

Carlisle Conservation Commission  
December 2, 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 7:37 p.m. Also present were Commissioners Luke Ascolillo (8:22 p.m.), Tom Brownrigg, Chair Elect Peter Burn, and Jen Bush, and Conservation Administrator Sylvia Willard. Debra Kimbrell-Anderson was not present.

**Bills, General Agenda Items, Minutes and New Business**

**COC: (DEP 125-0831) Applicant: Sue Wolfe; Project Location:** 180 Concord St., Project: Home addition, Issued: 4/18/2008. Based on Willard's recommendation that the project had been completed satisfactorily in compliance with the Plan of Record, *Burn moved to issue a Certificate of Compliance for DEP 125-0831, Brownrigg seconded and all voted in favor.*

**Chestnut Estates – Request for Haybale/Siltation Barrier Removal:** Based on Willard's recommendation subsequent to a recent site visit that she had found the area in question to be well vegetated in grass, *Burn moved to allow removal of the haybale/siltation barrier that exists in the wetland replication area, Brownrigg seconded and all voted in favor.*

**Complaint re: 493 South Street:** Willard reported having undertaken an extensive review of the Benfield A Land files in order to determine the validity of a claim initiated at the Commission's October 28, 2010 meeting and followed up in writing shortly thereafter. The inquiry was made by Alan Carpenito of 493 South Street, who said he had been aware of some activity undertaken in 2003 in the vicinity of the a mud road that runs through a wetland resource area, including relocating a large boulder and bringing in crushed stone for fill. He wanted to know whether a Notice of Intent had been filed prior to undertaking the work and/or whether the land was in Chapter 61A during this period. It was noted that although Carpenito was not present for this evening's discussion.

During the course of her research, Willard determined that the Town had been given notice in early 2002 that the parcel would be removed from Forestry Classification under M.G.L.c61 as of June 30, 2002. Therefore, any work undertaken on the property that was within the Commission's jurisdictional area should have received an Order of conditions under the WPA and the Carlisle Wetlands Protection Bylaw. Willard also found records that the Commission received an ANRAD in November of 2003 for the Benfield Land A Parcel filed by the owner of the property, South Street Nominee Trust, for the purpose of confirming the approximately 7,886 linear feet of BVW that had been delineated in March of 2003. As is the standard practice during an ANRAD review process, Dr. John Rockwood of EcoTec, Inc. was contracted to perform a peer review of the resource area delineations. According to the notes and recollections taken during the course of the field inspection process for which she was present, there was particular attention paid to the wetlands through which the cart path extended in order to get accurate flagging because it was assumed at that time there would likely be a common drive proposed to any developable lots in the rear field area. There is no record of any comments relative to the significant changes that would have been consistent with recent excavation of the large boulder and the introduction of new fill in the area in question. In addition to these findings, Willard has confirmed that there have been no changes to the DEP's Wetlands Change Maps for that area during the time the activity allegedly occurred. In concluding the summary of her findings, Willard reported that ownership of the property changed in March 2004 soon after Town

Meeting voted to purchase the land for affordable housing, therefore exceeding the three-year window in which a violation can be addressed under the provisions of the WPA.

Being satisfied that Willard's research has sufficiently ruled out the possibility of any future action against the Town, the Commission will be sending a letter to the complainant thanking him for his concern and confirming that the issue has been fully investigated with no findings that would justify further action.

**(DEP 125-0821) Applicant: Wilkins Hill Realty; Project Location: Westford Street/Hanover Hill; Project: Haybale Barrier/wetland crossing, wetland restoration and habitat augmentation.**

Representative Rob West was present to discuss the remaining work needed prior to requesting a Certificate of Compliance for the project. Subsequent to a recent site visit she had conducted, Willard cited the following outstanding requirements: (1) one of the requirements of the OOCs that was required as a result of the peer review was to establish wildlife enhancement areas in upland area next to an area that was identified as a potential vernal pool. Upon her inspection she found that a portion of one of these areas was created partially in a wetland area itself. It has since been moved to the Buffer Zone in accordance with the Plan of Record; (2) the second issue pertained to a T turnaround area on one of the common driveways that has not yet been constructed. West said it is the applicant's assumption that the two lots associated with the turnaround will be purchased by a single owner and reverted to a single driveway; (3) a requirement that has been addressed is an area adjacent to a bridge where material adjacent to an abutment had washed out during a major storm event this past spring. Willard reported that the area has been excavated and redone with proper soils and gravel and appears to be stabilized. Another area that she identified as needing additional work involves a then-incomplete detention basin that had blown out during a major storm event, causing significant material to flow down into the wetland. West reported they have restored and planted the recommended conservation mix and the area will be reinspected next spring (4) the final issue pertained to the fact that water flows down Westford Street during periods of significant rain, causing erosion and carrying rocks and other materials into the wetland area across from the end of Acton Street. In lieu of installing catch basins in the area, a field change was approved to allow the applicant to install some riprap material in order to try to stabilize the area.

In conclusion, the Commission informed West that they will require a letter from their engineer confirming that the project had been completed satisfactorily in compliance with the Plan of Record following a final review by the Planning Board consultant, Nitsch Associates.

**8:10 p.m. (DEP 125-0899) Notice of Intent**

**Applicant: Nancy Teasdale**

**Project Location: 103 Heald Road**

**Project: Installation of a septic tank and grading associated with a soil absorption system with work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland**

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Ben Ewing of Stamski and McNary presented the Plan for replacing the septic system in order to meet current Title V requirements. Work proposed within the Buffer Zone includes installation of a replacement septic tank and some breakout grading. Stockpiling will be limited to areas within the haybale line. Willard noted that there is a gap in the wetland line on the original Plan but the flags are set in the field. Ewing agreed to add WF11 and WF 12 to the Plan

of Record. *Burn moved to close the hearing for DEP 125-0899, Bush seconded and all voted in favor. Burn moved to issue a Standard Order of Conditions, Bush seconded and all voted in favor.*

**8:15 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 sonatubes for a deck and expansion of a room with all work within the 100-foot Buffer Zone of a Bordering Vegetated Wetland**

Guarino opened 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 an abutter to the project location. The applicant was not present. The proposed Plan includes continuing construction of a foundation for an existing barn that had been deemed structurally unstable by the Building Inspector. The Commission had allowed work to begin on the foundation under an Emergency Certificate. Also included in the Plan is construction of an addition, a deck, installation of a stockade fence along the Concord Street and some landscaping work. The hearing had been continued in order for the applicant to clarify the location of the property line in conjunction with the Town Right of Way relative to the installation of the fencing. Since the applicant has not yet provided the additional information requested at the previous hearing, the hearing was continued to December 16, 2010 at 7:50 p.m.

**8:25 p.m. Draft Bylaw Fees Revision:**

Brownrigg provided an update on the status of the Bylaw Fee Schedule review he and Willard had recently distributed. The latest revision includes provisions for attempting to recuperate a greater percentage of costs associated with the review of an Abbreviated Notice of Resource Area Delineations relative to project size by establishing separate fees for larger developments vs single family homes. There is a general consensus among members that the current fee schedule no longer covers actual operating costs sufficiently, but they also recognize that too much of an increase across the board could discourage residents from filing. Willard distributed a document highlighting existing fees vs. proposed increase fees for the Commission's review prior to the Public Hearing scheduled for January 13, 2011 at 7:45 p.m.

**8:50 p.m. FY'12 Draft Budget:**

The Commission held a discussion in preparation for the upcoming FinCom meeting scheduled for December 13, 2010 when they will be reviewing proposed FY12 budgets by department. Burn provided some background for new members, including citing the fact that the Commission had put FinCom on notice during last year's budget planning process that they had been drawing down both revolving accounts at an unsustainable rate for the past several years. At that time, the Commission was told that their request for additional support from the General Fund would be given further consideration once they provided a breakdown of operating costs and conducted a review of the current bylaw fees. The Commission has now completed this process, with a Public Hearing to discuss and vote on a revised Bylaw Fee Schedule in January. A final checklist of documents to be included with their presentation was finalized.

**Cranberry Bog Dike:** Willard reported being informed that the reservoir near Martin Street was close to overflowing the dike. When she spoke with cranberry farmer Mark Duffy about the issue, he

agreed to take a crew out to clear debris that had accumulated, likely due to beaver activity. There is also some vegetation management being done upstream at Hart Pond in Chelmsford that requires alterations of normal water levels. Since there are several issues affecting water levels that will need to be addressed by both the Town of Carlisle and the Town of Chelmsford, Guarino agreed to initiate a discussion with the Chair of the Chelmsford ConsCom.

**Wetland Buffer Zones:** Brownrigg is requesting that the Commission revisit his proposal to incorporate a standard setback into the Carlisle Wetlands Protection Bylaw. The Commission had attempted to get approval for a 100-foot setback in 2003, but the initiative was defeated at Town Meeting. Brownrigg said he believed that the proposal at that time was not successful because it was not explained well enough and too complicated for people to be comfortable approving it. He is now in the process of completing a scientific analysis of what types of setbacks are useful in terms of preventing pollution and other kinds of damage to wetlands and groundwater. He recommends that the final proposal also include value of setbacks relative to preserving wildlife habitat. The Commission agreed to discuss the proposal at a future meeting once it has been completed.

**9:50 p.m.** *Bush moved to adjourn, Ascolillo seconded and all voted in favor.*

Respectfully submitted,  
Mary Hopkins  
Administrative Assistant