

Carlisle Conservation Commission
January 25, 2018
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 7:00 p.m. Also present were Vice Chair Melinda Lindquist, Commissioners Tom Brownrigg, Lee Tatistcheff, Dan Wells and Helen Young, and Conservation Administrator Sylvia Willard. Commissioner Ken Belitz was not present.

Comcast - Review of 63 Carleton Road/ Comcast Installation for Administrative Approval:

The proposed project includes the installation of approximately 650-feet of underground conduit within a trench, including 400 feet located within the 100-foot Buffer Zone of a Bordering Vegetated Wetland (BVW) under an unpaved driveway in order to provide service to the residence. An estimated three days of work will be required to complete the project, during which time no equipment will be left on site during non-working hours.

David Flewelling of Comcast was present to request confirmation from the Commission that the proposed work is an Exempt Activity under the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.02.2, *Activities Subject to Regulation under M.G.L. c. 131, § 40*, and therefore does not require the filing of a Notice of Intent.

Verge said the Commission agrees the proposed work qualifies as a Minor Activity under Section I/Underground Utilities and the proposal would be acceptable as proposed once specific erosion control measures have been determined. Mr. Flewelling provided specifications for two potential erosion control options subject to the Commission's recommendations. He noted that of the two options, the Filtrexx® product would not require trenching and therefore would reduce potential disturbance within the Resource Area and is also the less expensive option. Verge asked if the cost differential is an appropriate factor for the Commission to take into consideration when making the determination. Tatistcheff said the Filtrexx® product appeared to be adequate as long as it doesn't pose a threat to wildlife. She noted the specification sheet submitted with the proposal did not indicate whether the material would be biodegradable or if it would need to be removed. Flewelling said many of the communities he has worked with have gone back and removed the material and in other cases it decomposes. Verge asked if the product was encased in plastic netting. Tatistcheff noted the specification sheet does not indicate the medium of the casing and does not state that it is biodegradable. Tatistcheff said the Commission wanted to ensure the casing does not have openings that could trap wildlife. Wells recommended work be restricted to daylight hours in order to avoid disturbance to migrating amphibians.

With no further questions or comments, *Verge requested a motion. Tatistcheff moved to confirm that the application submitted by Comcast for work at 63 Carleton Road represents a minor/ exempt activity and is in keeping with requirements, provided that Filtrexx® or other similarly appropriate erosion control is provided to the Administrator for approval and provided that the Administrator is notified prior to the start of work. The motion was seconded by Young and all voted in favor.*

Verge suggested the Commission establish a list of approved erosion control products that can be provided to applicants for reference in preparing submissions. The Commission agreed this was something that would be helpful to post on the ConsCom web page for reference. Wells, who is a Wetland Scientist by profession, said he would review some of his past projects and forward specifications that may be appropriate for this use.

7:15 p.m. (DOA-350) Request for Determination of Applicability, Continued Meeting

Applicant: Claude & Delaine Williamson, c/o Sharon Hays

Project Location: 24 Milne Cove Road

Project Description: Removal of 4 trees to access construction for a failed septic system. Three trees are within the Riverfront Area and the 100' Buffer Zone, one tree is within the 100-foot Buffer Zone and all trees are within Land Subject to Flooding

Verge opened the continued meeting under the Carlisle Wetlands Protection Bylaw.

Willard said she had visited the site and it appeared that some of the wetland flags may be located within the BVW itself and placed on top of yard waste/wetland fill. She said she later revisited the site with Commissioner Wells who agreed that the flags may be off by as much as twenty feet in some locations. Wells noted the areas in question meet the criteria for hydric soils and said wetland indicator plant species were also observed.

Willard and Wells have scheduled a site visit for January 29 in order to reevaluate the proposed delineations on site with the wetlands consultant, David Crossman of B & C Associates.

Verge requested a motion to continue the meeting for DOA-350 to February 8, 2018 at 7:15 p.m. at the representative's request. The motion was moved by Lindquist, seconded by Tatistcheff and all voted in favor.

Certificates of Compliance:

(DEP 125-0942) 155 Woodridge Road; Owner: Brian Wells; Project: Construction of a garage/workshop addition and associated grading and utilities; Issued: 8/9/2013.

Willard said this Order of Conditions was issued for a garage/workshop addition to a home that was constructed by a previous, but fairly recent, owner. During the hearing process a large hardscape patio was discovered on the property that was located on the edge of an existing pond. This work had not been included in any previous filings and was therefore added to the plan and subsequently permitted. Willard said she had visited the site recently and found that the project appears to have been completed in accordance with the Order of Conditions and the Plan of Record and is now satisfactorily stabilized.

Tatistcheff moved to issue a Certificate of Compliance for DEP 125-0942, Wells seconded the motion and all voted in favor.

Project Updates:

- **81 Russell Street:** Willard reported she visited the site recently and found the erosion control measures are in good condition. She said the driveway was paved during the fall and there has been no additional activity since that time.

- **570 West Street:** Willard said she recently met with the construction foreman at the site to address erosion concerns prior to an upcoming rain event in an area where large piles of soil had been located where the newly constructed driveway meets West Street. She reported the erosion controls have since been installed and this area is now satisfactorily stabilized.

- **267 Rutland Street/Arrowhead Lane:** Willard reported finding erosion control measures were operating satisfactorily and she found no evidence of the poor fill that she had observed previously. She noted the documented Vernal Pool that had been dry during the previous fall is now full of water. She reported she is actively working with Town counsel regarding the transfer of the two parcels of land being donated to the Conservation Commission by the developer.

7:30 p.m. (DEP 125-1026) Notice of Intent, Continued Hearing

Applicant: Stacy Scott

Project Location: 48 Bingham Road - Lot 1

Project Description: Filling 278 +/- SF of Bordering Vegetated Wetland to allow a driveway crossing serving a single-family dwelling, portions of the proposed driveway, construction of a single-family home, grading and installation of components, conduits for a septic system

(DEP 125-1025) Notice of Intent, Continued Hearing

Applicant: Stacy Scott

Project Location: 48 Bingham Road - Lot 2

Project Description: Installation of a private water supply well and a septic repair for an existing single-family home with work including a wetland crossing with a temporary wetland alteration and grading within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Verge opened the hearings for DEP #125-1025 and DEP #125-1026 under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw.

The draft Orders of Conditions for these projects had been provided to the Commission in the mailing and the revised redline documents that had since been edited for consistency were included in the meeting folders. It was noted that Commissioner Lindquist has listened to the digital recording of the opening hearing that she had missed to become eligible to participate in the votes and in order for the Commission to meet quorum requirements.

48 Bingham Road-Lot 1/DEP #125-1026:

The Commission conducted an in-depth review of the draft Special/Additional Conditions contained in Exhibit A, resulting in primarily grammatical and stylistic edits and also including content changes that will be incorporated into the final document. Upon completion of the review, *Verge requested a motion to close the hearing. Tatistcheff moved to close the hearing for DEP #125-1026, Lindquist seconded the motion and all voted in favor. Tatistcheff moved to issue a Standard Order of Conditions with Additional Conditions included in Exhibit A as discussed and amended. Lindquist seconded the motion and all voted in favor.*

48 Bingham Road-Lot 2/DEP #125-1025:

The Commission conducted an in-depth review of the draft Special/Additional Conditions contained in Exhibit A, resulting in primarily grammatical, stylistic and sequencing edits as well several substantive changes proposed by Brownrigg that were approved and will be incorporated into the final document. The Commission agreed to submit duplicate, grammatical edits approved for Lot 1 during the previous discussion in hard copy to Willard in the interest of saving time. Several additional substantive changes were recommended by Brownrigg and accepted by the Commission

Upon completion of the review, Verge requested a motion to close the hearing. Tatistcheff moved to close the hearing for DEP #125-1025, Lindquist seconded the motion and all voted in favor. Tatistcheff moved to issue a Standard Order of Conditions with Additional Conditions included in Exhibit A as discussed and amended. Lindquist seconded the motion and all voted in favor.

7:45 p.m. DEP 125-1042) Notice of Intent

Applicant: Nancy Weinstein & Robert Lieb

Project Location: 136 Hartwell Road

Project Description: Expansion of an existing driveway for a single family home, reconstruction of a brick sidewalk, and filling sinkholes and after-the-fact tree removal - all within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Verge opened the hearing under the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. This filing was submitted in accordance with the requirements of an Enforcement Order issued for unpermitted clearing, including removal of 25 trees located within the 100-foot Buffer Zone and the 100-Year Floodplain.

Daniel Gannon of Stamski and McNary presented the plan. In addition to requesting retroactive approval for the

unpermitted tree removal, they are also proposing landscaping /hardscaping work including expansion of the existing driveway and the removal of trees, brush, and invasive plants along the north side of the driveway. Also included in the proposal is the filling of existing sinkholes which, according to the property owners, have been increasing in depth over time. This work would be accomplished by digging out the holes to determine what is beneath them, removing any foreign materials, filling and restoring with six inches of loam and seeding. A siltation barrier is included along the north side of the driveway and along the limit of work in the area of the sinkholes to prevent indirect alteration of wetlands during construction.

Lindquist asked if the property owner would be permitted to fill in the sinkholes if they were determined to be located over an underground stream. Tatistcheff explained that underground streams are not considered Resource Areas under the Wetlands Protection Act and are therefore not subject to the regulations. Verge asked if they have a plant list that correlates with the proposed Landscape Plan in order to confirm no invasive plant species had been included. The property owner, Nancy Weinstein, who was present for the hearing, provided specifics on the plant species they will be incorporating into the plan and she confirmed there were no invasive plant species included in the proposal.

Wells asked if the Commission would be considering any mitigation requirements for the trees that were removed within close proximity to the wetland. Property owner, Robert Lieb, who was also present for the hearing, said most of the trees that were removed were either dead or damaged, with the exception of those that were located within close proximity to the house. Willard said she had been unable to review the proposed wetland delineation due to snow conditions so the hearing would need to be continued.

With no further comments or questions, *Verge requested a motion to continue the hearing for DEP #125-1042 to February 8, 2018 at 7:15 p.m. The motion was moved by Tatistcheff, seconded by Lindquist and all voted in favor.*

Draft Residential Open Space Community Rules and Regulations (ROSC):

Former Planning Board Chair and Carlisle Conservation Foundation (CCF) Board Member David Freedman was present to discuss the draft ROSC Special Permit Rules and Regulations for which he had led the process in drafting on behalf of the Planning Board. CCF will facilitate the development of 9.5 acres on Bedford Road/Woodward Land as an 18 unit ROSC, with the remainder of 32 acres going to the town as open space.

Freedman said the draft ROSC Rules and Regulations are based on the existing Senior Residential Open Space Community (SROSC) Special Permit Rules and Regulations and have been reviewed and approved by Town Counsel. Freedman said he wanted to give the Commission the opportunity to discuss questions they may have regarding the document, in particular with regard to the open space component and associated provisions.

Freedman noted both the SROSC and the ROSC require a Proof Plan showing the number of units that can be done conventionally and that plan is the basis upon which the number of units that can be done under a cluster development is calculated. He said the Proof Plan does not have to be 100 percent buildable but it does have to be a plan that would be likely approved by the Conservation Commission and the Board of Health. Since the ROSC application would be submitted through the Planning Board, it would be assumed that the Planning Board Administrator would make that determination and consult with the Conservation Administrator to confirm. He said the Planning Board fully understands that the whole point of this type of development is protection of and conservation of open space.

Freedman said he had discussed the draft with Willard prior to tonight's discussion and she had noted that the draft Rules and Regulations allow the public water supply to be located on the open space, which may restrict recreational uses and land management and encumbers the space. Freedman recalled discussing this issue when the ROSC model was being presented to boards and committees. He said during that discussion it was explained that, given the open space requirements, there is no way a developer could make this model work if they would be required to locate the public water supply on the concentrated development parcel in addition to the dwellings and the septic.

He described the process for review of the proposed placement of the public water supply would require a recommendation from the Conservation Commission to the Planning Board as to whether the proposed placement was appropriate for the open space and the Planning Board would then consider the recommendation. He said this is a discretionary special permit and if a plan were presented to the Planning Board proposing the water supply well to be located within the open space in a way that would in the Commission's view make it so it is not valuable as open space, the Commission could present a case for further review by the Planning Board. He noted that the Commission's input would be limited in that as long as the open space, including the well, is still valuable as open space for agricultural, vista/buffer habitat, water bodies or historic significance ... then the applicant will have met the requirements. Freedman noted the permit could possibly include requirements in terms of maintenance responsibilities for the open space. Tatistcheff said in terms of who is responsible for the expense of maintaining open space, she was less concerned about that and more concerned about the value of the open space and that it is usable for recreational purposes by residents and not reserved exclusively for the water supply.

Willard asked Freedman if the Rules and Regulations encourage Low Impact Development (LID) standards. Freedman said the SROSC was developed before LID was a known term, therefore the ROSC Rules and Regulations which were modeled upon the SROSC do not specifically reference LID. Willard asked if there were any provisions regarding outdoor lighting that would coincide with the International Dark-Sky Association's recommendations, which work to reduce disturbance to nocturnal animals that sleep during the day and are active at night. Freedman said that is often being done without bylaw requirements since developers are aware of the need to use outdoor lighting wisely. With no further questions or comments, Verge thanked Freedman for providing the Commission with the additional information.

FY 19 Budget Update: The Personnel Committee meeting scheduled for last week was postponed to last evening. The Commission learned yesterday afternoon the meeting has now been postponed to next week, date yet to be determined. Willard said she continues to stay in communication with the Commission's FinCom Liaison, Victor Liang. She said she contacted him today and he is tentatively scheduling a meeting with FinCom on February 5 when the Commission could discuss their staffing requests. She said Liang has requested any record the Commission has regarding the Personnel Committee's approval last year of an increase to 35 hours per week for the Administrative Assistant position, since they did not have record of this decision. She said she was able to provide this documentation in an email that confirmed the decision the day after it was reached in 2017, which Liang said he then shared with FinCom because they were unaware of that decision. Liang said FinCom will discuss the request when they have a more complete look at the total budget including any additional priorities that have been raised post guidance.

Tatistcheff asked Willard if there were minutes from the meeting last year during which the Personnel Board approved the increase to 35 hours per week. Willard said the Personnel Board does not post minutes in the Town Clerk's office but in this case she was able to provide the adequate documentation. Tatistcheff said it was adequate for that purpose but it is not adequate for the public employees whose personnel matters are public and they have every right to see the record of Personnel Board deliberations.

Annual Town Report due Feb. 2: *Tatistcheff moved to authorize Chair Verge to review and approve the draft prepared by Willard since the Commission will not be meeting until after the February 2 deadline, Young seconded the motion and all voted in favor.*

Cranberry Bog Funding: Verge reported the Commission's Community Preservation Act Grant application for the funding of a new water supply well for the Cranberry Bog House was approved by Town Counsel, who has confirmed the application was appropriately classified under Historic Preservation. The application will still need approval by the Community Preservation Committee and will be discussed at their next meeting, date to be determined.

Minutes:

*Tatistcheff moved to approve the **Regular Session Minutes of 10/26/2017** as amended, Lindquist seconded the motion and all voted in favor.*

*Verge requested a motion to approve the **Executive Session Minutes of 10/26/2017** incorporating edits as provided. The motion was moved by Tatistcheff, seconded by Brownrigg and all voted in favor.*

9:55 p.m. With no further business, Verge requested a motion to adjourn. The motion was moved by Tatistcheff, seconded by Lindquist and all voted in favor.

Commissioner Tom Brownrigg said it was with mixed feelings that he is resigning and this was his last meeting as a member of the Conservation Commission. He told members he had enjoyed serving with them and he thought the Commission was a good mix of talents and interests. He said he would especially like to thank Sylvia and Mary for being fantastic administrators and that being a commissioner would be a lot more difficult without them. He said he would continue serving on the Conservation Restriction Advisory Committee and the Land Stewardship Committee. Thank you Tom for all of your important contributions to habitat protection and conservation during your many years of service on the Commission!!

Respectfully submitted,
Mary Hopkins
Conservation Administrative Assistant

DOCUMENTS SUBMITTED:
67 Carleton Road: Proposed erosion control specifications