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Conservation Commission Minutes 11/15/16

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Stow Conservation Commission
Minutes
November 15, 2016

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on November 15, 2016 at 7:30 in the evening.

There were present: Andy Snow, Chair
Serena Furman, Vice-Chair
Cortni Frecha
Sandra Grund
Jeff Saunders
Ingeborg Hegemann Clark

Absent: Doug Morse

comprising a quorum of the Commission

Also present: Kathy Sferra, Conservation Coordinator
Jacquelyn Goring, Conservation Assistant

The Conservation Commission meeting was called to order at 7:30 PM.

Minutes: Cortni Frecha made a motion to approve the minutes of November 1, 2016 as amended. Sandra Grund seconded the motion and it was passed unanimously.

Lake Boon Drawdown Discussion and Recommendations – Don Hawkes and Conray Wharff, Lake Boon Commission, were present. Wharff informed the Commission that the Lake Boon Commission met in October, prior to the recent heavy rains, and voted not to conduct the drawdown. Sferra provided the Commission lake level readings and Wharff noted that the water level is currently just over the top of the boards in the dam. Wharff explained his concerns about dropping the lake level and the potential for future drought conditions. Hawkes noted that if the drawdown occurs it should start immediately. The Lake Boon Commission voted to drop the lake no more than nine inches with concurrence of the Conservation Commission and the Board of Health. Hawkes added that two Board of Health members have provided their opinions but a formal recommendation from the Board of Health has not been made yet. Sferra clarified that the Board of Health met last Thursday but did not have a quorum and could not make a recommendation but had commented by email where two of the members were not in favor of the drawdown. The Commission reviewed the lake level data and compared the information to previous years. Wharff noted that the lake was down eleven inches this summer during the drought. Sferra added that typically the lake is lower this time of year because of the drawdown. Wharff also noted that the lake provides head pressure for wells and the groundwater table is down in other areas.

The Commission discussed concerns that the lake may not refill if there is another year of drought, the potential for ice damage, and lake residents who need to complete retaining wall work during drawdown. It was noted that in the last year the lake level was dropped fifteen inches and there were no well failures associated with the drawdown therefore well failures during a nine inch drawdown are unlikely. Wharff expressed concerns about conducting the drawdown this late in the season. Sferra reviewed the Order of Conditions (OOC) which requires the drawdown to occur after October 1st and be completed before December 1st. The Commission noted that there were no well issues at the lake during the drought and the lake level has risen to normal conditions since September. The Commission supported the compromise of drawing down no more than nine inches. The Commission also confirmed that the \$10,000 escrow account for the well emergency plan required in the OOC is still being held by the Lake Boon Association and that a well has never gone dry due to drawdown. Evan Underwood, masonry contractor for 249 Sudbury Road, was present and informed the Commission that he has only completed half of the retaining wall work on the property and that a nine inch drop in lake level may not be enough to complete the work. Underwood added that he is currently working on the upper wall and had planned to complete both walls simultaneously. Underwood stated that without lake drawdown he would have to do twice the amount of work or would need to request to use a cofferdam. Hawkes confirmed that the lower the lake is drawn down the less potential there is for dock damage. Wharff added that the Lake Boon Commission only voted to drop the lake no more than nine inches with the approval from both the Conservation Commission and the Board of Health. The Commission noted their concerns about dock damage and other residents needing to repair retaining walls. The Commission confirmed with Underwood the project would be completed in fourteen days and boards could be put back in if necessary. Dennis Murphy, 184 Barton Road, noted that typically he has six feet of beach during drawdown and he currently has about four feet. The Commission discussed the past lake levels and recommended that a board up to nine inches be pulled from the dam.

Appointment – Dennis Murphy – 184 Barton Road – Murphy provided the Commission the as-built for the retaining wall as required in the OOC. Serena Furman conducted a site visit and completed field measurements and a cross section drawing of the wall and yard. Furman provided photos for the Commission to review and noted that only three trees were planted in the 35' no disturb buffer, not the five required in the OOC. Furman added that the OOC also required the 35' no disturb buffer to be planted with fescue grass with no more than a six foot wide grassed winding path to the lake. Beyond the upper stone wall and line of bushes there is ten feet of lawn within the 35' no disturb buffer. Furman noted that Murphy had concerns about planting additional trees and crowding but Furman did not believe the area was too tight for two additional trees. Murphy agreed to plant two additional trees within the 35' no disturb buffer in the spring. Cortni Frecha added that the flowering pears and flowering plum planted by Murphy are on the watch list for invasive species and can cross pollinate with other species and the fruit can then be spread by birds. The Commission requested that the two additional trees to be planted in the 35' no disturb buffer be native to New England. The Commission discussed the lawn within the 35' no disturb buffer and the requirement for only a six foot wide grassed winding path. The Commission confirmed with Murphy the retaining wall at the edge of the lake was replaced in the same area and the upper wall was moved farther back from the lake. Murphy confirmed he would plant two native trees in the 35' no disturb buffer in the beginning of May, replace any plants that die within the next two years and will apply for a Certificate of Compliance (COC) in 2019.

Continued Public Hearing - Notice of Intent – B.J. Homes – 40 Bradley Lane – The Commission reopened the public hearing. Greg Roy, Ducharme & Dillis, was present and provided revised plans requested by the Commission which included the existing oil tank to be removed and extended erosion controls. DEP issued a file number with no comments. The Commission noted that abutters are concerned about the culvert blocked across the street. Cortni Frecha made a motion to close the public hearing. Serena Furman seconded the motion and it was approved unanimously.

Cortni Frecha recused herself at 8:30 PM.

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Appointment – Greg Roy – Regency at Stow, Boxboro Road – Greg Roy, Ducharme & Dillis, was present to provide an update regarding the request for minor modification for Regency of Stow. Roy provided a letter to the Commission regarding site recharge and noted that he did not have final plans for the project. Sue Carter had additional review comments to be incorporated in the final plans which will be submitted to the Planning Board and Commission once finalized. Roy reviewed the letter and noted that the project has come into full compliance with the current stormwater management standards with the exception of recharge compliance. Roy noted that the isolated wetland, Stormwater Area 1, which currently acts as a drainage area will function as a constructed stormwater wetland. This is allowed under the current stormwater management standards but will not provide recharge credit because the bottom of the area is within two feet of the groundwater table. Roy noted that the Commission approved this use in 2007 when the OOC was first issued to avoid cutting additional trees on the property. This area, which Roy stated is an old borrow pit with perched groundwater, will take 50% of the drainage from impervious areas on the site. Roy added that Area 2 now meets the definition of an infiltration basin and will receive 10% of the drainage from impervious areas on the site and is located on a high point on the property. Additionally, Area 3 will receive 15% of the drainage from impervious areas on the site and does not meet the BMP standards due to the topography and groundwater depth. The balance of the impervious area is from roof tops with discharge off the back of the property. Roy noted that none of the buildings are within a resource area and no point discharge will occur. Roy requested that the Commission accept the stormwater management design and noted that the design is more compliant than previously designed. Roy confirmed that swales are proposed in two areas to collect some of the roof drainage before overflow discharges to Area 1. Ingeborg Hegemann Clark noted that erosion pads could be requested if the units with gutter downspouts cause erosion or scour. Roy noted that Toll Brothers will have a landscaping company which will be looking for issues such as that. A site trailer will be on site during construction and the Stormwater Pollution Prevention Plan will be available. Roy added that the deed for the property includes the expectations for lawn care and trash removal however the Commission could include conditions regarding dumping of yard waste to the OOC. The OOC will be issued when the final plan has been completed.

Notice of Intent – Stowaway Realty Trust – 121 White Pond Road – Sandra Grund made a motion to continue the public hearing for the Notice of Intent filed by Stowaway Realty Trust to December 6, 2016 on or after 7:30PM at the request of the applicant. Ingeborg Hegemann Clark seconded the motion and it was passed unanimously.

Cortni Frecha returned at 8:58 PM.

Coordinator's Report

- **Upcoming Meeting Schedule:** The Commission will not meet on November 29, 2016.
- **Stow Conservation Trust Annual Meeting:** The SCT annual meeting and potluck was November 12th. SCT has begun a new campaign to Save Stow Farms which will include a proposed Conservation Restriction at Small Farm co-held by the Commission and SCT.
- **Gates Lane:** The three vernal pools on the Gates Lane property have been certified.
- **SuAsCo CIMSA:** Sferra agreed to have Stow continue on the board for three years.
- **New Projects:** A Notice of Intent was filed for 126 North Shore. Frecha and Snow will conduct a site visit.
- **Regency at Stow:** Sferra was contacted by Toll Brothers requesting to clear a small area for a construction trailer. Sferra requested that the erosion controls be installed as a limit of work.
- **Wheeler Road Enforcement:** Sferra will be meeting with Ezra Alves on Wheeler Road to discuss his work. Also, Sferra and Goring met with Frank Jenkins on Wheeler Road last week in response to a complaint of work occurring within the Commission's jurisdiction. Sferra provided photos from the site visit and noted that there was an earthen berm which Jenkins stated was there when he bought the property and is being added to by beavers. The berm is the only way Jenkins can cross from one side of his property to the other over an intermittent stream. The Commission reviewed the photos and requested that staff conduct another site visit in the spring to see the area during wet conditions.
- **Maple Street Violation:** Stow and Bolton are continuing to work with DEP on this issue.
- **Marble Hill Dog Incident:** The Board of Health met last week and discussed the Commission's request for a dog hearing. It appears that the Animal Control Officer will be fining the owner and the Board of Health will be writing a letter to the owner admonishing her not to bring her dogs off leash and encourage constraints on her use of town properties.
- **Town Center Park:** The Board of Selectmen were updated on the Town Center Park and continue to be supportive of the project. Three dumpsters were filled with approximately six tons of trash during the cleanup on November 5, 2016.

Hudson Solar Project – Andy Snow visited the site and noted that the site is very organized and neat and all work has remained within the limit of work.

Request for Certificate of Compliance – 176 Barton Road – Sferra conducted a site visit and displayed an as-built plan and photos from the site visit. Sferra recommended the COC be issued with the ongoing condition that the dock be removed seasonally. *Ingeborg Hegemann Clark made a motion to issue a Certificate of Compliance for 176 Barton Road. Sandra Grund seconded the motion and it was passed unanimously.*

Request for Certificate of Compliance – 277 Sudbury Road – Sferra noted that the OOC included replanting the hillside, installation of a patio and removal of knotweed on the site. The homeowner completed the first year of knotweed treatment but the OOC requires two years of monitoring. The COC cannot be issued but the Commission agreed that the property owner may remove the silt fence because the site is stable.

Request for Certificate of Compliance – Villages at Stow – Jeff Saunders conducted a site visit and displayed photos. Saunders noted that the water treatment facility was built as proposed however he found a pile of vinyl siding left behind and did not find the signs regarding plowing as required in the OOC. The Commission will require that the vinyl siding be removed and the signs be put up before issuing a COC. Saunders also found a PVC pipe from the gravel drive to the nearby wetland. Sferra will contact George Gallagher about the pipe.

Captain Sargent Invasive Species Management Update and Invoice – Goring informed the Commission that Conservation and Highway Department staff, Captain Sargent farmer Jesse Steadman and Chris Polatin of Polatin Ecological Services met to discuss field edge management. The Highway Department will be conducting field edge invasive species removal with their flail mower resulting in the use of less herbicide to treat the field edges. The Commission reviewed the invoice from Polatin Ecological for the work conducted this past summer. *Ingeborg Hegemann Clark made a motion to approve Invoice #071-2016 from Polatin Ecological Services, LLC. Cortni Frecha seconded the motion and it was passed unanimously.*

Town Forest Tree – Sferra informed the Commission that a resident on Lanes End called with concerns about a large oak on Town Forest property that has limbs hanging into their property. Staff visited Town Forest with the Land Steward, Tree Warden and a certified arborist from Story Brook Tree. The consensus was that the tree poses no threat to the structure of the home or deck of the property owner. However, two large dead limbs are over the trail on Town Forest property. Story Brook Tree Service will be providing a quote for removal of the two limbs.

Order of Conditions – 40 Bradley Lane – The Commission reviewed and revised the draft OOC for 40 Bradley Lane. The Commission confirmed that the OOC requires an as-built and that no outside storage of hazardous chemicals can be stored within the 100' buffer. *Ingeborg Hegemann Clark made a motion to issue the Order of Conditions as amended for 40 Bradley Lane. Sandra Grund seconded the motion and it was passed unanimously.*

Planning Department – Request for Support Edge Communities Letter – The Commission reviewed the Planning Department's draft Edge Communities letter and recommended Sferra sign the letter.

Adjournment - Cortni Frecha made a motion to adjourn the meeting at 9:58 PM. Sandra Grund seconded the motion and it was passed unanimously.

Respectfully submitted,

Jacquie Goring
Conservation Assistant

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