

**Stow Conservation Commission
Minutes
August 18, 2020**

A meeting of the Stow Conservation Commission was held on August 18, 2020 at 7:30 in the evening by remote Meeting VIA Zoom Videoconferencing in accordance with the Governors' Executive Order on Remote Meeting participation.

There were present: Jeff Saunders, Chair
Serena Furman, Vice-Chair
Andy Snow
Ingeborg Hegemann Clark
Matt Styckiewicz

Absent: Andy Bass
Doug Morse

comprising a quorum of the Commission

Also present: Kathy Sferra, Conservation Coordinator
Tom Porcher, Associate Member

Minutes: *Andy Snow made a motion to approve the minutes of August 4, 2020 as amended. Serena Furman seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.*

68 Pine Point – Steve Poole – As Built/Certificate of Compliance Request – Sferra, Tom Porcher and Serena Furman visited the site. Furman reviewed photos from the site visit and noted that the pieces of wall that had broken off and fallen into the lake had been removed. Furman also confirmed that the plantings were done within the swale. Sferra said she observed a six inch reveal of the retaining wall in the flood storage area. Sferra also confirmed that the as built plan was revised with the dimensions of the flood storage area. Sferra recommended issuance of the Certificate of Compliance (COC) noting that the request to make clear in the COC that the project was in compliance with the Order of Conditions as amended by the Enforcement Order. *Ingeborg Hegemann Clark made a motion to issue the Certificate of Compliance. Serena Furman seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.*

Discussion/Vote – Conservation Restriction Approval for South Acton Road Fire Pond Maintenance at Red Acre Woodlands – Sferra noted that at the last meeting the Commission discussed the South Acton Road Fire Pond maintenance and determined that the work would need to be approved by Stow Conservation Trust as owner. She reviewed the discussion at that meeting. Sferra confirmed that the Conservation Restriction (CR) for Red Acre Woodlands provides for maintenance of the fire pond but requires formal approval of the Conservation Commission, as grantee. Tom said that he thought he thought the tree cutting would be an improvement. *Andy Snow made a motion to allow the proposed maintenance work on the South Acton fire pond within the Conservation Restriction. Matt Styckiewicz seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.*

Coordinator's Report

- **Update on Hallock Point** – Sferra informed the Commission that the working group met with the Community Preservation Committee (CPC) to discuss the possibility of the Town acquiring the land at Hallock Point and appropriating \$400,000 in Community Preservation Funds. Sferra stated that there was a favorable response with questions regarding the public benefit for residents who do not live on Lake Boon and the extent the plan has been discussed with abutters. There will be an update for the Selectmen on September 8. Sferra confirmed that the Town will have 120 days to act beginning 90 days after the State of Emergency has been lifted. Sferra noted that one of the houses on Hallock Point is currently for sale.

Public Hearing - Notice of Intent – Robert Leveille – 54 Pine Point – Bob Leveille, Leveille Construction, and property owners Doug and Rita Sweet were present to discuss the proposed dock and retaining wall replacement. Jeff Saunders read the hearing notice. Leveille stated that the Sweets would like to replace the retaining wall, stairs going down to the lake, and dock decking and any damaged sub framing underneath. Leveille stated that the retaining wall is an old timber rail road tie wall that was covered with pressure treated boards and is deteriorating and being pushed out, and the dock has rotted boards. Leveille added that straw wattle will be secured at the edge of the dock and a turbidity curtain will be installed in the lake during the work as an added layer of erosion control.

Dan James visited the site and clarified that the dock is more like a deck which extends over the existing shoreline sheet piling retaining wall. James recommended that just enough of the decking be removed to excavate down to the new footing, install the erosion controls, and complete the retaining wall work. The proposed retaining wall will be constructed using unilock blocks. James noted that the replacement boards on the deck will be spaced out to be more pervious. Ten cubic yards of soil will be removed during construction of the retaining wall to allow for one foot of ¾” stone and drain pipes to be placed behind the wall for drainage. Leveille stated that he thinks the footing elevation is above the waterline rather than below as shown on the sketch. James confirmed no additional impervious area will be created. Leveille confirmed that the retaining wall work will be done in two sections to have better control of the site and prevent erosion.

Jeff noted that the barrier wall effectively acts as erosion control by being higher than the grade behind it. Dan thought the wattle should be on the same plane as the sheet pile barrier wall. This would provide a lay down area between the work area and the water. Dan recommended specifying the location of the wattle. Leveille said that would be set directly above the piling wall. It was noted that it is not possible to bring equipment down to the lake so work will be done by hand. Leveille said he was considering bringing in a conveyor to get the material up the hill. There will be no stockpiling of material near the lake and no tree removal, except for one broken pine that will be flush cut with the roots left in place.

Matt asked about Japanese knotweed on the site. The extent of the knotweed wasn't clear. It was noted that the soil is contaminated with the rhizomes. In response to a question about how best to control it, Kathy suggested that a water-appropriate version of Roundup be used, called Rodeo. This has been effective in the past. Coordination with the neighboring property owner is needed. She noted that this is a good time to do the work.

The Commission asked if a silt curtain is needed. Leveille said that he kept it in as an extra security measure. He noted that he has used this in the past. Dan wondered about the grade of the sheet piling below the deck. He thought it might make sense to take the deck off and put the wattle against the sheet piling. Sferra asked if the work would be done during drawdown. Leveille said that it doesn't help them very much; the water will still be up to the wall. Dan noted that all the work is upgradient of the barrier

wall. Leveille doesn't think he will need to do work in the water. No soils will be moved on the lake side of the barrier wall. Also, the deck will not be any more cantilevered than it already is.

Sferra noted that the Commission does not yet have a file number. Jeff noted that the hearing would need to be continued.

Janet Stiles, an abutter at 58 Pine Point said that she does not feel that the application contains sufficient information for the Commission to make a decision. For example, it is not clear to her what the stairs are made of. She said that she is concerned about the lack of permitting by the applicant in the past, and about dust resulting from the project. She noted past issues with trees falling into the lake which she needed to address, light trespass, noise, and water contamination. She noted past work on a stone walkway had caused dust pollution issues and a health hazard. The applicant has not been willing to discuss concerns in the past. She said she felt that the Commission should decline to approve the project until given further information, and was concerned about what would happen if the plan was not followed and the applicant was not cooperative.

Jeff Saunders asked Leveille to address the stair construction. Leveille said that the stairs would be made out of the same materials as the wall with segmented block for risers and the capstones for treads. He noted that they take OSHA required measures to prevent dust during construction, including a saw with a water hose to keep dust under control.

Ms. Stiles reiterated that that she does not trust the applicant to address any problems that come up during construction and cooperate to fix them. Saunders attempted to state that the Commission could not deny the permit application based on past actions or her opinion on potential issues. Ms. Stiles spoke over Mr. Saunders and would not yield the floor. At the Commission's request, her microphone was eventually muted in order to allow Saunders to finish. Saunders stated that the Commission monitors projects during construction and has enforcement abilities with this project like any other and cannot speculate on what might go wrong. The Commission will take action if necessary. He noted that a number of the issues raised were outside of the Commission's jurisdiction.

James noted staff comments about the need for a building permit. Sferra said she had shown the plans to Craig Martin and suggested Leveille follow up with him. Leveille said that he had talked with the Building Inspector who has determined that no building permit is required due to the height of the wall. Sferra said she would confirm with the Building Inspector and follow up with Leveille if needed.

After discussion of available dates, Andy Snow moved to continue the hearing to September 15. Matt seconded and the motion was approved 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.

Public Hearing (Continuation) - Notice of Intent – Red Aylward – 33 Hale

Present were Greg Roy, of Ducharme and Dillis, and property owners Red and Noelle Aylward. Greg noted that the Commission had done a follow up site visit since the last hearing. At the last hearing there was also a request for additional information relative to fish habitat to address the Wetlands Protection Act interest in the protection of fisheries. Greg noted that Dan Wells of Goddard Associates had provided a memo about this. Greg said that ideas from the site visit were incorporated into the plan. He showed the plan and noted the changes. Greg noted that the filter fabric behind the wall was key to the longevity of the revetment so that washout of the fine soil materials does not occur. What was discussed at the site visit was the idea of flush cutting a lot of the shrubs close to the root ball, keeping the root mass in

place, and placing the filter fabric inside the bank undercut and up around top of the shore. In the undercut they would place a layer of smaller stone then bigger stone on top. He thinks that they can do this treatment in the majority of locations, but there will be areas where they will want to remove the rootballs where they can't place the stone properly. So in general, they have switched from leaving a few rootballs, to the presumption that they will be left, with removal occurring in selected location where necessary.

Roy said that they reduced the height of the revetment particularly along the easterly side. The height of the wall would be 2.5-3.5 ft. They want to make sure stone is vertically placed above where high splash over occurs. He said there was a 20 inch tree that had been proposed to be removed. They will save that, but prune it to remove some of the crown weight. Roy noted that the plans still include restoration by planting additional sweet pepperbush and high bush blueberries upgradient of the rock revetment. If they remove the rootballs for some plants they will attempt to transplant them further up the slope.

Roy noted that they had received a file number today with one comment which was to clarify whether the bank was being replaced or not. DEP felt that the naturally occurring bank will be lost as it is not being replaced or replicated.

Tom and Kathy provided additional information from the site walk. Tom said he thought the project was a much-needed improvement. Sferra said that she isn't sure how to write up the "field judgment" approach proposed by Roy. Roy noted the challenge of writing up the decision. He does not want to cause red tape or expense for the applicant. It was thought that perhaps a pre-construction meeting would be helpful, and the rootballs to be removed could be flagged at that time. The Commission discussed with Roy the approach being taken with the tree well to try to save a tree that provides shade to the house.

Ingeborg asked Roy about the root balls and whether the goal was to let them resprout through the filter fabric. She asked if they would spec a fabric that allows puncture of the new shoots. Roy said he could look into that. She asked about live stakes punctured through the filter fabric in a controlled manner. She also asked about the possibility of doing work on the west side of the point as a pilot project and then see if there were lessons learned that would let them adjust work on the east side. The permit would include both, but there would be a site visit, evaluation, and possible amendment of the work on the east side to further reduce or mitigate impacts. Greg suggested a check in with the board with photos and any proposed changes based on lessons learned. Roy and the Aylwards expressed comfort with that approach.

Ingeborg asked about live stakes again. Is this feasible? Greg said he understood the intent and thought that live staking through the fabric above the floodplain would work. Jeff thought that perhaps the treatment on the east and west sides might be different.

Ingeborg Hegemann Clark moved to close the public hearing. Andy Snow seconded. The motion was approved 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.

Andy Snow recused herself.

Public Hearing - Hudson Road Culvert at Randall Road – Stow Highway Department

Jeff Saunders read the hearing notice. Steve Nadeau, Supt of Streets, and Mike Hornig and Julia Sterns of Beta Engineering (wetland consultant) were present to explain the project.

Steve reminded the Commission that he had previously explained the need for the project and noted that Sandy Brook is a cold water fishery stream. Hornig gave an overview the current condition of the culvert and the need for the work, and showed photos of the culverts. He said that goal of the effort was to come up with a rehabilitation that would have the least impact on resources and on traffic flow, and get the work done before the culverts failed completely. The proposed method of rehabilitation is cement spin casting. Hornig described the process– the crew goes in and repairs the pipe, grouts all the voids from inside of the pipe, and grouts the invert where the pipe is missing to restore the integrity of the pipe. Then a spin casting machine puts a layer one inch thick around the inside of the pipe. He showed before and after photos. With the 1” diameter addition, the pipe would be 46” diameter when done. Hornig displayed the plans and explained that Sandy Brook would be diverted one pipe at a time using sandbags to allow the work to occur. He noted that the project has two phases – the completion of the culvert work, and then the stormwater and impervious surface coverage improvements which will be done by the Highway Dept. when they have the resources and manpower. They hope to do the culvert work this fall when flows are low. All equipment is small and they will be working from the road above the culverts. Hornig noted that there is no history of the culverts overtopping. They performed flood calculations and the changes will not affect the flood elevation. He said the pipe has more capacity lined than it does now, as it will be smoother.

Hornig said they are considering the installation of rubber flap fish baffles and showed photographs and details of what these look like. They would slow down the flow and collect sediment. He noted that stormwater improvements include a sediment forebay and catchbasins, along with a stone pipe end. They are also installing new guardrails and removing about 440 square feet of pavement. They are also proposing to rebuild portions of the headwall and repave. Hornig noted that all resource areas had been GPS located. Julia Sterns described the amount and nature of resource area impacts using a colored plan contained in the NOI submittal. She noted that the project is a limited project but will still meet the performance standards for each of the resource areas. She noted that efforts are being made to reduce impacts during construction. Most of the impacts are temporary. Sterns said that vegetation removal will be minimized. Mitigation will include restoration with seed mix and shrub plantings. Tree protection fencing will be used.

Nadeau wrapped up by saying that they hoped to get the culvert work done by November. He is hoping to get the catch basins done in this fall and remove the pavement and realign the road. Otherwise this would be done in the spring. They are filing with the Army Corps and the Division of Marine Fisheries. Matt noted that time of year restrictions may be imposed by DMF – has any information been provided on this? Julia stated that they hadn't filed yet with DMF. They will do this with the Army Corps permit. Matt said he had worked on similar projects where they had put restrictions in place and wanted to be aware of their requirements. It was clarified that the application they are filing with the Army Corps is a PCN.

Ingeborg noted the increase in velocity and the minor headwater increases and said she thought the fish baffles were an excellent idea to minimize the increase in velocity. She thought the bank has a lot of wildlife habitat value due to undercutting. She asked if the increase in capacity eliminates the headwater increase? Mike said any increase is controlled by the downstream backwater. Mike said the baffles help at low flow, but at high flow the whole pipe would be full. The Commission clarified how the baffles work to slow down the flow and aid fish passage like a small fish ladder.

Jeff noted the language in the application regarding dewatering – pumping and discharging. He would like the Commission to be notified if this is necessary.

Sferra asked how long the work on the culverts would be from start to finish. Hornig said that he can't imagine that it would be more than three weeks all together. Sferra asked if there is an intense storm that raises the level of the brook how they would deal with that. Can one pipe handle full flow? Hornig said he wasn't comfortable saying that. He noted that there is a break in the construction when the first pipe is fixed. They only need to look about five days ahead. Sferra noted that the pond is called out as a potential vernal pool. She asked for clarification as to whether it is actually a vernal pool. Sterns said that she believes it holds water year round. She said that in their assessment in May they saw no signs of breeding salamanders. She also noted the earthen berm between the pond and the stream which isolated the pond from the work. Contractors and equipment should be kept off the berm. Andy Snow, the owner of the pond confirmed that the pond has water year round. This can be addressed in the conditions. It was confirmed that there is a limit of work on the plan.

Andy Snow of 320 Hudson Road said that the area has rich wildlife. She is also concerned about pedestrians using the area. She also noted that there is a lot of poison ivy in the area. She asked about traffic and it was confirmed that they will do the work with one lane left open.

David Demosse, 31 Francis Circle, asked about the structural integrity of the finished culverts. He noted the truck traffic in the area. Hornig responded that the work will allow H 20 traffic and is designed to have a 50 year lifespan. He described the construction method again. He was confident that the road integrity will be sound. Demosse asked if there will be a 50 year guarantee on the contract. Hornig stated that they will guarantee the work, and then the Highway Department needs to do proper maintenance.

With no further questions, *Matt moved to close the public hearing. Serena seconded the motion and it was approved 4-0 on a roll call vote. Matt Styckiewicz, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.*

Andy Snow returned to the meeting.

Public Hearing – Continued - 74 Pine Point- Notice of Intent

Dave Crossman, Tom Rovero, Lar Green, and the Labientos were present. Crossman noted that last meeting the Commission asked for follow up on a number of items. Tom Rovero put together a sheet with the answers and revised plans. They have included the location of the well. They have shown a stockpile area with erosion controls. The generator has been moved outside the 35' buffer. Dock dimensions have been added to the plan. Erosion controls have been modified to be straw bales and silt fence. The public benefits are listed on the plan. He noted that there was a question about removal of some of the concrete and they are not proposing that because of concerns about damage to tree roots. They have removed the walkway on the east side of the house and shortened the patio to address the concern about the increased work in the 35' buffer. There was a question about Board of Health and they are still in discussions with them. They will be applying to the ZBA but have not done so yet.

Sferra noted that there is still a net gain of 30 sq.ft. of impervious surface in the 35' buffer. Dan James noted that they could make this up by removing 30 sq. ft. of the concrete wall away at the end away from the trees. Lar confirmed that they could do this.

There were no questions from the public. Saunders said he was comfortable closing tonight with a later review of any changes required by the ZBA or BOH as needed. The final plan could be conditioned on adding the concrete removal. It was noted that if a new well is required the old one would either need to be decommissioned or converted to an irrigation well.

Serena moved to close the public hearing. Andy seconded. The motion was approved 5-0 on a roll call vote. Andy Snow, aye; Matt Styckiewicz, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.

Sferra recommended delaying the decisions until the next meeting given the late hour. The Commission was agreeable.

Coordinator's Report (continued)

- **New Projects:** Sferra mentioned three new applications received. Andy will take 18 Marlboro, Jeff will take 227 Harvard, and Serena will take 68 Red Acre.
- **Stow Acres:** Both Planning and Conservation staff have been talking with the Stow Acres owner. There is agreement to do a collaborative planning study among the town, Stow Conservation Trust and the owner/developer. SCT has a proposal from Dodson and Flinker to do this work. They are highly respected. The proposal is for SCT to fund half, and to take ¼ from CPA Administrative Funds and ¼ from the CPA funds previously appropriated to the Commission for small projects, due diligence and planning. The total for the project is \$25K. The Commission has about \$43k remaining from the CPC appropriation. The kick off meeting is proposed to be September 3rd. The Commission felt this would be money well spent and was excited about the project. *Ingeborg moved to approve spending \$6,250 as the Conservation Commission's share of the study. Serena seconded and the motion was approved 5-0 on a roll call vote. Andy Snow, aye; Matt Styckiewicz, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.*

Adjournment – *Serena Furman made a motion to adjourn the meeting at 10:23 PM. Ingeborg Hegemann Clark seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.*

Respectfully submitted,

Jacquie Goring & Kathy Sferra
Conservation Dept.

Materials Used during the August 18, 2020 Conservation Commission Meeting:

Draft Minutes
Red Acre Conservation Restriction and South Acton Road Fire Pond map
Site Plans, photos, and supporting materials for 68 Pine Point
Site Plans, photos, and supporting materials for 54 Pine Point
Site Plans, photos, and supporting materials for Hudson Road Culvert
Site plans, photos and supporting materials for 74 Pine Point
Stow Acres Planning Study proposal