

Carlisle Conservation Commission
May 14, 2009

Chair Tom Schultz called the meeting to order at 7:35 p.m. in the Clark Room at the Carlisle Town Hall. In addition to Schultz, also present were Members Jenifer Bush, Tom Brownrigg, Kelly Guarino, Tricia Smith (7:50 p.m.) and Diane Troppoli. Conservation Administrator Sylvia Willard was also present. Vice Chair Peter Burn was not in attendance.

Bills & General Agenda Items:

Open Space and Recreation Update: Willard reported that the funding for production of the 2011 OS&R Report was approved at Town Meeting. She is now in the process of organizing committee members, several of whom assisted in the production of the 2008 report. Because the report had been meticulously rewritten during the previous revision process, Willard does not anticipate a major rewrite, with the exception of some changes to the agricultural section as suggested by the Land Stewardship Committee.

Proposal for Monitoring of Forested Wetlands on Conservation Land: Willard reported receiving a request from a UMASS student requesting permission to undertake a field study of forested wetlands on the Greenough land. The study is part of a statewide project being overseen by Scott Jackson of the UMASS Department of Natural Resources Conservation. Based on the details of the proposal, the Commission agreed to send a letter of support for the project.

Blanding's Turtle Monitoring at Greenough: Guarino inquired about the status of the Blanding's Turtle monitoring project being undertaken by Dr. Bryan Windmiller of Hyla Ecological at Greenough that had been permitted for this spring. Willard reported having been contacted by the project coordinator several weeks ago informing her that he had sustained an injury, causing him to put his monitoring activities on hold. Willard will to follow up with the project leader and will advise.

Additional Wells at Garden Plots: Following a review of the proposed plan for three additional wells at the Foss Farm Community Garden undertaken by the Land Stewardship Committee (LSC), Willard reported that they have determined that it would be best to install the wells after the current growing season to avoid disruption of established plantings and to allow for further consideration of the details of the proposal. She also informed the Commission that there is a \$2,000 limit on annual spending in accordance with the funding regulations for a 53e account, a portion of which has been earmarked for agricultural gates that are to be installed at the entrance to the agricultural field.

While on the subject of the community gardens, Smith inquired about whether there is any active discussion about increasing the number of community garden plots, as the present number is clearly insufficient in terms of meeting public interest. Willard reported that there is a plan to develop new guidelines for next season with the assistance of the LSC. The Committee will also be looking at adding plots elsewhere in an underserved part of town, perhaps in the back field at Benfield, an activity that would be permitted under the terms of the CR.

Summer Meeting Schedule: June 18, 2009; July 16; August 13 and 27; September 10 and 24

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

Applicant: Wilkins Hill, LLC

Project Location: Lot 7, 240 Hanover Road

Project Description: Construction of a portion of a single family home, associated grading, driveway, utilities

Schultz opened the hearing for Lot 7, 240 Hanover Road under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. Representing the applicant, George Dimakarakos of Stamski and McNary reported that the filing has not yet been acknowledged by the DEP. In

providing an overview of the Plan, Dimakarakos noted that they were able to keep virtually the entire house out of the Buffer Zone, with a limit of work greater than 50'. Given the steep grade of the lot, they incorporated several retaining walls into the plan to allow for yard area. Willard inquired about the status of the vernal pool study that had been required as part of the subdivision plan approval process. The representative agreed to forward the report compiled by David Crossman of B&C Associates, the findings of which do not suggest that the pool would meet the NHESP requirements for certification. The suggestion was made to revise the plan to call for repositioning a portion of the historic stone wall so as to run along the haybale line as a means of demarcating the nearby wetland resource area. It was also noted that the individual lots within the subdivision have not yet been numbered in the field. Dimararakos requested that Willard inform her prior to future site visits to ensure that the appropriate field markings are in place. Also noted during a recent site visit were large ruts remaining from preliminary work done on Hanover Road last year. The ruts extend for about 120 feet and are collecting runoff from up the hill, possibly interfering with the flow to the possible vernal pool that is located approximately 50' from the disturbed area. Dimakarakos agreed to evaluate the drainage situation in the area. **Because the Plan is currently under review by the BOH and the DEP has not yet acknowledged receipt of the filing, the hearing was continued to May 28, 2009 at 8:15 p.m.**

8:15 p.m. Fox Hill Well Installation Proposal: John Bakewell and Kevin Brown were present to provide the details of their proposal to install a small, solar-powered well at Fox Hill to support their agricultural operations there. The proposal is also under review by the BOH. The plan calls for a shallow well, no deeper than 20 feet, using one of two methods or a combination thereof as yet to be determined. The well would be supporting the existing cistern that is sited in the agricultural area, the capacity of which the applicants would like to increase to 500-gallons. The applicants are presently investigating the possibility of designing the pump for direct solar power to eliminate the need for battery power, although they would ideally like to keep the option of backup battery power available.

Willard noted during a recent field inspection that proposed well location is quite sandy and that the area was holding surface water at that time. After receiving mixed feedback from residents, Bush consulted the *Fox Hill Management Plan* that had been compiled by the LSC. The report states that agricultural activities are consistent with the recommendations of the plan. Brownrigg reported having visited area recently and was troubled when he observed the extent of clear cutting along the field edge. He clarified that, while he is not opposed to agricultural activity at Fox Hill, he would not have been in favor of such extensive clearing due to its negative impact to wildlife habitat. Although he was not a member of the Commission at the time the permit was originally granted, his understanding of the proposal at that time was that the edge clearing would be limited to the removal of invasives. Furthermore, he observed during his visit that a large portion of the field has not been planted; therefore he questioned whether there was actually a need for the extent of tree clearing. He also stated that when the license comes up for review in the future, he would want to know the proposed extent of clearing and would particularly like to preserve some of the larger specimen trees for their wildlife habitat value. Smith noted that one of the things the Commission has been struggling with is the logistics of maintaining the field edges with the thinking that perhaps they should start looking more critically at leaving those edges undisturbed.

Lynn Knight of the Land Stewardship Committee was present to provide a summary of the Committee's discussion of the well installation proposal as had been requested by the Commission at their April 9 meeting. Some were concerned that adding the well would be an unwanted increase in infrastructure at the site and could result in an expansion of the planting areas with the increase in irrigation capabilities. They also noted that the existing operation requires more infrastructure than originally discussed at the time the license was granted, the effects of which may interfere with what they consider to be "conservation sensibilities". The recommendation was made that the Commission discuss and further define what they consider to be active agriculture, which requires additional infrastructure vs. passive agriculture, which maintains the scenic vistas as a historic landscape, preserves soil quality and wildlife habitat and allows for public use and enjoyment of the land. Those in support of the proposal pointed out that the installation of the well would decrease traffic across the fields and result in reduced soil compaction/erosion. The final recommendation of the committee, although not by consensus, was to allow the activity on a trial basis in order to evaluate the use of a solar powered well and to

further assess the effects of the increased infrastructure. This information could then be used in developing a comprehensive agricultural policy plan for the town.

Smith credited the Committee's review for being helpful in terms of identifying "hot spots" in public attitude toward agricultural activities, noting the need for public education in terms of the desire for "scenic agriculture", which often involves the practice of chemical spraying whereas commercial agriculture typically employs more organic approaches in crop maintenance practices.

With the stipulation that batteries are not to be stored on site, the Commission agreed to allow the installation of the well subject to a full review in conjunction with the LSC prior to the next leasing cycle. It was also agreed that sufficient time will be allotted to allow for the development of agricultural guidelines to be issued to all perspective bidders for agricultural licenses from that point forward. **Smith moved to approve the proposal for a well installation at Fox Hill. Guarino seconded and all attending voted in favor.**

8:30 p.m. (DEP 125-0854) Notice of Intent, Continued Hearing

Applicant: Thomas and Barbara Bjornson

Project Location: 38 Prospect Street

Project Description: Removal of approximately 60 trees within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Schultz opened the continued hearing for DEP #125-0854 under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. (OMIT??? – included in minutes due to extensive delay between EO and filing – ask SRW) The filing was submitted in accordance with the Enforcement Order issued to the property owners in September of 2008 for unpermitted tree cutting. Because the requirement that the filing be submitted no later than October 13, 2008 had not been met, the Commission then informed the property owner in writing that they may commence fining if a filing is not received by November 10, 2008. The representative, Jeff Brem, had informed Willard in early November that work was underway for the filing including the wetlands flagging and tree survey. Once the filing had been submitted, the hearing was opened and continued on April 9 when the Commission determined that a site visit was in order. During that site visit they noted the following deficiencies which then were outlined in writing to the applicant and his representative: a BVW at the rear of their lot casting a 100-foot Buffer Zone was not located on the plan; the plan did not include contours; the wetland flags were numbered in the field but not on the Plan. The property owner was also requested to provide the field data forms prepared by his wetland scientist during the wetlands delineation process.

The property owner presented the revised Plan, which now included the locations of the wetland flags. When asked about the removal of the trees located near WF 85 and 87, the property owner said that they are leaning precariously over their deck. He noted that they have sustained previous damage to their property due to tree falls. Another concern is that the trees prevent airflow and sunlight from reaching the back of the house, which is presently covered in mold. Some of the proposed tree removal would also allow for grassy areas and perhaps a garden. Schultz informed the applicant that according to current DEP regulations, any trees that are removed in the wetland would have to be replicated; with Willard clarifying the replication would need to be done in a wetland resource area under appropriate supervision.

Given the steep grade of the slope that runs from the deck down to the intermittent stream, the commission expressed concern about the likelihood of serious erosion into the resource area as a result of the extent of the proposed tree clearing. The determination was made that a detailed planting plan prepared by a landscape architect would be required in order for the Commission to have the ability to evaluate the proposed work in terms of potential impacts to the wetland resources. The planting plan must include a site deconstruction plan, which must be undertaken in manageable phases, stabilization measures, tree replanting as required by current regulations, a maintenance plan and all hardscape and landscape elements. Other deficiencies noted on the revised plan included the absence of topography, incomplete wetlands delineations as they relate to the adjacent property, lack of measures for denoting the extent of and limit of proposed landscaping work. Smith noted that

the Commission might also have concerns with the extent and location of lawn area being proposed with regard to ongoing maintenance practices.

Given that they are typically sympathetic in situations where trees are leaning towards structures, Bush asked whether the Commission would consider giving permission for the property owner to remove the trees that are posing the biggest safety concerns, leaving the stumps until they could condition the whole plan. It was agreed that they would specify a limited number of trees for removal on an amended Enforcement Order with the remainder of the proposed work to be considered at a continued hearing pending the additional requirements with regard to plan deficiencies.

At that applicant's request, the continued hearing will be delayed until September 24, 2009 at 8:30 p.m.

8:45 p.m. (DEP 125-0858) Notice of Intent, Continued Hearing

Applicant: Mehdi Khayami

Project Location: 41 Patten Lane

Project Description: Addition to a single-family dwelling

Schultz opened the continued hearing for DEP #125-0858 under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. He stated that he would continue to chair the discussion, but would be recusing himself from the final vote. Engineer (Jonathan Boland?) of Stamski and McNary stated that the DEP had assigned a file number since the previous hearing. Willard reported that during a recent site visit she had observed a large amount of building material debris that had been placed against a tree located in the wetland resource area. She also noted that a wetland area had been filled with two to three feet of gravel material. The engineer stated that the property owner has recently retained the services of Wetland Scientist David Crossman to prepare a plan for removal of the stone and building material as well as a wetland restoration plan. He is currently also in the process of obtaining a landscaping plan for work to be undertaken on the rest of the property, including the relocation/replacement of barbed wire pool fencing to be constructed so as to meet current building code requirements.

With representative's approval, the hearing was continued to June 18, 2009 at 8:30 p.m. pursuant to submittal of a revised plan for the removal of stone/bldg material and associated restoration work and detail for pool fence design.

9:00 p.m. (DEP 125-) Notice of Intent

Applicant: Department of Conservation and Recreation

Project Location: 984 Lowell Road, Great Brook Farm State Park

Project Description: Dredging of a farm pond and installation of a fire department connection

Schultz opened the hearing for 984 Lowell Road, Great Brook Farm State Park, under the provisions of the Massachusetts Wetlands Protection Act and the local Carlisle Wetlands Protection Bylaw. The plan was presented by Wetland Scientist Dan Herslinger of ESS Group on behalf of the Department of Conservation and Recreation. They are requesting permission to dredge the farm pond in order to remove the nutrient-rich sediment that has accumulated in order to further improve water quality and to provide for increased water storage capacity for fire protection. The representative noted that the DCR has implemented some of the stormwater management control measures that the Commission has previously recommended, which have resulted in reduced external nutrient loading.

The proposed work would allow them to address in-pond nutrient cycling and further improve the water quality and wildlife habitat. The details for sediment dewatering, stockpiling and one-site reuse was determined in accordance with DEP guidelines and Best Management Practices for Work in Resource Areas. The Plan calls for the removal of approximately 3,300 cubic yards of material through a dry-dredging process, the draw down rate of which is not to exceed three inches per day. A turbidity curtain would be installed within the pond to reduce or eliminate suspended sediments prior to discharge through an existing outlet downstream of the pond. A haybale corral would be installed at the outlet to control scour. Once the dewatering process is completed,

the dredging operation will start at one end of pond and work toward other end, with all dewatering of sediment occurring within pond. Once the dewatering process is completed, the sediment would be trucked off to adjacent agricultural fields within the park. Although preliminary testing was done on the sediment, the material would need to be retested prior to being used for agricultural purposes. The plan is to draw down in late October / early November and to do the dredging in early winter with the hopes to refill the pond by early April, with the goal of minimizing impacts to wildlife.

Troppoli questioned the proposed timing of the dewatering process as it related to amphibians.

Herslinger stated that they had given consideration to dewatering earlier but determined that the schedule as proposed with mitigation would best minimize or avoid potential long-term impacts. He offered the suggestion of requiring an inspection to be performed by a wildlife biologist after dewatering to remove and relocate any amphibians, reptiles or fish before the onset of the cold weather.

Guarino inquired about the replanting of the pond edge after the dredging has been completed. Smith suggested that the applicant refer to the previously submitted DCR plan for the removal of invasives and for the restoration of the pond edge, which could be undertaken upon completion of the dredging project. The representative suggested that the DCR consider implementing the shore restoration plan pending funding capabilities at this time. There was also concern about the lack of plans for restoring the bottom, benthic layer of the pond, as well as the proposed steep grade of the pond edges as it related to public safety. Willard noted that flagging is missing is several locations and requested that the sediment area, not to exceed 5,000 sf, be staked out so it can be monitored accordingly. She also recalled that the last two projects permitted for the DCR have not gone according to the approved plan. Schultz clarified that they went according to a plan, just not the ones approved by the Commission.

Given the extent of issues and concerns that the current plan presents, the Commission determined that a peer review would be in order both in terms of mitigation for impacts to wildlife habitat and bank restoration. The project would also need to be further evaluated from a public safety aspect. The Commission will obtain a “not to exceed” estimate for a peer review of the plan which will be subject to acceptance by the applicant. **With the representative’s approval, the hearing was continued to June 18, 2009 at 8:45 p.m.**

Turtle Signs: Brownrigg presented a prototype of the turtle crossing signs he and his wife, D’Ann had volunteered to construct. The question remains as to whether they are “too cute”, given that the signs the Commission had previously installed at Foss Farm have repeatedly and mysteriously disappeared.

10:40 p.m. Brownrigg moved to adjourn. Troppoli seconded and all attending voted in favor.

Respectfully submitted,*

Mary Hopkins, Administrative Assistant

Minutes were based on a digital recording, as the administrative assistant was not present for the meeting.