

**Stow Conservation Commission
Minutes
April 16, 2024**

A meeting of the Stow Conservation Commission was held on April 16, 2024 at 7:30 pm remotely VIA Zoom Videoconferencing in accordance with the Governor's Executive Order on Remote Meeting participation.

There were present: Matt Styckiewicz, Chair
Holly Clack, Vice Chair
Liza Mattison
Ingeborg Hegemann Clark
Serena Furman
Jeff Saunders

Absent: Stephanie Lynch

Also Present: Kathy Sferra, Conservation Director

Minutes – *Holly Clack made a motion to approve the minutes of April 2, 2024 as written. Ingeborg Hegemann Clark seconded and the motion was approved unanimously. Holly Clack made a motion to approve the minutes of April 8, 2024 as written. Liza Mattison seconded and the motion was approved unanimously.*

Review/Approve Request for Permit Extension – Fire Fighting Academy – DEP #299-675 – A status of the work as requested was provided. The site is stable, but there was discussion about refreshing the erosion controls because they've degraded. Sferra recommend that they be required to reinstall the erosion controls before work begins again. Having no other issues, *Liza Mattison made a motion to grant a three-year extension. Holly Clack seconded and the motion was approved unanimously.*

Review/Approve Certificates of Compliance:

- **Joanne Drive Subdivision DEP #299-636** – Hegemann Clark said the as-built plan does not show the wetland, more work is needed, and the plan should be revised. It is not ready for a Certificate of Compliance.
- **98 Pine Point DEP #299-424** – *Liza Mattison made a motion to issue a Certificate of Compliance for 98 Pine Point. Holly Clack seconded and the motion was approved unanimously.*

Continued – Bruce Wheeler, Trustee, Cottages at Wandering Pond R.T. – Notice of Intent for 141-Unit Active Adult Community Development – DEP #299-734 – *Holly Clack made a motion to continue the public hearing without testimony to May 7, 2024 at or after 7:30 p.m. Liza Mattison seconded and the motion was approved unanimously.*

Greg Smith – 47 Gates Lane – Notice of Intent for Addition to Single Family Dwelling – Matt Styckiewicz read the hearing notice. An Enforcement Order (EO) was issued for work within the 35' no disturb buffer and 100' buffer without the filing of a Notice of Intent (NOI). Builder Greg Smith and homeowner Gary David were present. Smith said they were issued a building permit and started excavation on a 20'x26' addition. At the bottom hole inspection, Sferra was asked to look at the drainage and discovered a pond and associated wetland that was not mapped by DEP. Since the issuance of the EO, hay bales and silt fence have been installed and the material has been moved back 100' from the wetland.

A plan was submitted with a proposed restoration area and planting schedule within the 35' no disturb buffer. Styckiewicz asked if the restoration area was previously disturbed or natural bordering vegetated wetland. Smith said it was currently lawn area that goes up to the drainage pond, but it is proposed to be planted and remain untouched. Photos were shown. Styckiewicz said they're proposing a 1:1 square foot restoration planting for work in the 35' no disturb buffer, but the Commission typically looks for a 2:1 restoration. The Commission discussed the proposed restoration plan and the potential public benefit for work done and proposed in the 35' no disturb buffer. The Commission also discussed the potential for the planting area to be turned back into lawn and suggested that large rocks or a split rail fence could be installed.

David said the area by the proposed addition is very mossy and suggested if there is an expansion to the 1:1 restoration area that it would be the most suitable place. DEP issued a file number with comments about abutter notification which was received and suggested that the Commission may want to consider a split rail fence, boulders, signage, etc., to prevent further encroachment into the 35' no disturb buffer. The comments from DEP also noted that the plans should include a stockpile location. Sferra said they could hand sketch the area on the plan. The Commission also suggested a 1.5:1 planting ratio in the mossy area. *Jeff Saunders made a motion to close the public hearing for 47 Gates Lane. Liza Mattison seconded and the motion was approved unanimously.*

Continued – David Corey, Northeast Venture Group – 0 Maple Street Map R3, Parcels 28-17C and 28-18C – Abbreviated Notice of Resource Area Delineation – Dan Wells (LEC) was present to review the Abbreviated Notice of Resource Area Delineation (ANRAD). At the last meeting the Commission reviewed the wetland lines which were adjusted based on a site visit, and the Commission asked for an additional note on the outfall area of the culvert pipe to show that there was water in the area; that was done. Additionally, two abutters notified staff that the abutter notice included the wrong date and time. Staff requested the applicant to renotify abutters; they did. A DEP file number has been received as well as a letter from one of the abutters. The Commission asked about LEC's response to the letter submitted by Leslie Fulford commenting that the drainage might be coming from Stiles Farm Road, because it did not appear that it would during the Commission's review of the delineation. Wells said he 'presumed' it was related to when the road was connected but there were no visible culverts. Water does continue from the depression/flat area and goes into the swale.

Wells questioned DEP's comment that from a review of aerial images, the property may include additional wetland resource areas, bank and land under water body as seen along the western

property boundary. Wells reviewed the plans and confirmed the entire property was assessed for wetlands. He doesn't see any need to address it and said the Commission should consider noting it in any findings.

Leslie Fulford, 114 Maple Street, asked if there were any thoughts about the comment from the last meeting that the swale that runs along Styles Road may or may not be classified as an intermittent stream if it runs more than three months/year. She thinks it runs more than that. Sferra explained the different definitions under the Wetlands Protection Act and the Town's Wetland Bylaw. Fulford thought by the Town's definition it would be jurisdictional. The Commission explained the definition of a wetland as an area that maintains water at or within 20' of the surface and has hydric characteristics. Given that the swale is manmade and showed no hydric characteristics from a vegetative or soils point of view, the Commission interpreted that to mean it would not support standing water within those periods that would contribute to the development of the hydric characteristics. The Commission is of the opinion that it doesn't flow three months out of the year.

Sferra noted that groundwater levels in Stow are the highest they've been in 60 years with one exception. The Commission also noted that most of the swale is already within the 100' buffer and delineating it as an intermittent stream wouldn't protect much more of the property. Adam Fulford, 114 Maple Street, felt it could meet the three-month guideline. He asked if the non-jurisdictional drainage swale starves going forward, would it impact the downstream wetlands. The Commission explained that the Commission's goal is to avoid that from happening and the ANRAD is the first step in potentially developing the property. The Commission also noted that if the lot was developed, the entire area that collects the runoff from upgradient areas (121 Maple) would have to be directed away towards the wetland, increasing the amount of water in the wetland. Fulford said it appears water flows to the north from the holding area as well as to the south outside of the culvert. The Commission agreed that ditches have been dug, possibly with the intent to direct the flow, but are of the opinion that the manmade changes may have changed the wetland, but don't fall within the WPA definition of a Resource Area. *Serena Furman made a motion to close the public hearing for 0 Maple Street. Holly Clack seconded and the motion was approved unanimously.*

Decision – 47 Gates Lane – The Commission reviewed the draft decision. *Holly Clack made motion to issue the Order of Conditions for 47 Gates Lane as edited. Serena Furman seconded and the motion was approved unanimously.*

Decision – 0 Maple Street – The Commission reviewed the draft decision. *Serena Furman made a motion to issue the Order of Resource Area Delineation for 0 Maple Street as edited. Holly Clack seconded and the motion was approved unanimously.*

Review/Comment Lake Boon Dam Environmental Notification Form – Comments are due April 30th. There will be a virtual MEPA site visit which staff will attend. Sferra drafted a comment letter. She agrees with the consultant that there's nowhere that we can do wetland replication or mitigation on site. They looked at 4 offsite locations. Sferra put together a short list of possible offsite mitigation opportunities including making some improvements at the Lake Boon boat ramp to permanently

secure public access to the Assabet River at the Sudbury Road Bridge which is privately owned. On that parcel there's a lot of wetland and flood plain that could be protected. There could be a financial contribution to the Stow Acres wetland restoration effort. She would expect the other permitting agencies would want to see something given the amount of wetlands being altered for the project. Hegemann Clark noted that the Army Corps of Engineers prefers offsite mitigation. DEP doesn't have the legal authority to ask for offsite mitigation. Sferra said the project could be a limited project and mitigation may not be required. Sferra also expressed concern about the potential loss of fish habitat and recreational fishing access at the dam and would like to see that taken into consideration. Additional comments to be added to the letter include the timing of work, erosion controls, dewatering, invasives, and further explanation of fish habitat and recreational fishing access. Sferra will attend the virtual meeting before sending the letter. *Ingeborg Hegemann Clark made a motion to submit the letter as amended. Holly Clack seconded and the motion was approved unanimously.*

Staff and Commission Member Updates:

- From the ZBA meeting on April 8th, Mark O'Hagan (MCO & Associates) has peer review comments and will be attending the next ZBA meeting showing the list of changes they're considering which the ZBA will review. They were open to the Commission's comments; the earliest they will file with the Commission could be June.
- There is no meeting on April 30th; the next meeting is May 7th. An application is expected for 80 Boxborough and an ANRAD was received for Walcott Street.
- A complaint was received about work on Track Road, but it appears as though Rob Albright has only done his annual/semi-annual regrading of the road. However, there was one ditch that had standing water and a new culvert pipe was put in; it was draining silty water. Sferra will contact him.
- Sferra is working with BSC on the plans for the North Course of Stow Acres.
- An application has been received for the open seasonal Trail Steward position.
- The new gate is up at the Community Gardens.

At 9:30 PM, Holly Clack made a motion to adjourn. Serena Furman seconded and the motion was approved unanimously.

Respectfully submitted,
Melanie Rich, Minutes Clerk

Materials Used at Meeting

Meeting Packet

47 Gates Lane Site Visit photos and draft decision

0 Maple Street draft decision