

**Carlisle Conservation Commission**  
**November 5, 2009**

Chair Peter Burn called the meeting to order at 7:35 p.m. in the Clark Room at the Carlisle Town Hall. In addition to Burn, also present were Commissioners Tom Brownrigg, Kelly Guarino, Tricia Smith and Diane Troppoli and Conservation Administrator Sylvia Willard. Commissioner Jen Bush was not present.

**Minutes, Bills & General Agenda Items:**

**COC: DEP 125-0837 - 400 Rutland Street, Project: Septic Repair, Issued: 8/5/2008:** The issuance of the COC had been postponed several months in order to allow for the project area to become satisfactorily vegetated. Based on Willard's recommendations subsequent to a recent site inspection, *Smith moved to issue a Certificate of Compliance for DEP #125-0837. Guarino seconded and all attending voted in favor.*

**Foss Farm Updates: Community Garden Wells -** Long time Community Gardener and Carlisle resident Jack O'Connor, who had offered to investigate costs associated with the installation of two additional wells at the Foss Community Gardens, was present to provide the Commission with an update with regard to the type of well that would be most suitable for the site. He had found in speaking with Bob Dennison, Jr., who had installed the existing wells several years ago, that they require maintenance every three to five years due to sediment and mineral deposits that accumulate in the pump. Upon learning this, O'Connor contacted a well contractor who specializes in water-driven wells and who had been recommended by Skillings, Inc. The contractor determined during a recent site visit that a wash well would be more appropriate as well as more reliable for this location and would likely last at least twenty years with no required maintenance. At the Commission's request, O'Connor will request that the contractor forward a quote as well as his state licensing and liability insurance information. Funding for the installation will come from the Foss Farm 53e Account, which allows expenditures of up to \$2,000 per year.

**Dog Sledding Complaint -** Subsequent to a discussion at the October 22, 2009 meeting during which members of the New England Dog Sledding Club described their training activities at Foss Farm in response to a noise complaint from an abutter, Guarino had prepared a formal request to be submitted to Town Counsel for his use in determining whether or not the Commission is required to give a different level of response to a noise complaint raised by an abutter who has a disability recognized under the Americans With Disabilities Act, than would be provided to someone who does not have the disability. The question arose when the abutter, Christopher Adamchek, who was also present for the discussion, repeated his claim that he is a disabled veteran whose illness is exacerbated by the excessive barking that occurs when the training takes place. It was noted that efforts had been made to reduce the noise level by relocating the unloading point for the training from the main parking area to the agricultural field near community garden area; however, this could have a detrimental effect on the agricultural field and could constitute a change in use should the field become too degraded for agricultural use as a result. Adamchek urged the Town to keep his needs in mind when new sites on the property were being considered for dog training parking. Guarino's request to Town Counsel will include an outline of the issues, the background and history of land use activities at the site, and a copy of Adamchek's written complaint to the Carlisle ADA Task Force dated January 4, 2009.

**Fence Damage -** Willard reported a minor auto accident that occurred recently at the Foss Parking Lot whereby a portion of the post and rail fence was damaged. She reported that she has received an accident report from the Carlisle Police Department and has spoken with the driver involved in the accident. The Commission will need to get an estimate for the labor and materials associated with the repair of the fence, which will then be reimbursed to the Town through the driver's auto insurance company.

**Ethics Reform Bill - Online Training and Conflict of Interest:** A copy of the new Town of Carlisle Committee Handbook was distributed along with a summary of the mandatory online training required to be completed by April 2, 2010 in accordance with the Ethics Reform Bill.

**8:15 p.m. (DEP 125-0875) Notice of Intent**

Carlisle Conservation Commission

Meeting Date: November 5, 2009

Approval Date: January 28, 2010 / Reopened, Amended and Approved April 15, 2010

**Applicant: William Hamilton**  
**Project Location: 491 Maple Street**  
**Project Description: Repair of a failed septic system**

Burn opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. The hearing was continued to November 19, 2009 at 8:15 p.m. at the applicant's request.

**Joint Conservation Meeting:** A semi annual joint meeting with members of the Land Stewardship Committee, the Conservation Restriction Advisory Committee, the Trails Committee and members of the Carlisle Conservation Foundation will be held on Monday, November 9, 2009 at 7:30 p.m., with the primary goal of finding ways of better coordinating activities among the groups.

**FY11 Budget FinCom Budget Impact Statement Response:** Burn informed the Commission that he would be forwarding the response to Finance Committee's request for a ten-percent budget reduction impact statement by November 6, 2009. It was noted that the only line items that can be reduced are for labor, as all other line items are at minimum levels. Commissioner Smith suggested that, since enforcement takes up at least 10% of the time for the office staff, the Commission may no longer have the ability to do enforcement.

**8:30 p.m. Fox Hill Land Use Permit Request:** Carlisle Public School (CPS) substitute teacher Sandy Nash was present to put forth a request to the Commission for permission to allow CPS Cross Country running activities for the 2010/2011 season on a portion of the Fox Hill Land. Nash, who is an active volunteer for the cross-country program, explained that the team members are presently training primarily on asphalt surfaces unlike most other teams in the district and that the current course poses numerous traffic safety concerns. Access to the edge of the Fox Hill agricultural fields would provide an opportunity to reconfigure the course. Nash reported that the new course would cross a private land in one area and that the property owners are in support of the project. LSC Member Warren Lyman, who was the primary author of the Fox Hill Management Plan, stated that the plan allows for limited passive recreation and encourages a mowed perimeter trail around the fields. The proposal has received support from the Land Stewardship Committee. A Land Use Permit can be granted for the 2010/2011 season, subject to an annual review by the Commission. Fox Hill Agricultural Lessee Kevin Brown, who was present for the discussion and in support of the project, offered to maintain the perimeter of the field for the 2010 Fall Season.

**Violation - 779 West Street/Bruell:** Willard reported numerous violations of an Order of Conditions issued in August 2008 for restoration work in accordance with an approved Landscape Plan. The NOI had been filed in response to an Enforcement Order issued for previous unpermitted activity in the 100-foot Buffer Zone and in the BVW. The current violations were discovered during a site visit conducted by Willard on October 26, 2009 during which she had planned to inspect the condition of the BVW and to confirm that no work was underway. During the fall of 2008, she had been told by the landscape contractor that no work would be undertaken on the site until further notice due to the financial constraints on the property owner. According to the report compiled by Willard, violations to the OOCs included but were not limited to: no posted DEP sign; no preconstruction site inspection; incorrectly installed haybale/siltation barriers within the jurisdictional area; inaccurate/missing flagging; unpermitted fill/stockpiling. The OOCs also required that a Garden Management Plan be submitted to the Commission at least six weeks prior to the initiation of work in the spring of 2009. No such document was submitted. Willard reported contacting the property owner to inform him prior to her site inspection. She left a message but did not receive a response. Photographs depicting site conditions in May 2008 were contrasted with photos taken in October 2009 evidencing the fact that significant site work had been undertaken including excavation, importation of boulders and stones, stockpiling of soil and installation of utility conduits that were not included in the Plan of Record.

An Enforcement Order will be issued requiring that all work be stopped and requiring the property owner to address each of the stated violations and propose remedies for achieving compliance with the OOCs. Fines will commence in accordance with the Carlisle Wetlands Protection Bylaw if no action has been taken by November 18, 2009. The Commission will reserve the right to revoke the OOCs should the property owner fail to respond within the time allowed. The EO will also require the property owner to provide contact information for all contractors associated with the project.

**Enforcement Order - 119 Estabrook Road/Wells:** The amended Enforcement Order as discussed at the previous meeting was circulated for signatures.

**9:45 p.m.** *Brownrigg moved to adjourn. Smith seconded and all attending voted in favor.*

Respectfully submitted,  
Mary Hopkins, Administrative Asst.