

TO: Stow Conservation Commission
FROM: Kathy Sferra, Conservation Director
RE: Cottages at Wandering Pond Initial Project Review
DATE: October 2, 2023

Procedural Notes:

- 1) **Wetland Delineation** – The wetland delineation for this site was approved by the Conservation Commission on April 23, 2021. This delineation is valid for three years. A copy of the specific delineation findings is included in the application and was provided with the packet.
- 2) **Wells** – The Commission approved the installation of the water supply wells and issued an Order of Conditions for the project on 12/20/22. This work has not yet been done but I understand it is expected to begin imminently.
- 3) **Application Materials** – Due to the volume of information associated with this application, we have given you only the Notice of Intent narrative in your packet. The full submittal, including plans, a stormwater report, and pipe and weir sizing calculations can be found on our website at: <https://www.stow-ma.gov/conservation-commission/pages/wetland-permit-applications-and-plans-under-review>
- 4) **Planning Board Review** – The Planning Board is currently reviewing the project and has been since August of 2022. We have asked many times throughout the past year that the review with the Conservation Commission commence ASAP for coordination purposes. It is not unprecedented to have a joint hearing with the Planning Board on particular project issues if this is determined to be necessary. While the Planning Board has already spent quite a bit of time with this project, we recommend that decisions made to date not constrain your review of the project, if you believe that changes to the project design are needed.
- 5) **Site Visit Scheduling** – I recommend that following the hearing opening, you plan to schedule one or more site visits for the Commission.
- 6) **Peer Review** – I also recommend that following the hearing opening, you decide whether you would like to have the application peer reviewed and what the scope of the peer review should be. You must vote to undertake peer review if desired. Sue Carter has already been assisting the Planning Board with this project and has indicated her willingness to review for the Conservation Commission. My assumption is that this would be the most cost-effective approach for the applicant and the Town. The bylaw allows you to charge the applicant for up to \$2500 in peer review, after that we would need to pay any costs from our wetlands fund. This project paid \$15,000 into the wetland fund in fees, so there is money if we need it.

7) **Continuation** – You will need to continue the hearing to allow for the site visit and peer review (if any) and allow time for the applicant to respond to any comments. We should also keep in mind that we want all members to be available insofar as possible. Holly will miss the initial hearing, but can listen to the recording and participate.

8) **Non-Wetland Issues** – There are significant unresolved issues with regard to the proposed open space for the development and the ownership and protection measure. I have made recommendations as part of the Planning Board's review and the Open Space Committee and Stow Conservation Trust need to be involved.

Substantive Comments (Preliminary—This does not reflect a detailed technical review)

A. Riverfront Area:

1. There is no meaningful analysis of alternatives for the impacts in the Riverfront Area. An Alternatives Analysis should be done as required by 310 CMR 10.58. The scope of the alternatives analysis extends to "the original parcel and the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality." **The applicant should particularly look at alternatives for the non-roadway portions of the project that are located within the Riverfront Area including the dwelling units in RFA, proposed pool/playground amenities, as well as stormwater management basins.** Where else could these facilities be located on (or off) site that would reduce the impact on Riverfront Area?
2. Throughout the application there is reference to both degraded and disturbed areas. The regulations are specific as to the requirements for an area to be considered "degraded." There is no provision in the regulations for "disturbed" areas being treated differently than natural areas. The applicant should revise the calculations throughout the application and in the table on page 30, and reference either degraded (paved, buildings, gravel) and natural area impacts. This is particularly important given that almost all the clearing and past use of the site was done without the benefit of any permits and the site has an extensive Enforcement Order history. The Rivers Protection Act was passed in 1996, so the Commission would need to carefully consider any areas "degraded" after this time.
3. More detail should be provided in the application on the treatment of degraded riverfront areas intended for restoration. How will the functional values of these areas be restored?
4. A Wildlife Habitat Assessment is required due to the extent of impacts to Riverfront Area and has not been submitted.

B. Vernal Pools

5. The ORAD required that documentation with regard to the Vernal Pools on site be submitted to NHESP prior to the Notice of Intent filing. This does not appear to have been done.

C. Other Resource Area Impacts:

6. Overall it would be helpful to have a single table summarizing the impacts to resource areas on the site.
7. The discussion of impacts to resource areas is confusing in places. There are references to “temporary” fill for the Crossing 1 access road. But it appears that this is permanent fill which is being mitigated through replication. Similarly it is stated that there are no impacts to banks because the bank will be recreated inside the box culvert. If this is planned, more detail needs to be provided on how this will be accomplished.
8. The 314 If of bank impacts require a wildlife habitat assessment which has not been submitted as noted above.
9. The applicant should indicate how the floodplain (BLSF) line was identified on the ground and shown on the plan? Has this been field located or approximated from FEMA maps?
10. No waiver request has been submitted for work in the 35’ buffer. Work in the 35’ buffer should be detailed and mitigation will likely be required for any such work.
11. It is our understanding that Sandy Brook is a mapped cold water stream and should be referenced as such in the application. The application should address compliance with applicable standards from Mass. Division of Fisheries and Wildlife/Surface Water Quality Standards.

D. Stream Crossings:

12. Is it possible to design the second crossing to meet the stream crossing standards? The crossings were changed from pipes to box culverts at staff’s request however this brought them more in compliance, not less as is implied in the narrative.
13. The proposed “third crossing” has been designed with a weir and box culvert. Given that there is no plan to retain this roadway, why can’t the stream simply be daylighted and the banks restored? This is an intact natural system that was altered by an illegally placed beaver deceiver. Restoring this area to natural conditions would be a benefit.
14. Plans submitted to the Planning Board show a fourth crossing of the wetland system for a pedestrian trail. Can we confirm that this has been eliminated from the plans?