reported having received full cooperation from the contractor in the property owner's absence, noting that the work area was fully stabilized immediately in accordance with her recommendations. According to the representative, Philip Heidke, who was present for the discussion, the existing driveway was degrading due to splitting and cracking. After giving consideration to the additional information provided by Heidke, the Commission agreed to allow the completion of the work under an Amended Enforcement Order, with the requirement that he contact the Administrator for a post-construction inspection prior to removing the haybale/siltation barrier.

The Annual MIAA Property and Casualty Statement of Values: Willard informed the Commission that she will be submitting a written request to the Town Administrator informing her that the replacement costs for personal property contained in the Greenough Barn and the Cranberry Bog building and the replacement costs for the buildings themselves should be reassessed by the insurance provider, as the inventory has not been updated since 1995 and the stated values are likely inaccurate.

Vegetation Management Plan – 210 Concord Street: The plan for invasive plant control and management activities was approved with the requirement that the Administrator be kept informed of their progress.

Request for Comment on 401 Water Quality Certification of Great Brook Farm State Park: The Commission will recommend that the DEP require additional details from the applicant on the design criteria for the pond capacity and will suggest that details for a safety bench at the pond edge be provided.

Response for Planning Board's Proposed Revision to Carlisle's 40B Regulations: Burn reported that he will be meeting with Planning Board members David Freedman and Michael Epstein in early August to further discuss the proposed revisions. The Commission will provide their recommendations at their August 27, 2009 meeting.

10:05 p.m. Brownrigg moved to adjourn, Smith seconded and all attending voted in favor.

Respectfully submitted,
Mary Hopkins, Administrative Asst.