

**Carlisle Conservation Commission**  
**November 29, 2012**

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 7:30 p.m. Also present were Vice Chair Luke Ascolillo and Commissioners Tom Brownrigg, Peter Burn, Jen Bush, and Lee Tatistcheff and Conservation Administrator Sylvia Willard. Commissioner Tom Brown was not present.

**Bills, Minutes, General Agenda Items, & New/Pending or Old Business**

**Minutes:**

*Burn moved to accept the **February 23, 2012** minutes as amended, Ascolillo seconded and all voted in favor with the exception of Brown and Tatistcheff, who abstained.*

*Ascolillo moved to accept the **October 25, 2012** minutes as amended, Tatistcheff seconded and all voted in favor.*

*Tatistcheff moved to accept the **November 8, 2012** minutes as amended, Ascolillo seconded and all voted in favor with the exception of Burn, who abstained.*

**Certificates of Compliance:**

**DEP 125-0917: 280 Stoney Gate;** Installation of a pool, concrete terrace and landscaping in the 100-foot Buffer Zone. Willard reported that the location of the pump had to be relocated but was still within the approved work area. Based on Willard's recommendation that the project had otherwise been completed substantially in compliance with the Plan of Record, *Ascolillo moved to issue a Certificate of Compliance for DEP #25-0917, Bush seconded and all voted in favor with the exception of Tatistcheff, who abstained.*

**DEP 125-0889: South Street, Benfield Conservation Land;** Installation of a wildlife viewing platform. Based on Willard's recommendation that the project had been completed substantially in compliance with the Plan of Record with the exception of one small deviation relative to the location of a commemorative marker whose location was field adjusted slightly in consultations with the field mower and the Conservation Administrator, *Tatistcheff moved to issue a Certificate of Compliance for DEP #125-0889, Ascolillo seconded and all voted in favor.*

**Land Use Permit:** *Bush moved to issue a Land Use Permit to Katherine Reem for photographing the Geminid Meteor Shower at Foss Farm on December 13 or 14, 2012 from 10 p.m. to 2 a.m., Tatistcheff seconded and all voted in favor.* The applicant was asked to inform the police of her plans, as the activity will occur at a time when the property is normally not open to the public. She was also asked to submit photographs of the event for the office Land Use Permit records.

**7:50 p.m. Boy Scout Troop 135 Campfire Request:** The request to amend the Land Use Permit to allow the use of a campfire during the upcoming Boy Scout Overnight Camping trip on Sunday, December 2, 2012 was withdrawn. The group has decided to use camp stoves for cooking.

**Green Energy Website:** Willard informed the Commission that she will again try to reschedule the discussion with Dan Cook of the Carlisle Energy Task Force for a future date.

**8:00 p.m. (DEP-0931) Notice of Intent, Continued Hearing**

**Applicant: Linda White**

**Project Location: 393 South Street**

**Project Description: Demolition of a single-family house, construction of a detached garage, associated driveway, utilities and grading**

Guarino opened the Continued Hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. The previous hearing had been continued pending a review of the proposal by NHESP because the project location is within Estimated Rare Species Habitat. George Dimakarakos of Stamski & McNary reported that the project has since received approval from NHESP with the requirements that the limit of work be surveyed and staked and that their approval letter be recorded at the Registry of Deeds. The Plan was also revised to include the addition of plantings in the vicinity of a potential vernal pool at the suggestion of Brownrigg subsequent to a site visit. *Tatistcheff moved to close the hearing for DEP #125-0931, Ascolillo seconded and all voted in favor. Bush moved to issue a Standard Order of Conditions, Ascolillo seconded. After a brief discussion relative to the provisions for siltation control, Tatistcheff moved to amend the motion to allow the use of Filtermitt® in lieu of haybales, as the grading in the area is relatively flat and the change will reduce the possibility of introducing invasive plants, Ascolillo seconded and all voted in favor. All voted in favor of the amended motion with the exception of Burn, who abstained.*

**Foss Farm Woodpile:** Subsequent to the recent field edge clearing project conducted on the upper Foss Farm corn field by Cook Company and through the use of encumbered funds from FY12, the Commission agreed to place a notice in the *Carlisle Mosquito* offering the remaining two dozen hardwood logs to interested Carlisle residents on a first-come first-served basis by contacting the office.

**Benfield Field Maintenance:** Willard asked the Commission to consider an issue raised by Jack O'Connor relative to the stand of trees that are increasingly inhibiting the mowing of the meadow in the vicinity of the Wildlife Viewing Platform. She said that at some point in the past, the field was mowed but approximately fifteen trees were left and have grown rapidly due to the open conditions. Willard said that the removal would likely require a filing due to the fact that they are in Riverfront Area and would also require a review by NHESP because the trees are located in Estimated Rare Species Habitat. The Commission agreed to address the issue further at an upcoming meeting at which time they will look at field edge maintenance as well.

**8:15 p.m. Cranberry Bog Farming Agreement Discussion for 2015:** Steve Hinton had agreed to participate in a preliminary discussion relative to the process for preparing the next Cranberry Bog Farming Agreement. The current 20-year lease agreement with farmer Mark Duffy of Carlisle Cranberries, Inc. will expire in June of 2015. Hinton, who had been involved in the drafting of the current lease, encouraged the Commission to begin the process as soon as possible given that the current agreement took over two and a half years to finalize.

Hinton suggested that an appropriate first step would be to establish the objective of the effort, whether it be to make money, to maintain the bog in agricultural production, and/or to maintain the town's water rights. Once this is established it will drive the way in which the agreement is drafted. He also suggested that the Commission weigh what they consider to be the long-term projection for the property into the equation before determining how they want to structure the arrangements.

He cautioned that contracting procedures today are far more controlling and restrictive than they were in 1995 and that procurement law in the state of Massachusetts is now being enforced to a greater degree.

Also present for the discussion were Cranberry Bog Stewards Warren Lyman and Debbie Geltner, who have served on the Bog House Restoration Committee as well for the past three years. Lyman encouraged the Commission to establish a committee as soon as possible. He also suggested the commission look at increasing the amount of land in cranberry production, noting that twenty acres are currently in restoration and the other 20 acres in production. Aware that the Commission intends on looking at the possibility of combining the Cranberry Bog Farming Agreement with the Bog House Lease, Lyman said the Commission should also consider incorporating a requirement for additional in-kind services given the greatly enhanced value of the two bog house apartments subsequent to the first phase of the Bog House restoration process. He concluded by pointing out that current lease expires in June 2015, which could pose a problem if there is a change in farmers, therefore he asked the Commission to consider implementing the new lease at the beginning of 2015 in order to avoid conflicts related to the 2015 harvest.

Guarino suggested that the next steps include establishing a formal committee to coordinate the process of drafting the next lease. She asked that the commissioners review the documents that were distributed at the meeting, including Appendix A “Copy of 1995 Lease of Bog Agricultural Area to Carlisle Cranberries, Inc.;; Appendix B “Management Plan – Carlisle Cranberries, Inc.”; and Draft lease dated 4/4/09. Once the committee has met, the Commission will work with them to establish objectives and long-term goals. Guarino said she would be consulting with Town Counsel for input on the current lease in order to determine possible areas of concern that may need to be addressed in drafting the next lease, noting the timeline must allow for the required Town Meeting approval of the lease prior to the 2015 expiration. The Commission thanked Hinton and Lyman for their input and agreed to continue the discussion at the next meeting.

#### **8:50p.m. (DEP-0910) Request to Amend Orders of Conditions**

**Applicant: Elizabeth Barber**

**Project Location: 100 Aldershot Lane**

**Project Description: Removal of seven large white pine trees 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. The applicant’s request to amend the existing OOC’s to allow for tree removal was discussed following a recent site visit conducted by Willard and Tatistcheff. At that time, they concluded that most of the trees proposed for removal did in fact pose a safety hazard, including one tree that is within close proximity of the home. *Tatistcheff moved to close the hearing for DEP #125-0910, Ascolillo seconded and all voted in favor. Tatistcheff moved to amend the existing Orders of Conditions to allow the removal of six, not seven, pines with the following Special Conditions: the limit of work area between the trees to be removed and the BVW is to be clearly delineated for the tree contractor; the trees are to be felled away from the wetlands, no debris shall be placed in the wetlands; the remaining stumps are to be left in place. Bush seconded the motion and all voted in favor.*

**9:00 p.m. Brem Long Ridge Road Conservation Cluster:** The Commission held an informal discussion relative to the Brem’s application for a 4-lot Conservation Cluster Special Permit on their 11.84-acre property at 100 Long Ridge Road, which if approved, would create a 3.73-acre parcel of public Open Space.

In a memorandum to the Commission dated November 20, 2012, the Planning Board requested that they address several issues raised at the opening of the Conservation Cluster Special Permit hearing on November 19 relative to the wetlands and the intermittent stream that exist on two of the four proposed building lots and on the proposed Open space Parcel. These Resource Areas have not been delineated since 2005. In the same memo, the Planning Board has also asked the Commission to provide them with a sense of the value of the proposed open space as a natural resource, as the Board must base its decision to approve this Special Permit primarily on this determination. The memo also informed the Commission that the applicant has a “by-right” alternative to subdivide into 3 lots in accordance with a submitted ANR Proof Plan, which would not provide an Open Space component. In light of this option, the Planning Board has also asked the Commission to assess whether the likelihood that the area in question would be cleared or not, regardless of whether the Cluster is approved or not and to provide insight on likely wetlands issues of the development of the 3 lots vs. the 4 in the conservation cluster.

Jeff Brem, owner, applicant, and engineer of the property, provided an overview of the Plan of the existing conditions of the property. He is proposing to divide the parcel into a 4- lot conservation cluster vs. pursuing his by-right alternative to develop 3 lots in accordance with the submitted ANR Proof Plan. Brem noted that there is a possibility of the town acquiring up to five acres of open space with the addition of a Conservation Restriction (CR) on the back of Lots 1 and 2 if the Conservation Cluster is approved. He noted that the previous owner had at one time divided the parcel into two pieces, with a 5.7 acre piece restricted as a “wildflower sanctuary “, but because no grantee was designated for the easement, it expired after thirty years. Brem reported that his staff was in the process of delineating the wetlands which had not been surveyed since 2005. Willard noted that this is the first time the Commission has had a conservation cluster that did not include a common driveway and/or require an ANRAD, which would establish the wetland delineations for replication purposes.

Guarino noted that, in terms of process, the Commission does not yet have a filing before them, so their primary role at this point is to assess the potential conservation value of the open space parcel. With no further comments or questions from the Commission, she then thanked Brem for his presentation and opened the discussion to comments from the audience.

Representing a group of neighbors and abutters who had expressed their concerns relative to the proposal in a formal memorandum to all appropriate town boards and committees, Mike Hanauer of 200 Long Ridge Road summarized many of their concerns for the Commission. Hanauer said the group is concerned about drainage issues originating from the Brem property and believes a formal drainage study of the area should be required as part of the process. He also said the group is concerned about safety issues relative to increased traffic from construction vehicles, particularly since it is a one-entry neighborhood. Ann Woodard of Garnett Rock Lane said she had always considered the Bates Farm to be a successful conservation cluster due to the fact that the project preserved the view from the roadway along Bedford Road, siting the houses out of view. She referred to the Brem proposal as “the absolute opposite”, as it calls for clearing the area along the roadway for septic systems. [Note: Bates Farm is a by-right ANR with conservation restrictions and common driveway] Woodard also said the proposed development would be an intrusion on the character of the neighborhood. She said that the group requests that the Commission consider the potential impacts to the water supply of another well and three additional septic systems and to consider their belief that the CR would not be a benefit for the town given that it is not buildable due to its topography. Susan Blankenship of 233 Nowell Farm Road inquired about possibility of liability issues should someone be injured on the open space parcel. Guarino said that there would be no liability exposure as long as no access fees were charged.

John Ritchie of 132 Long Ridge Road said the Brem property had previously been owned by his father-in-law for many years and that he was very familiar with the land. He said there had been a restriction on the “wildflower area” and that he is presently working with his mother-in-law to locate documentation to support that. He said the conservation cluster is not going to improve the natural resources but will certainly provide a large amount of latitude in placement of the houses. He concluded his comments by asking that the Commission look very carefully at what this is, because “there are some very beautiful things in there, but I’m not sure this is truly for conservation, and I would ask you to consider that very carefully when you make your decision about any affirmation of this program and plan”.

In concluding the discussion Guarino said that the Commission would be participating in an upcoming site visit with the Planning Board on Saturday, December 1, with an additional site walk to be scheduled for those who cannot attend. The Commission would further address the Planning Board’s request at their next meeting on December 13, 2012.

Although the discussion had technically ended, Brem informed the Commission that BOH Technical Consultant, Rob Fredo, independent of him, would be doing a site walk and reporting to the BOH his findings relative to the drainage issues. He also said that if it is determined there is no value to the town, he would look at working with outside conservation organizations, that there are other ways to develop the property.

**Benfield Septic System Activity:** Willard had become aware of the fact that the BOH would be requiring monitoring wells associated with the septic field for the Benfield Affordable Housing during a casual, informal discussion at BOH office at town hall on the day following the Commission’s previous meeting. Following that discussion, she said she had reviewed the recently signed “Acknowledgement of Location and Confirmation of Easement Rights Agreement” document and the accompanying plan and was unable to find any stated proposed position for the monitoring wells. Following their November 27 meeting, Willard said she had met with BOH member Bill Risso in an attempt to get more information on the monitoring wells. At that time he said the BOH would be requiring three such wells but that he was unaware of the easement document and Plan and of the terms of the CR. He was also unsure of the location of the wells relative to the easement.

More recently Willard became aware that a septic plan had been submitted to the BOH and the hearing was scheduled to open on November 29. She was surprised to learn this, as she had been assured that ConsCom would receive a copy when the septic plan was submitted, since the septic system is located on Conservation land.

In an effort to improve communications and to clarify several issues, the Commission had invited several representatives of NOAH to participation in tonight’s discussion. Present for the discussion were NOAH representative Toby Kramer, Mark Beaudry of Meridian Associates, and Steve Smith of GeoHydroCycle, Inc. Guarino requested clarification on the issue of the location of the monitoring wells and asked about the fact that the BOH did not know about the easement for the monitoring wells. She also asked for confirmation that the monitoring well heads would be located below grade as agreed during the permitting process and as stated in the CR, in order to facilitate ongoing field maintenance. Also in order to avoid future issues stemming from poor communications, the Commission, as the landowner, asked that they be notified of any and all changes to the Plan, that they be notified if any time there is a question on non-compliance, and that they be notified if there are ever any system failure concerns or issues. They also asked that whenever possible, they be provided with as much lead time as possible.

The representatives agreed to work to improve communications and would address their concerns relative to the monitoring well locations and configurations as requested. A new Plan was presented showing a monitoring well located near the water supply well as requested by the BOH.

**Foss Community Gardens Rules:** The annual review of the community gardens rules has been scheduled for January 24, 2013.

**LSC Special Meeting:** A joint conservation groups meeting will be held on Tuesday, December 11, 2012 at 7:30 p.m. in the Clark Room.

**Newly Certified Vernal Pools:** Willard provided a positive ending to the evening when she announced that Natural Heritage has recently certified four new pools in Carlisle courtesy of our Vernal Pool Champion, Tom Brownrigg!!!

10:28 p.m. *Brownrigg moved to adjourn, Bush seconded and all voted in favor.*

Respectfully submitted,  
Mary Hopkins  
Administrative Assistant