

Carlisle Conservation Commission
January 10, 2019
Minutes

Pursuant to the notice filed with the Town Clerk, Chair Angie Verge called the meeting to order in the Clark Room at the Town Hall at 7:04 p.m. Also present were Vice Chair Melinda Lindquist, Commissioners Ken Belitz, Steve Smith and Helen Young. Commissioners Lee Tatistcheff and Dan Wells were not present.

Certificates of Compliance:

(DEP 125-0983) 41 Skelton Road: Removal of an existing single-family home and pool and construction of a new home with associated site work within the Riverfront Area and within the 100-Buffer Zone of a Bordering Vegetated Wetland (BVW); Issued: 8/19/2011

Willard reported the project had been completed in accordance with the original Order of Conditions and the Amended Order of Conditions. *Verge requested a motion to issue a Certificate of Compliance for DEP 125-0983. The motion was moved by Lindquist, seconded by Young and all voted in favor.*

(DEP 125-0974) 100 Long Ridge Road: work associated with construction of a private road, tree removal, installation of stormwater management, drinking water wells, utilities, four single family homes and grading; issued: 10/14/15

Willard stated this project was never undertaken and the applicant has requested that the Order of Conditions be closed out accordingly. She noted this project was replaced with a different development project with all proposed work located outside of the 100-foot Buffer Zone and all other jurisdictional areas.

Verge requested a motion to issue a Certificate of Compliance for DEP #125-0974 as an invalid Order of Conditions. The motion was moved by Lindquist, seconded by Belitz and all voted in favor.

Emergency Certification:

40 Kibby Place; Owner: Dawna Paton; Project: Tree removal within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Willard reported the property owner had consulted with an arborist who recommended a tall, large diameter, double-topped white pine should be removed since it posed a significant hazard due to its close proximity to the home. The tree has been cut under an Emergency Certificate issued by the Administrator, with a pedestal/totem left for wildlife habitat. *Verge requested a motion to ratify the Emergency Certificate previously issued for the removal of one white pine tree located at approximately 30 feet from the home at 40 Kibby Place. The motion was moved by Lindquist, seconded by Smith and all voted in favor.*

Conservation Land Use Permit: *Verge requested a motion to issue a Land Use permit to Marlies Henderson of the Billerica Conservation Commission to lead a hike from the Greenough Conservation Land Barn to Foss Farm for the **Hike Beautiful Billerica Outing Group** on Saturday, January 12, 2019 from 9:30 a.m. to 12:30 p.m. The motion was moved by Lindquist, seconded by Young and all voted in favor.*

FY20 Budget Update: Verge reported she and Willard have been in communications with the Personnel Committee, the Board of Selectmen and the Finance Committee regarding the Commission's FY20 staffing requests. She said she has been asked by the Finance Committee to obtain approval from the Board of Selectmen for the increase in hours before meeting with them to discuss funding requirements.

With regard to the Commission's request that the position be considered for regrading, Verge said the proposal includes changes to the position description and position title in order to better reflect the requirements of the position that have changed in line with the needs of the town and are now much greater than those of an administrative assistant position. She noted the current administrative assistant has been doing the work for some time and an increase in grade level to Grade 6 had been attempted by the Commission last year unsuccessfully. She

said this may have been due to the fact that the matrix may not have been presented accurately and the process is now better understood. Willard said it was not necessarily clear as to what the Personnel Committee was looking for and there is now a better understanding of those requirements after having recently met with Town Administrator/Personnel Director Tim Goddard, who has expressed his support for the changes.

Verge asked if the Commission had any suggested edits to the proposed revised position description. Lindquist said the draft had not been included in the meeting materials and requested an electronic copy. Verge said she and Willard are scheduled to meet with the BOS on January 22 to discuss the requests, but the meeting was rescheduled to January 29 and the hope is that it is not too late to meet FinCom staffing request deadlines.

7:15 p.m. (DEP 125-1060) Notice of Intent, Continued Hearing
Applicant: Darryl Forgione/Mass Dept of Conservation and Recreation
Project Location: Lowell Street, Map 32, Parcel 13, Lot 0 (Manseau House)
Project: Demolition of Structures and Culvert Replacement

Senior Wetland Scientist Michele Simoneaux of GZA GeoEnvironmental, Inc. and Stormwater Management Specialist Tom Valton of the Mass Department of Conservation and Recreation (DCR) were present to discuss the three projects being proposed within Great Brook Farm State Park (GBFSP).

Simoneaux provided an overview of the site and the areas of proposed work within the park. The work is proposed in three different locations within the park - two involve removal of two structures that are unsafe and the other is replacement of a collapsed culvert to bring it into compliance with Massachusetts River and Stream Crossing Standards, to the maximum extent possible, for the safety of the public as follows:

Manseau House - Lowell Road: BVW, which is part of a large wooded swamp system, exists adjacent to the Manseau House. BVW in the area immediately to the south/southeast of the Manseau House is shrub-dominated in the outer zones and herbaceous-dominated swamp in the center, characterized by an open condition with lots of herbaceous growth, with a zone of shrubs and trees on the periphery. The work associated with the demolition of the Manseau House is solely within the 100-foot Buffer Zone.

Old Boat House located on the Pine Point Loop: DCR is proposing to demolish this one-story wood frame structure which has collapsed. In the immediate area and within the footprint of the boat house, River Meadow Brook, a perennial river, flows north to south adjacent to the project area. Proposed work will include removal of the structure and any foundation that may be found. No environmental survey has been completed and the building is considered too dangerous to enter. Following the demolition of the structure and removal of debris, final surfaces will be loamed and seeded, with final grades to meet existing contours. Ultimately the site will naturalize to pre-structure conditions.

When requested clarification on what is referred to as "common fill" on the plan, Valton said they would be using all natural, unprocessed fill, with no asphalt, brick or concrete (ABC) material. He estimates the timeline for the demolition process should take no more than one week. A dumpster will be placed on site up by the roadway prior to the start of work for easy access. Tree removal/pruning will be limited to white pine saplings as needed for equipment access. The Pine Point Loop will be closed to the public for the duration of the projects. Willard noted the plan refers to "compost filter sock" and asked whether this includes siltation fabric as well. Simoneaux said they are proposing filter sock only because soil disturbance will be minimal, and the work area is relatively flat. Details relative to proposed construction practices, construction sequencing, site stabilization and restoration activities, were also provided.

Collapsed Culvert at Pine Point Loop: River Meadow Brook, a perennial river, flows directly through the project area, bifurcates approximately 215 feet upstream of the culvert under the access road, and has a vegetated island separating the two main branches of flow with an upland and BVW. The existing culvert is a 48-inch diameter

corrugated metal pipe (CMP) which conveys flows for Great Meadow Brook, a perennial stream, under an access Pine Loop Trail to the pond/wetland system located immediately downstream of the gravel road. The culvert is partially collapsed and mostly submerged during normal flow conditions and as a result the conveyance capacity of the culvert is limited under current conditions. A second, approximately 16-inch CMP culvert located approximately 215 feet to the west of the main culvert also provides limited conveyance capacity and appears to be functional other than woody debris obstructing the inlet.

The collapsed culvert will be replaced with a closed-bottom, precast concrete box culvert with dimensions of 8-feet wide by 6-feet tall. This size will facilitate the placement of 24 inches of stream substrate material in the bottom of the culvert to match existing stream substrate grades while maintaining a minimum effective opening for hydraulic capacity. The existing stone masonry headwalls will be removed and replaced with pre-cast concrete wing walls on the ends of both sides of the culvert. The new headwalls will be faced using stone material recovered from the existing masonry walls. The timeline for completing the project is estimated at 3 - 4 weeks.

Simoneaux provided details relative to proposed construction practices, construction sequencing, site stabilization and restoration activities, and erosion control measures: cofferdams will be placed upstream and downstream of the culvert; flow will be diverted through the existing 16-inch CMP culvert with possible additional, temporary supplemental water control measures. Proposed work for the culvert replacement includes establishment of a staging area, tree cutting and vegetation pruning, establishment of water diversion controls, removal of the existing failed culvert and placement of the new concrete box culvert. Work will be performed within a constructed temporary cofferdam within River Meadow Brook. Measures proposed to control down and upstream flows include temporary water control structures and turbidity curtains to control sedimentation downstream. Contractor monitoring activities will include monitoring of upstream water elevation and, if determined necessary, the contractor may excavate a bypass trench across the road and install a temporary bypass culvert to provide additional bypass capacity. The contractor may also utilize additional water conveyance items such as pumps or siphons if determined necessary to prevent upstream water elevations from overtopping the roadway and construction work areas. In conclusion, Simoneaux stated that from an ecological habitat enhancement perspective this project will result in an improvement for wildlife.

At the conclusion of the of the presentation, Belitz asked if they anticipate water will pond up behind the culvert since they will be filling it with two feet of sediment. Valton explained the culvert will be placed at two feet below the natural stream bed and they will bring it up with two feet of stream substrate material. Simoneaux noted they have also included scour protection and said that from an ecological standpoint this will be an enhancement for fish passage and for wildlife. Verge inquired about the potential downstream impacts of the increase in water flow due to the increase in the size of the culvert. Simoneaux said the replacement culvert was sized to convey the 10-year and 24-hour storm without overtopping the Pine Point Loop Trail/Access Road. She said they did a more robust analysis of the model used for this project after being asked to look at potential downstream flooding concerns such as those that occurred in 2010. She said it is now her understanding from consulting with the project engineers that North Road will not be overtopped any more than it is currently overtopped, and more water will be diverted through the culvert instead of over the road. Additionally, 2010 Flood seems more like a 25-year flood and was certainly not representative of a typical flooding situation in this system. Belitz noted that the flat bottom culvert has a broad horizontal surface which take a lot of energy from the flow of water through friction and will also have a larger carrying capacity than the existing structure.

Verge asked if there were additional questions or comments. Willard asked if they had completed a Stormwater Pollution Prevention Plan (SWPPP). Simoneaux said the project did not trigger the threshold for a Construction General Permit or a SWPPP since there is less than an acre of disturbance. Willard requested that the Commission be provided with contact information for all contractors responsible for doing the work and recommended the OOCs include the requirement that an on-site meeting be scheduled with site contractors prior to the start of construction. She also requested inclusion of a Special Condition requiring the submission of a revised plan for any unexpected deviations from the plan.

With no further comments, *Verge requested a motion to close the hearing for DEP #125-1060. The motion was moved by Lindquist, seconded by Smith and all voted in favor. Verge requested a motion to issue a Standard Order of Conditions with the following Special Conditions: (1) the Commission shall be provided with the name and contact information of the contractors responsible for undertaking this project once the selection process has been completed; (2) a preconstruction meeting shall occur including the contractor, the project's wetlands consultant and a representative of the Commission shall meet on the three project sites to review the construction sequencing of each project permitted under this Order of Conditions; (3) the Commission must be informed once the siltation barriers included in the plan have been installed and no work shall begin prior to approval of the installation by the Commission or its agent; in addition to the specified row of compost filter sock of at least one foot in diameter and secured by stakes, set no farther than 10 feet apart, the applicant must also install and entrench filter fabric behind and against said compost filter sock to further prevent sedimentation of the Resource Area; no plastic mesh straw wattles shall be used on the site; (4) a revised plan must be submitted for approval in advance of any plan deviations. The motion was moved by Lindquist, seconded by Smith and all voted in favor.*

7:56 p.m. (DEP 125-1061) Notice of Intent, Continued hearing

Applicant: John Nelson

Project Location: Skelton Road, Map 1, Parcel 1 Lot 7 River Road

Project Description: Paving of common driveway and any minor associated grading within the 100-foot Buffer zone of A Bordering Vegetated Wetland and the 200-foot Riverfront Area

Verge opened the hearing for DEP #125-1061 under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw and requested a motion to continue the hearing at the representative's request to January 24, 2019 at 7:15 p.m. The motion was moved by Smith seconded by Lindquist and all voted.

Certificates of Compliance:

(DEP 125-468) 92 Kimball Road: Former Owner: Michael Davin; Project: Construction of a portion of a house and grading to occur within the 100-foot Buffer Zone of a BVW; Issued: 4/29/1997

Verge noted that at the previous meeting the Commission deferred the issuance of the COC pending modifications to a chain link fence in accordance with the regulations governing fencing installed within the 100-foot Buffer Zone for it to be considered an Exempt Activity. In this case, the fencing was installed by the previous owner of the property, was not on the Plan of Record for the project and was determined to create a barrier to wildlife movement. Due to the passage of time, it is also unknown whether erosion controls were installed during installation of the fencing.

Present for the discussion was the new property owner, Elizabeth DeVincent, who said they have decided they want to remove the fencing because there have been numerous instances where deer and other larger animals have been trapped within the fencing enclosure. Verge asked if the fence posts were set in concrete. DeVincent said she did not know how they were installed. Verge recommended the best time to do the removal if the fencing was set in deep concrete footings is when the ground is frozen.

DeVincent said their concern is that when they purchased the property this past August, there were two outstanding Orders of Conditions for which they gave the previous owners 90 days to resolve after the sale. Willard explained that part of the delay was due to the fact that the original Order of Conditions (OOCs) required permanent bounds along a Conservation Restriction on the property. The Commission was notified during the fall that the bounds had been installed and a plot plan was provided showing the location of the fencing.

Since the current property owners have decided they want the fencing removed, the Commission requested they provide the office with the date the fencing is scheduled to be removed so the owners can be provided in advance of that date with specific procedures that must be followed to protect the buffer zone and resource area. Once this process has been completed the issuance of a COC can be completed.

Conservation Restriction (CR) Violation - Tree Removal on Rockstrom Conservation Land CR #52, School Street: Verge reported recently visiting the site with Conservation Monitoring Specialist Sally Naser of The Trustees of Reservations (TTOR), the designated holder of the CR that is owned by the Town of Carlisle, in order to evaluate and document the extent of the unpermitted tree removal. Upon their inspection they observed that 6 to 7 trees had been freshly cut within multiple Wetlands Protection Act jurisdictions, including the 100-foot Buffer Zone, the 200-foot Riverfront Area for Spencer Brook, Bordering Land Subject to Flooding and the Bordering Vegetated Wetland resource area itself. Since multiple private properties appear to have been affected through their frontage on School Street by this tree cutting, the Commission sent letters to these abutters requesting their presence at tonight's meeting.

Present for the discussion were Steve Herbst and Linda Johnston of 605 School Street, who had responded to the Commission's request that they attend the meeting. Mr. Herbst said he had previously had a vague idea that he could not just cut whatever he wanted, but the letter from the Commission made it clear to him that what he had done was to violate some restrictions. He said the motivation behind the tree cutting was not destruction or profit. He explained that when they had purchased the property 20 years ago, they were aware that the previous owners had been maintaining a vista by regularly trimming trees to preserve the open view of the wetlands. He said that view was precious to them as well and after 20 years they realized it was beginning to fill in and they would soon be looking at a wall of trees. He apologized, saying he had no excuse for violating the restrictions, and said that they were ready to comply with any penalties and have any work done that is required to make this right.

Verge thanked the residents for coming to the meeting and for being honest with the Commission. She said that while the Commission can understand his wanting to enjoy the vista, it is not the Herbst's property. She explained that the trees served a very important function for wildlife habitat - for the wetland and for the species that exist within the entire ecosystem, noting the trees and root structure also hold the soil together. She noted the fact that the area of cutting is located on a steep slope and the trees were felled into the wetland, which can impact stream flow and wildlife movement.

Verge said the Commission will require some remediation/restoration for what was removed. Lindquist asked the property owners if they knew where their property boundaries are located, noting the Commission often encounters situations where this is not the case. Mr. Herbst said he knew only that the land had been often divided into three lots at some point. Verge said the first step will be to have the land surveyed in order to install permanent boundary markers between the private property and the protected land prior to undertaking the following restoration work. She said Commissioner Wells, who was not able to attend the meeting, has recommended planting of (6) two-inch caliper, straight-species Red maple trees and (6) straight species each of Winterberry and Sweet Pepperbush - both a minimum of two-to-three feet in height.

Birch Farm Trail Easement: Grantor, Jeffrey Brem, 100 Long Ridge Road: Developer Jeffrey Brem of Lifetime Green Homes, LLC/Meisner Brem Corporation was present to request the Commission's acceptance of a Conservation and Trail Easement identified on the Master Site and Easement Plan as "Restricted Land over the fifteen foot-wide conservation trail areas shown on said Plan as the 15' Wide Pedestrian Trail Easement and "Limited Use Area - 15' Wide Pedestrian Trail Easement".

Brem explained the easement must be accepted by the Conservation Commission and then approved by the Board of Selectmen for recording at the Registry of Deeds prior to the issuance of a building permit for the Birch Farm Development located at 100 Long Ridge Road, as required by the ZBA Variance granted for this development. Brem noted they are proposing three easements on the plan including a drainage easement, a fire cistern easement, and a trail easement.

Verge requested a motion to accept the Conservation and Trail Easement as proposed on the Master Condominium Site Plan and Easement Plan for Birch Farm. The motion was moved by Belitz, seconded by Smith and all voted in favor.

Project Updates:

162 Nowell Farme Road - ATF NOI Submission Pending: Willard had no update since her report at the previous meeting that she had attempted to contact the property owner to obtain permission to check the wetlands delineation but continues to have no response.

81 Russell Street/Garrison Place - Excavating/temporary stockpiling for compensatory storage outside parameters within the Superseding Order of Conditions: Willard reported work has occurred within the Land Subject to Flooding resource area. This is in violation of one of the Special Conditions within the OOCs which specifically states that this work should be avoided during the late winter and spring flood time periods and should be undertaken at a time that allows for full stabilization of those areas prior to future flood events. She reported that once she became aware work had started, she immediately contacted the project engineer, the property manager, the wetland scientist and MassDEP to inform them of the incursion. Efforts to stabilize the area since that time include hydro seeding with a tackifier, although Willard said she did not know what was used for seeding and is not sure if it will become established submerged in water. She also noted the field area that was deeded to the Commission is now rutted from heavy truck traffic crossing for access, also outside of the specified time parameters. The Commission will reevaluate the site in the spring to determine whether remediation measures will be required.

Fire Station Projects:

Communication's Tower: Willard reported the site contractor did not contact the office prior to beginning the project as required by the OOCs. Once she became aware that work had started, she conducted a site inspection and found that no erosion controls had been installed. This was rectified the next day following an onsite meeting with the site contractor during which she confirmed that all project requirements were now understood.

Fuel Tank Removal: Willard said work began within days of the start of work on the communications tower and erosion control materials are being shared between the two projects. She reported receiving notification that testing has revealed contamination of groundwater above allowable levels. She noted the contaminated area is upslope and within 400-500 feet of a certified vernal pool. Smith said he recalled they had indicated during the hearing process that testing was done on a regular basis and there were no issues. Willard said actions are being taken to address the legal requirements that must be followed by the town as a result of this discovery.

Belitz requested the Commission should be informed of what contaminants were found and he suggested requesting that the vernal pool should be tested for contaminants as well. Willard will convey the Commission's concerns to Town Administrator Tim Goddard.

Community Preservation Act Applications:

Greenough Dam Repair: *Verge requested a motion to approve submittal of a CPA grant application for Greenough Dam Repair funding as a back-up to the application to the state's Environmental Bond Bill. The motion was moved by Lindquist, seconded by Smith and all voted in favor.* The application will be submitted under both the historic preservation and the recreation funding categories under CPA funding.

Open Space and Recreation Plan: *Verge requested a motion to approve submittal of a grant CPA application for funding of the Open Space and Recreation Plan revision project. The motion was moved by Lindquist, seconded by Young and all voted in favor.*

Committee Liaison Reports:

Deer Committee: ConsCom liaison Steve Smith reported the committee reviewed the final draft report on the hunt at their January 3, 2019 meeting and members voted unanimously to approve and submit the report. The Deer Committee also voted in favor of recommending to the BOS that an article for continuing the Deer Hunt be placed

on the Town Meeting Warrant. Smith reported several comments were made by members of the public relative to the hunt including: the Conservation Administrative Assistant spent a considerable amount of time providing support that was not reported/funded, estimated at a minimum of 60 hours; stated opposition to the hunt for philosophical and safety reasons; objected to the use of trail cameras for months before the start of the hunting season; suggested hunters should be removed from the hunt if established rules are violated; suggested the Deer Agent should know precisely where deer stands are located; voiced concern relative to a conflict of interest with the Deer Agent being involved in the deer hunt.

Belitz said he personally would have a privacy concern regarding the cameras, with the broader issue about placing cameras in public places without people's knowledge. He said the person responsible for regulating others is a possible conflict of interest when they participate in the activity that is being regulated. Smith noted this year's hunt was a pilot study and a valuable learning experience. Verge said she was personally supportive of having the issue brought to Town Meeting through a Warrant Article.

Cranberry Bog Working Group: Co-chair Lindquist said the committee is in preparations for their next meeting scheduled for January 28, 2019. Co-chair Belitz said they have two tracks they are working to fully develop - conservation and agriculture. He noted that they are also looking at revising the reporting requirements of the Cranberry Bog Maintenance Agreement going forward to include itemized identification of specific maintenance activities with the requirement that the Conservation Administrator be notified before and after maintenance work is carried out. Lindquist said the purpose of these expanded reporting requirements is to provide an itemized log of what was done at the end of the year. Verge asked if the current agreement document itemizes what tasks are included. Willard said it includes what could be done but does not require that all work is actually done. Willard said she would review the maintenance agreement that is currently in place and look at potential changes.

9:40 p.m. With no further business, Verge requested a motion to adjourn. Motion was moved by Lindquist, seconded by Belitz and all voted in favor.

Respectfully submitted,
Mary Hopkins
Administrative Assistant