

**Carlisle Conservation Commission**  
**March 24, 2011**

Pursuant to a 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 Peter Burn and Commissioners Luke Ascolillo, Tom Brownrigg, and Conservation Administrator Sylvia Willard. Commissioners Jen Bush and Debra Kimbrell Anderson were not present.

**Metcalf Complaint Letter - Received 3/22/2011:** In a letter to the Commission dated March 22, 2011, Kirk and Kathleen Metcalf of 121 Hartwell Road voiced objections to the boardwalk and viewing platform recently constructed on the west side of Spencer Brook. Their primary complaint is the fact that the platform is higher in elevation and therefore more visible than the property owners were led to believe during the planning process. They are also displeased that the structure was not constructed entirely of wood, therefore in their opinion not blending well with the natural setting. The letter also cited the fact that the property owners believe that the key selling points of their property are the level of privacy and the natural environment provided by the wetlands, both of which in their opinion have been compromised as a result of the project. Included in the letter from the property owners was a request that all construction activity associated with the project cease until which time they have a better understanding of the chosen location of the walkway, the materials being used, and why it could not have been constructed at a lower elevation.

It was noted that both members of the Trails Committee and representatives of CCF spoke with the Metcalf's often throughout the course of the planning process. The record also shows that the property owners were not present for the hearings relative to the Notice of Intent that was filed for the construction of the boardwalk.

Present for the discussion were Trails Committee members Steve Tobin and Kevin Smith, both of whom were key players throughout the planning and construction phases of the project. Utilizing photographs submitted with the filing, Smith clarified the location of the structure in relation to the existing easement and the relative proximity to the Metcalf property. He confirmed that there had been a trail easement on the property "all along" and any changes that were made to the easement were actually intended to increase the level of privacy.

Addressing the issue of height, Brownrigg asked whether the platform had been constructed in accordance with the original specifications. Smith stated that the platform is 9.5" higher than originally planned, with the changes being implemented for logistical reasons relative to strength and ease of construction. The elevation of the floor of structure was determined by the need to keep it above flood level and to allow for safe passage of a canoe or kayak under the bridge, construction of which is planned for sometime in the future. Smith noted that these design changes were discussed at a Trails Committee meeting to which the Metcalfs were invited but did not attend.

While the Commission was sympathetic to the fact that the Metcalfs were clearly disappointed, perhaps because they had a vision in their mind that was different than the finished product, the project was completed substantially in accordance with the approved Plan. It was determined that a letter will be sent to the property owners to this effect, along with confirmation that the project has gone as far as allowable under the existing permit with the exception of some minor finish work. The letter will also offer the Metcalf's the opportunity to speak with the Commission directly at their next meeting.

**7:50 p.m. DEP (125-0892) Plan Change Request**

**Applicant: Catherine Cole;**

**Project Location: 81 Craigie Circle; OOC Issued 11/3/2010**

Abutter Luke Ascolillo recused himself from the discussion. The property owner presented a Plan Change request relative to the dimensions of a deck addition that had been permitted along with landscaping work in

November 2010. The revised dimensions would decrease from 12'x 24' to 11.5' x 20'. The final vote was continued to the April 14, 2011 meeting due to quorum issues.

**Certificates of Compliance:**

**(DEP 125-648); Location: 299 Bedford Rd.; Project: Construction of a home, driveway & grading; Issued: 8/21/2001:** Based on Willard's recommendations that she found the project to have been completed substantially in compliance with the Orders of Conditions subsequent to a recent site visit, *Burn moved to issue a Certificate of Compliance for DEP #125-648, Brownrigg seconded and all attending voted in favor.*

**(DEP 125-0879); Location: 173 Rockland Rd.; Project: Installation of septic system, grading, well, culvert and driveway paving; Issued: 2/18/2010:** Based on Willard's recommendations subsequent to a recent site visit, *Burn moved to issue a Certificate of Compliance for DEP #125-0879, Brownrigg seconded and all attending voted in favor.*

**8:00 p.m. Cranberry Bog House Repair:** Ad Hoc Bog House Preservation Committee members Warren Lyman and Debbie Geltner were present to provide a progress report on the status of the restoration project. The completed Invitation for Bids (IFB) document has been reviewed and approved by Town Counsel. The committee will formally vote upon the final, edited version of the document next week. The advertisements for the IFB will be published in the *Massachusetts Central Register* and the *Carlisle Mosquito* the week of April 6, with bids being due by May 5, 2011.

**Gardens at Greenough:** The Land Stewards are presently reviewing the possibility of establishing a small-scale agricultural/gardening agreement for an area on the Greenough Land in response to receipt of an informal proposal submitted by a group of local gardeners. The issue will be discussed at an upcoming ConsCom meeting once LSC has completed their review and submitted their recommendations.

**Agricultural License Agreements:** The Land Stewardship Committee has requested a review of the current Agricultural License Agreement documents prior to the next issuance cycle in February, 2014. They will be evaluating Carlisle's agreements relative fee structures and to standards used in the applicant selection process.

**Foss Farm Update:** Willard reported that approximately 12 fence rails will require replacement due to snow plow damage. The purchase will be funded through the Foss Farm 53e.5 Revolving Fund, and the Commission will request the DPW's assistance with the installation of the replacement rails.

**Chelmsford ConsCom Request:** Guarino and Willard will be attending an upcoming Chelmsford ConsCom meeting at which time they will address several issues that are presently of common concern.

**8:15 p.m. (DOA-285) Request for Determination, Continued Meeting**

**Applicant: Jay Acquaviva**

**Project Location: 193 Partridge Lane**

**Project Description: Removal of 18 trees**

The discussion was continued with the applicant's consent to Thursday, April 14, 2011 at 8:15 p.m. due to a quorum issue. The Enforcement Order that had been approved for issuance at the March 11, 2011 meeting was circulated for signatures.

**8:30 p.m. (DEP 125-0893) Notice of Intent, Continued Hearing**

**Applicant: The Rachel Webster Elliott Trust – 2004, Continued Hearing**

**Project Location: 291 River Road, Map 1 Parcels1, 1A, 1B, 3, 3B**

**Project: Common Driveway project within 100-foot Buffer Zone of a Bordering Vegetated Wetland, within Bordering Vegetated Wetland and within the 100 & 200-foot Riverfront Area**

Guarino opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle local Wetlands Protection Bylaw. Present for the hearing were George Dimakarakos of Stamski

and McNary and property owners Maris and Elizabeth Platias. Abutter Fontaine Richardson of 121 Skelton Road was also present. It was noted for the record that, although Tom Brownrigg was not present for the previous hearing held on January 27, 2011, he affirmed that he had reviewed a transcript of the testimony by signing an affidavit acknowledging so. No objections were raised.

Dimarakakos reported that the most recent iteration of the Common Driveway Plan dated March 22, 2011 has been accepted by the Planning Board's Peer Reviewer Steve Ventresca of Nitsch Engineering. Final revisions were based on comments received during public hearings with the Planning Board and the Conservation Commission, as well as on recommendations received from the Fire Department. All changes were outlined in a letter to the Planning Board dated March 22, 2011, a copy of which was included in the meeting material.

Although there were additional no questions or comments from the Commission relative to the revised Plan, Willard expressed concern about potential damage to the stream bank associated with the stream crossing construction process. She noted that the NOI stated that the stream bank would not be disturbed during construction of the stream crossing; however she had concerns that the construction details may require closer scrutiny in order to minimize potential damage. Dimarakakos suggested that Willard be involved in the development of the Construction Management Plan and also included in all pre-construction meetings. He noted that the CMP would be developed once a contractor has been selected in order derive input from individuals actually undertaking the work. The Commission determined that they would include these requirements in the Special Conditions. At Brownrigg's request, there will also be a Special Condition relative to relocating a decaying tree outside of the construction area in order to retain its intrinsic wildlife habitat value.

Elizabeth Platias recalled playing in the stream as a child and expressed her long time appreciation of the sharp edges of the brook, thanking the Commission for their sensitivity to the issue of protecting the bank. She also noted that the Plan for three house lots that is currently under review by the Commission is a low impact on the town in comparison to the Plan for 23 house lots had been developed by Stamski and McNary as one point in time.

Being that there were no further questions or comments, Guarino asked the Commission to consider closing the hearing and beginning the process of drafting the Orders of Conditions. Willard noted that there would be an issue with the requirement that the OOCs be issued within 21 days of the close of the hearing, being that the next meeting was scheduled for April 14. With the representative's permission to waive the 21-day requirement, the hearing was continued to April 14, 2011 at 8:30 p.m., at which time the Commission will determine a Finding on the Alternatives Analysis and review the draft OOCs.

*Burn moved to close the hearing for DEP #125-0893, Ascolillo seconded and all attending voted in favor.*

**9:00 p.m. Benfield Land - Gravel Access:** Steve Hinton was present to request permission to establish a 12' x 40' temporary gravel parking area in order to provide improved access to the field adjacent to the recently constructed boardwalk and platform on Spencer Brook. He reported that the existing parking off the roadway is inadequate and muddy conditions are causing erosion issues. Willard reported having consulted with DEP Wetlands Reviewer Gary Bogue relative to the request, as it would involve work that would alter the existing wetland resource area that exists on a portion of the roadway right of way. She reported having received DEP approval and the Commission authorized Hinton to proceed with the project.

**Plan Change Request: DEP #125-0806 Chestnut Estates Boundary Monuments:** George Dimarakakos of Stamski and McNary was present to request a change in the specifications for the markers used to delineate the boundary between private and town-owned land. The existing Plan calls for the provision of 7' long by 4" square granite bounds with a 3.5' reveal. The change would allow using 4' long by 4" square bounds with an 18" reveal, citing cost and logistical challenges associated with the originally proposed bounds. It was noted that the substitute specifications were approved by the Commission for use in similar applications for the Greystone Crossing and Hanover Hill development permits. *Burn moved to accept the Plan Change Request, Ascolillo seconded and all attending voted in favor.*

**Community Preservation Act Letter:** The Commission approved the final draft of a letter for publication in the *Carlisle Mosquito* voicing their support of the CPA surcharge and urging residents to vote to preserve the CPA at the upcoming Special Town Meeting. *Brownrigg moved to approve the letter representing the Commission's support of the CPA to be published in the Carlisle Mosquito; Burn seconded the motion. Guarino moved to amend the motion by changing the wording of the letter to show the Commission's 4-1 vote in support of preserving the CPA; Burn seconded the amendment and all attending voted in favor of the amended motion.*

**Buffer Zone Memorandum Review:** Tom Brownrigg requested time on an upcoming agenda to discuss his research on the values of vegetated buffer zones in protecting wetlands. He noted that he had provided the commission with a report of his preliminary findings along these lines in 2009, but is now in the process of consolidating the report. He will be distributing a revised version prior to the next meeting, at which time he hopes the Commission will utilize his findings in giving consideration to the establishment of a consistent, written policy with regard to Buffer Zone restrictions.

**Town Tax-title Lands:** The BOS has requested that the Commission give consideration to future disposition of land parcels taken by the Town for non payment of taxes, as the Planning Board and Affordable Housing Committee have not expressed any interest in assuming responsibility for the parcels. The topic will be included in a future agenda to allow time for the Land Stewardship Committee to provide their recommendations on the parcels.

**Benfield Superseding Order of Conditions (SOC):** Willard announced having received the Superseding Order of Conditions issued by the DEP and subsequent to an appeal of the Orders of Conditions issued by the Commission.

**Carlisle Public School Project Update:** (1) *DEP Stormwater Mgt Workshop:* ConsCom will be Co-sponsoring a MACC workshop for regulators and inspectors on soil erosion and sediment control at the CPS project site in May (2) Willard reported having attended a CPS *Preconstruction Meeting* today. She noted that although the project area is not within the Commission's direct jurisdiction, the work associated with the project could impact wetlands if erosion controls should fail.

**Great Brook Farm State Park:** Brownrigg reported having recently attended a public meeting on the GBFSP Interpretative Plan, encouraging members of the Commission to provide input prior to the end of the comment period on April 23, 2011.

9:40 p.m. *Brownrigg moved to adjourn, Burn seconded and all attending voted in favor.*

Respectfully submitted,  
Mary Hopkins

#### **DOCUMENT REGISTER**

1. Letter to *Carlisle*
2. *Mosquito* dated March 24, 2011 conveying the Commission's support of retaining CPA funding in Carlisle
3. Overall site plan of Benfield Farms Senior Housing Development depicting proposed gravel access area submitted 3/24/11
4. Email from Gary Bogue/DEP dated March 24, 2011 giving approval of request to use gravel to stabilize access area to viewing platform
5. Photographs of Proposed Elliott Farms Development stream crossing
6. Individual Driveway layout PI an dated December 2, 2010: presented as an alternative
7. Common Driveway Special Permit Plan for Elliott Farms revised March 22, 2011