

**Stow Conservation Commission
Minutes
September 1, 2020**

A meeting of the Stow Conservation Commission was held on September 1, 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
Andy Bass
Doug Morse (late)
comprising a quorum of the Commission

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

Fire Training Academy – PFAS Remediation

Kathy and Jeff updated the Commission on the cleanup. They have finished the removal of the tank sediment and have discovered that the PFAS contamination is deeper and more geographically extensive than expected. Jeff noted that the consultant thought it might be from fire training activities. Dewatering will be needed to remove material below the water table. They are investigating further and hope to do more work this construction season. The restoration will be delayed while they determine how to proceed. Sferra will follow up with the consultants to ensure that erosion controls remain effective. She thinks the consultant will either need to file for an amendment or a new Notice of Intent.

White Pond Wetland and Conservation Land Violation

Rick Marshall was invited but was not present. Sferra summarized the communication she had with him since the Enforcement Order. The Commission noted that all the deadlines in the Enforcement Order had not been met. Marshall sent three proposed options by email just prior to the meeting. The options were distributed to the Commission members who reviewed them and said that they favored option 3 – removal of the material. The Commission discussed the fact that no details were provided and no wetland consultant had been hired, both as required in the Enforcement Order. It was noted that a consultant would cost at least a few thousand dollars. The Commission debated various options for proceeding and ultimately felt that given the desire to have the work done in the next month, the best option was for the Commission to meet Mr. Marshall on site and talk through how he would do the removal work. In that way, the Commission would be offering their technical assistance. Written instructions or conditions could be put in the form of a restoration order. Concerns include impact on the bank and habitat functions. Ingeborg was interested to know if this was an upwelling or downwelling stream. The importance of clarifying the limit of work was noted. Sferra noted that Marshall said he could remove the material by hand. Ingeborg thought some stone might be needed to stabilize the stream bed. Sferra will work on setting up a site visit next week. It was noted that September 30th is the required completion date.

Certificate of Compliance – 63 Kingland

Sferra noted that the project was approved many years ago and never done. The Order had required removal of a small well pump house. Pat Perry told the property owner that they needed to remove the pump house. The owners are in a hurry to get a COC for a closing. They went in and removed the pumphouse. Sferra did a site visit and displayed photos of the steep bank and before and after photos of the pumphouse. There are a number of cinder blocks left that are helping to provide stability to the bank. There is also some old brush on the bank. The Commission agreed that the cinder blocks can remain in place but asked Sferra to make sure that the new owners know that before they can do any work in this area, they need to come to the Commission. *Andy Snow moved to approve the Certificate of Compliance for 63 Kingland. Serena seconded and the motion was approved 6-0 on a roll call vote. Andy Snow – aye, Andy Bass – aye, Matt Styckiewicz – aye, Ingeborg Hegemann Clark – aye, Serena Furman – aye, Jeff Saunders – aye.*

Doug Morse arrived.

Meeting with Planning Department re Athens Lane Area Development and Zoning

Present for the discussion were Planning Staff, Jesse Steadman, Valerie Oorthuys, and Planning Board Chair Lori Clark. Bill Maxfield from the Open Space Committee was also in attendance.

Jesse Steadman introduced the discussion by displaying some maps of the area and providing context. The purpose of the discussion was to get feedback on a recent 257 unit concept plan submitted by Habitech for this area which is within the AAN District. He shared a map that shows the parcels that Habitech owns or has under agreement. Habitech is asking if the Planning Board would raise the cap on AAN style development as we are currently at the cap. Jesse said that the Board is thinking a lot about a “next generation” bylaw and how the town’s housing and conservation goals can be better met by future development. They laid out a series of goals for Habitech – different affordability ranges, 60% open space, and other goals. Habitech took that and provided this concept plan with a variety of housing styles. Jesse said he has begun drafting an updated bylaw. Jesse said that he is planning to provide feedback to Habitech and wants to get a sense of the thoughts of the Conservation Commission and Open Space Committee.

Kathy Sferra added some information from the Open Space Committee discussions. She said that there are three issues – open space, trails and wetlands/wildlife habitat. She shared a map from the Open Space plan and noted that there is a desire to extend the Emerald Necklace into the southwest corner of Town. She noted that the Open Space Committee had spent a lot of time thinking about a route using portions of the Kane property, a trail easement off Maguire Lane, and Arbor Glen Open Space. The Quirk property is essential to the goal of getting a trail over to Hale/Corzine. The exact route remains to be determined. She said that from her perspective there is a viable trail opportunity in the long term. Jeff said that the concept plan looks packed with housing units and the trail would skirt the edges. It would be better if there were some nice chunks of open space that had the trail in them. It was agreed that the Habitech Plan is ambitious, and an opening proposal.

Serena Furman asked about the extent of wetlands on the plan. Kathy referenced the plan in the packet that shows some of the wetlands on the property. She noted that Sandy Brook runs through the property. Sferra noted that an outstanding issue is whether the pond is actually a pond or a river for Riverfront Area purposes. Serena wants to make sure that they fully understand the 35’ buffer. They mention access to the water, docks, boats, etc. They may not have the views they expect to have. It was noted that a lot of the area is shrubby.

Serena asked if the Emerald Necklace trail can happen as shown on the plan. Sferra noted that it is currently shown on the Whispering Woods open space. Sferra noted the importance of a site visit. She noted the difference between the kind of open space that is needed for a trail corridor vs. what is needed for wildlife habitat. Sferra added that as she looked at the plan what jumped out was the desirability of preserving the rear of the southern property and providing a block of land linking Hale/Corzine and the Whispering Woods Open Space. She noted that the woodlands to the rear are completely different in character than the ones in the front.

Andy Snow noted that Commission's enforcement history on the site and the challenge of access on Athens Lane. An issue that will need to be addressed is snow storage. She noted that the area is fabulous bird habitat – particularly bluebirds. She is concerned about impacts to Sandy Brook. If there is a riverfront area that will have a big impact on the development. She thought it might make sense to do a walk. She likes the idea of the block of open space.

Jeff asked about the wetland delineation. Sferra clarified that the wetland delineation shown on the restoration plan was never approved by the Commission. She noted that the whole site will need to be re-delineated. She said that there are wetlands on the site that are not shown on the concept plan.

Ingeborg said that the development is very dense. It is over a large aquifer area. She wondered why they are getting such a large density bonus. Jesse said that the Planning Board did not envision something of this scale. The first concept was a 66 unit development on a portion of the parcel. The Planning Board asked to see the whole picture. There has been no discussion of a density bonus. The developer could go the direction of a comprehensive permit, or they could go the path of trying to change the bylaw. The original concepts were around better conservation land and a different type of housing units. Ingeborg noted that accessing Maple Street and via Athens Lane will be big expensive crossings and there will be extensive infrastructure required. She assumes that this will be a 40B.

Bill Maxfield asked what the normal number of houses would be. Jesse said 43-48 units. Lori Clark reminded everyone that the land is zoned industrial. They started with 66 units as an AAN because that was what was allowed by zoning. Lori Clark added that she thinks that it is inevitable that BOSE will sell the property they own though there are no plans at present. That could have huge implications for access and be a better access point than Maple Street. Bill Maxfield thought they should have to contribute to a light at Hudson Road. He noted that with Covid many offices are going vacant and people are likely to find it attractive to move to Stow and work remotely. It was noted this is already happening. The real estate market is very busy in Stow right now.

Ingeborg asked if the BOSE property is also zoned industrial and it was noted that it is. She thought maybe zoning that allowed residential with more control might be appropriate. Lori said that the Planning Board is struggling whether this is about the AAN cap or influencing development to be what we want. Jesse noted that he thinks the cap on the 40B is now about 200 units. He thinks already the 257 is beyond what could be submitted. He said that staff had done a build out under the AAN bylaw. They get 130 units if there was no cap. He noted that Habitech seemed open to a variety of ideas. Lori said the Planning Board is wrestling with an overlay district and what to write. They are trying to apply some lessons learned from Regency as well. It was noted that most people in Stow don't like the product that was built there – it doesn't look like Stow. Concerns were expressed about the number of cars that would be generated by this project if built as proposed.

Members reiterated the importance of the Emerald Necklace and providing open space that would benefit the community. Concern was expressed about the number of abutters to the open space as shown on the plan and the difficulty of management/monitoring. A block of open space with few abutters would be preferred.

Jesse asked if the Emerald Necklace is intended to be a primitive trail or if it could shared use? Could it be next to a road? Sferra responded that the vision was originally SCT's and was intended to be an unpaved footpath. But there are places where a walker would have to cross a road or walk along side it. She noted the example of the connection of Captain Sargent to Red Acre Woodlands along South Acton Road. She said avoiding paved paths would be a goal.

Jesse asked if anyone thought there were views to the top of the drumlin from anywhere in Stow. No one knew of any. But it was thought to look from Kettle Plain, and perhaps from BOSE or the far end of the Arbor Glen Road. Jesse asked if the smaller Quirk parcel was mostly wet. Sferra said that it is.

Jesse asked about doing a site visit with Conservation. It was noted that if they applied for an ANRAD, there would be an opportunity for the Conservation Commission to go out there to look at the wetland delineation.

Ingeborg wrapped up by saying this is a carrying capacity exercise – what is sustainable in terms of sewage treatment and water supply over the long term for the Town of Stow? The recharge needs to be maintained on the site. Soils and groundwater need to be protected. She asked the Planning Board to look into what other towns have done by way of zoning to anticipate impacts of climate change. She added that the pond is not surrounded by woods, it is an open wet meadow. She thought a joint site walk would be a good idea and would offer opportunities for an exchange of ideas.

Ingeborg said she has an old surficial geology map of Stow which she can share. She assumes groundwater flows in the same direction as Sandy Brook. Other water supply areas are tied to the health of this aquifer. She noted that the soils on the drumlin may be different. She thought there needs to be more understanding of water, wildlife habitat, the ability of the site to help prevent storm damage. She stressed the need to understand the floodplain. She noted that the pond is dammed. How does the site fit in terms of ecological value and the larger system. Sferra noted that there have been issues with beavers in the Sandy Brook system for years. They need to understand what areas could be flooded and avoid issues with future roads and dwellings. Andy Snow noted the potential for 21E issues in the soil to be discovered as happened on an adjacent property. There is a lot of history here. Sferra said this is also something to be mindful of if there is going to be a conveyance of some land to the Town.

The need to sequence construction so that we don't have issues like we did at Regency, particularly with the drumlin was noted.

Jesse wrapped up the discussion by saying that Habitech is coming before the Board on September 8th. They hope to share some of this feedback with them.

Decisions

33 Hale – Order of Conditions

The Commission reviewed a draft Order of Conditions for revetment construction at 33 Hale Road. There was discussion of the wording with regard to filter fabric, live stakes and requesting a list of species for

the live stakes. After discussion, *Ingeborg Hegemann Clark moved to approve the Order as amended. Serena Furman seconded and the motion was approved 7-0 on a roll call vote. Andy Snow – aye, Andy Bass – aye, Matt Styckiewicz – aye, Ingeborg Hegemann Clark – aye, Serena Furman – aye, Jeff Saunders – aye, Doug Morse – aye.*

74 Pine Point – Order of Conditions

The Commission reviewed a draft Order of Conditions for a new dwelling and associated construction at 74 Pine Point. The Commission discussed the wording of the condition relative to removal of a portion of the concrete and its location between the house and the lake, as well as a planting list for this area once the concrete. After discussion, *Andy Snow moved to approve the Order as amended. Matt Styckiewicz seconded and the motion was approved 7-0 on a roll call vote. Andy Snow – aye, Andy Bass – aye, Matt Styckiewicz – aye, Ingeborg Hegemann Clark – aye, Serena Furman – aye, Jeff Saunders – aye, Doug Morse – aye.*

Andy Snow recused herself for the discussion of the Hudson Road Culvert

Hudson Road Culvert – Order of Conditions

The Commission reviewed a draft Order of Conditions for the culvert repair on Hudson Road. Sferra asked if spot elevations should be required. It was agreed not to add this, since the culverts are not being replaced. It was noted that additional permitting is still required and may include time of year restrictions. After discussion, *Matt Styckiewicz moved to approve the Order as amended. Ingeborg Hegemann Clark seconded and the motion was approved 4-0 on a roll call vote. Matt Styckiewicz – aye, Ingeborg Hegemann Clark – aye, Serena Furman – aye, Jeff Saunders – aye. Doug and Andy B abstained.*

Andy Snow returned to the meeting.

Beaver Management at Town Forest Bridge

Kathy Sferra asked the Commission to add beaver management at Town Forest to the agenda as an unforeseen emergency item given rapidly rising water levels there due to a beaver dam under the bridge. *Andy Snow moved to add this to the agenda as an emergency item. Ingeborg Hegeman Clark seconded and the motion was approved 7-0 on a roll call vote. Andy Snow – aye, Andy Bass – aye, Matt Styckiewicz – aye, Ingeborg Hegemann Clark – aye, Serena Furman – aye, Jeff Saunders – aye, Doug Morse – aye.*

Sferra described the situation at the bridge, noting that the location of the dam is exactly the same as five years ago. The Fire Department is concerned that emergency access to Town Forest will be compromised. Previously the Highway Department breached the dam multiple times and the Commission then had them try to trap the beavers, which was controversial – and no beavers were actually trapped. She noted that the Commission had previously received a beaver flow control device proposal from Mike Callahan of Beaver Solutions and did not implement it as the beavers had moved on by then and we agreed to defer installation until it was needed. Now that they are back, she asked for the Commission to approve application to the Board of Health and issuance of an Emergency Permit and following up with Callahan to get an updated proposal and moving forward with it. Sferra will also talk with the Highway Dept if needed. She will update the Commission at the next meeting. *Ingeborg Hegemann Clark moved to authorize Sferra to move forward with this effort. Matt Styckiewicz seconded and the*

motion was approved 7-0 on a roll call vote: Andy Snow – aye, Andy Bass – aye, Matt Styckiewicz – aye, Ingeborg Hegemann Clark – aye, Serena Furman – aye, Jeff Saunders – aye, Doug Morse – aye.

Coordinator's Report Continued

- **2 Chestnut** – The Erosion Control inspection is done and work is commencing
- **Collings Gravel Pit Restoration**– approved by Planning Board with requirement for additional plantings and the erosion control inspection has been done.
- The Draft Permit for the **Marlboro Wastewater Treatment Plant** has been issued. No action is needed at this time.
- **Box Mill Article 97 Petition** – House Counsel has made minor changes to the wording that are nonsubstantive. These will be brought back to BOS for a vote next week. EOEa wants to do a site visit to the swap parcel on Sandy Brook by Hudson Road. Sferra will do a pre-visit.
- **Joanne Drive** – Chuck Black has been in touch and is planning to purchase this property and build the subdivision. He is coordinating with Planning and Conservation.
- **Honeypot Hill Orchard** – Andrew Martin is building a structure in the buffer zone that was discovered recently during response to an outdoor burn. It is 5,000 square feet and too large to qualify for the agricultural exemption and has no building permit. Sferra will be in touch with him about filing and the Building Inspector has issued a cease and desist. Jeff asked if there were concerns relating to water used for the fire. Sferra was not sure.
- **Bear** – There have been a large number of bear reports, and Sferra believes that there may be a resident bear in the northeast corner of town. Sferra said she was planning to reach out to the state's bear biologist and see if he might be willing to do a presentation via Zoom for the community. Serena suggested looking at what has been done in Simsbury, CT. There are many bears there. Andy suggested a quick overview of the other animals could be included.
- **Dan James** to reduce his role to construction technical assistance and will only attend meetings as requested.

Adjournment – *Serena Furman made a motion to adjourn the meeting at 10:10 PM. Ingeborg Hegemann Clark seconded the motion and it passed 7-0 on a roll call vote: Andy Snow – aye, Andy Bass – aye, Matt Styckiewicz – aye, Ingeborg Hegemann Clark – aye, Serena Furman – aye, Jeff Saunders – aye, Doug Morse – aye.*

Respectfully submitted,

Kathy Sferra
Conservation Coordinator

Materials Used during the September 1, 2020 Conservation Commission Meeting:

White Pond Fill proposal

Maps and plans for the Athens Lane Area

Draft Decisions for Hudson Road Culvert, 33 Hale, 74 Pine Point

Photos of 63 Kingland