

**Stow Conservation Commission
Minutes
December 15, 2020**

A meeting of the Stow Conservation Commission was held on December 15, 2020 at 7:30 pm 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
Ingeborg Hegemann Clark
Matt Styckiewicz (late)
Doug Morse
comprising a quorum of the Commission

Absent: Andy Bass

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

Jeff Saunders called the meeting to order at 7:35 pm.

Minutes:

Doug Morse made a motion to approve the minutes of November 17, 2020 as drafted. Serena Furman seconded the motion and it passed 4-0 on a roll call vote with Jeff, Serena, Ingeborg, and Doug voting in favor.

Request for Certificate of Compliance – 10 Dawes

Jacquie Goring conducted a site visit and noted that she had confirmed that the work had been done in accordance with the plan. One minor change is that a second set of steps were constructed to the deck that are in line with the deck and outside the 35' buffer. The owners provided photos showing the grass that had grown in and the plantings that had been completed. Staff recommends approval. *Serena Furman moved to issue the Certificate of Compliance. Ingeborg Hegemann Clark seconded and the motion was approved 4-0 on a roll call vote with Serena, Ingeborg, Jeff and Doug voting in favor*

Appointment – Dan Barstow, Lake Boon Commission, Municipal Vulnerability Preparedness (MVP) Project

Both Dan Barstow from the Lake Boon Commission and Hillary King from the Commonwealth's MVP program were present via Zoom. Dan summarized the purpose of the MVP Grant and displayed the workplan for the two-year project. He noted that several from the Commission are involved with the steering committee including Ingeborg, Kathy and Sandra Grund. He described the program of comprehensive data collection, citizen outreach and modeling that is planned. He noted that an RFP had gone out to find a consulting firm to do much of the work. As part of the effort they will be reaching out to other lake management organizations to get information and share findings. Hillary King made a brief presentation about the MVP program.

Matt Styckiewicz joined the meeting

The Commission had questions about the timing of data collection and the review of the contractor's work and whether testing was being done for cyanobacteria. Members thanked Dan for his presentation. Kathy encouraged members to spread the RFP to consultants they might know. Dan thanked Kathy Sferra for her help with the effort.

Public Hearing – 44 Pine Point – Notice of Intent – Cramer

Kathy reported that the applicant has requested an extension of the public hearing to January 17, 2021 since they still don't have any further guidance from the Board of Health or Zoning Board of Appeals.

Doug Morse moved to continue the public hearing to 1/19/21 on or after 7:30. Serena Furman seconded the motion and it was approved unanimously (5-0) with Serena, Doug, Ingeborg, Matt and Jeff voting in favor.

Appointment – Violation – 8 Davis

Present were Karl Andrew Borg, property owner, general contractor Brett Taylor, and site contractor Steve Phaneuf. Jacquie Goring noted that she had performed a site visit and followed up to get some photographs of the shoreline due to the large foundation hole on the site. From the photos it was clear that work had been done that was inconsistent with the permit that had been issued. After reviewing the photos and the plans the following were identified:

- the lower shoreline wall was not unmortared fieldstone
- the steps have been constructed extending into the lake and are not the approved permeable pavers
- the wall has been extended beyond the walkway along the property line in an area proposed for landscaping

She noted that staff asked the applicant to be present to talk about what was done and how it might be remediated. She noted that she had talked with Brett Taylor yesterday about this. She noted the procedural issue of whether any remediation would be done via Enforcement Order or a request to amend the Order of Conditions. She noted that there is no stop work at present with regard to the house construction.

Brett started by addressing the wing walls on the side of the stairs. He said that the grades are so steep there that they needed something to control erosion on that side of the property. He said that the stairs have granite treads. The step into the water was done in an area where there had been a timber step. Steve clarified that there were two timber steps on the prior wall. Brett said they could provide a calculation on pervious vs. impervious surfaces. He said that he had talked with Scott Hayes and they could provide this. He noted that there is work on the plan that is not being done including the walkway on the other side of the house. There is also a 17'x25' courtyard that will not be completed, but will be a grassy area. Jeff said that the calculations would be helpful. Phaneuf said that the landings are 4' long x 3' in depth. If the Commission wanted them porous they could put $\frac{3}{4}$ " stone and then #8 stone in the joints. This is only a 3'x4' area in two locations that would be made pervious. Steve noted that other areas could be made porous above that.

Jeff asked about the status of the construction. Brett said half the foundation is poured. The main house box is poured. It was noted that walls needed to be installed first. Steve said he knew that the plan said "dry stacked" along the water but he was assuming that was a dry face with mortar behind and a cemented cap. He likes to do that along the water for safety reasons. Jeff said that he appreciated that but that there had been significant conversations about the wall through the hearing process and there was desire to also maintain habitat. He noted that the Commission had faced this issue in the past and is frustrated with field changes that are being made to wall. The project was vetted fully in the permit process and we anticipated that the project would be built in accordance with the plan. He said that there is a lot that is inconsistent with what he had been expecting. Steve said the walls are tight to the water

and they are needed to hold the foundation. If he had made that dry laid he would have been concerned about undermining of the foundation. Sediment can go through a dry faced wall. He said you have to start with a structural footing and then go up. The first wall is a structural footing. He described the design of the wall. Jeff noted that this is helpful information that should have come out during the permitting process. Matt noted that the plans are stamped by a civil engineer who would have designed the walls. That would have come up if it had been an issue.

Andrew noted that in the summer they found that wake boats turn around in front of the house and three foot waves hit the wall. He said that the wall as originally designed would not have lasted a year. As it was the shoreline along the boards was getting eroded. Jeff asked Andrew why he didn't come back with design changes. Andrew said that the process is new to him and he didn't think much of it. Kathy added that when the Commission heard the project they were very concerned about how the wall construction would happen – so much so that they took the unusual step of requiring a pre-construction site visit to talk about the work on the site. It was reiterated at that time that any changes to the plan would need to come to the Commission. She said that going forward if there is anything that needs to change from the plan it needs to be discussed with the Commission first. Andrew said that there definitely is and noted that everything on the left side of house isn't going to be there and the courtyard is being eliminated. Brett confirmed they are updating the plan to reflect these changes. Andrew added that it is hard for him to decide what it will look like. Jeff added that he hasn't followed the plan. He doesn't have a ton of confidence in verbal representations. There needs to be a clear path forward and a plan that is followed. There needs to be calculations and everyone needs to be on the same page.

Brett offered to have Scott Hayes come out. He said that a lot of the elevations the architect had on the plan don't work for them either. Sferra added that there is a detailed planting plan and she isn't sure if they can do what is shown on the plan at this point – for example in the area of the steps. There is now hardscaping, but plantings were proposed there. Sferra showed the plan. Steve said the plan is more of a rendering than a drawing. He added that the number of steps is not correct. Serena said they are presuming that the Commission will let the stairs stay as they are. Jeff said that it would be good to have a plan that is as accurate as possible – both in terms of what is out there and what is proposed. We need to be able to discuss mitigation alternatives. Doug wants to see the new plans at the same scale. Steve noted that there was a 10' cut on the side but no one drew a cheek wall to hold the dirt behind. This must have been overlooked during the design process.

The Commission asked if the new stairs project beyond the retaining wall. Andrew said that there were railroad ties coming out into the water. They took the dock away. Serena said it looks like the step is outboard of the wall and this will probably be an issue. Andrew said that the dock sat on the timbers. Serena felt that was part of the dock. Andrew disagreed. He removed the dock. Sferra asked about the dock that is in the water. Andrew said it was given to him by a neighbor. Sferra asked why it is in the water in the winter; it is supposed to be a seasonal dock and removed per the permit. Brett said that it can be removed and placed on the wall. Andrew said that the dock that is there can't be taken out of the water. Sferra clarified that the house is not supposed to have a dock in the water in the winter. Jeff said to add this to the mitigation plan. Steve suggested storing the dock between the bottom wall and the second wall. Serena asked what the distance is between the walls – it looks like it is supposed to be five feet. Brett said it is 4' at one level and 5' at the other. The height of the walls is about 42". Jeff noted that is higher than the permit. The plans show three feet or less. Andrew said that those heights would have left them short. The math didn't work to hit the elevation for the top slab. Steve said that whoever shot the grades, they were off. Jeff asked about the section. Steve said that is just a typical cross section. Brett said that the locations are right on, but the heights are different. The topography didn't fit the plans. Brett said that this will be easier to explain with an as-built. Jeff asked that the section be

updated. Steve said it is just a typical cross section. Jeff said he understood that, but he also assumed it was accurate.

Jeff asked if anything else was needed. Sferra noted that there had been some calculations on pervious vs. impervious within the 35' buffer. Impervious coverage decreased by 19% in the 35' buffer. The dock was part of the calculations. Steve thought that if you take credit for everything on the left side it should more than address the issue. Sferra suggested agreeing on a deadline for the plan. The Commission felt that an Enforcement Order would be the appropriate next step. Sferra suggested getting the plan for 1/13/21 for the meeting on January 19th. Jeff reminded them to come with proposals for mitigation. Serena said she wants to understand the elevation with the neighbor's lot better. Brett offered to supply more photos. Steve said it was a 10' difference. Serena said she doesn't see that on the photos. Sferra offered to talk with the contractors/owner between now and the next meeting. Goring reminded them that if there were any additional changes they should be shown on the plans. Tom asked about the dock – will it be removed for the winter. Brett said that it could be. Andrew said that he removed the existing dock already. Jeff said he could give the free dock back. Andrew said that at the end they will have a removable dock. The Commission clarified the deadlines of 1/13/21 and 1/19/21.

Matt Styckiewicz moved to issue an Enforcement Order for Issue for 8 Davis requiring submittal of an as-built/revised plan with revised cross sections and planting plans, and pervious vs. impervious calculations for the 35' buffer with the deadlines referenced in the discussion. Serena Furman seconded the motion and it was approved unanimously (5-0) on a roll call vote with Serena, Doug, Ingeborg, Matt and Jeff voting in favor.

Public Hearing – 80 Gleasondale – Notice of Intent – Borges

Jeff Saunders opened the hearing and read the public hearing notice. Present were Chris Borges, owner, and Steve Poole, his consultant. Steve Poole described the project which involves work on a barn that is within the buffer zone of a pond in Elizabeth Brook. There is a 10' extension on the front of the barn where excavation will be performed. The foundation of the barn is being repaired. He said the area is level. To the left of the barn is a pile of stumps and stockpile of boulders. The stumps will be removed from the site and the stones used for landscaping. The area will be loamed and seeded at the completion of work. He said that silt fencing has been installed and straw wattle will be added. The barn will be hooked up to septic. There is no tree removed. Serena did a site visit and showed photos of the site. She confirmed Steve's comments. There were no questions. Steve asked if work could be done during the appeal period and the Commission confirmed that it could not. Sferra can sign off on the building permit however. *Doug Morse moved to close the hearing. Serena Furman seconded and the motion was approved unanimously (5-0) on a roll call vote with Serena, Doug, Ingeborg, Matt and Jeff voting in favor.*

Request for Certificate of Compliance – Regency at Stow

Scott Micele was present for the applicant. Kathy Sferra noted that the applicant has requested a COC. She visited the property today and looked at the Boxboro Road walking path and all the detention basins. She also confirmed that Sue Carter, the town's subdivision inspector/engineer, is satisfied with the work. Staff recommends approval. Staff clarified that this issuance presumes that the matters incorporated in the two Enforcement Orders that were issued previously have been resolved. *Serena Furman moved to issue the Certificate of Compliance for Regency at Stow. Ingeborg Hegemann Clark seconded the motion and it was approved unanimously (5-0) on a roll call vote with Serena, Doug, Ingeborg, Matt and Jeff voting in favor.*

Request for Comment – Disposal of Land off of Bruen Road near White Pond

Sferra noted that the Commission had received a letter from the Department of the Army asking for comment on the disposition of some land along Bruen Road. She provided copies of the notice to Maynard, Mass Department of Conservation and Recreation and Sudbury Valley Trustees. US Fish and Wildlife Service is evaluating. There is indication that there may be contamination there. She did not think that the Conservation Commission needed to comment. There was a question about whether the towns of Stow and Hudson might be interested in the housing potential of the site. Ingeborg suggested forwarding the letter to Cortni Frecha of SMAHT.

Review/Approve FY 22 Conservation Department Budget: Sferra presented a draft of the FY 22 budget. There are no major changes proposed from FY 21. Staffing is level and expense lines have been adjusted slightly. She is hoping to try to hire the Part-Time Trail Steward that was postponed due to Covid. She is recommending that there be a \$5000 addition to the Conservation Fund to replenish due diligence funds that will likely be spend on Hallock Point. The Commission was supportive of the requests proposed. *Ingeborg moved to endorse the draft FY 21 budget. Serena seconded the motion and it was approved unanimously (5-0) on a roll call vote with Serena, Doug, Ingeborg, Matt and Jeff voting in favor.*

Draft Meeting Schedule for 2021: Sferra distributed a draft meeting schedule and encouraged the Commission to let staff know of any conflicts. There were none known so the schedule will be finalized and posted.

Track Road Update: Sferra noted that the consultants hired by the Town have completed the survey for Track Road and prepared one possible conceptual layout that would provide for two-way vehicular traffic and bike and ped lanes. The Complete Streets Committee had some concerns about the design, and the Planning Board is interested in hearing from the Conservation Commission. One idea would be to make Track Road a dedicated one-way road. The Commission discussed the design with several members preferring a one-way traffic flow for vehicles. Some members felt that the current situation works and did not see the desirability of widening or paving improvements, particularly given the cost. It was recognized that the western section needs work to eliminate muddy area and ruts or should be one way because it is so narrow. Another idea was to have one car lane and then a bi-directional bike path on the other side of the road or to have pull-outs for cars to give way to those coming in the other direction. Design elements would be needed to limit vehicular traffic to users of Crow Island so that it did not become a short cut. Another thought was not to have bicycle lanes at all – like on White Pond Road – and just have everyone share the roadway. It was the consensus that support for improvements is lukewarm with more information needed.

CPA Application Stow Acres: Sferra noted that a CPA funding application had been submitted for Stow Acres in order to meet the Committee's deadline and described the status of discussions regarding the vision plan for the property. It is expected that more will be known in January. The amount requested in the application is \$1-1.5 million with the exact portions and method of acquisition to be identified later. It would likely to be a two-phase acquisition. Sferra noted that she had spent about half a day out there recently looking at which areas are most important as conservation priorities. She is recommending that the holes closest to Elizabeth Brook be restored, along with the driving range area, which is very wet and could be a beautiful ecological restoration area. Ingeborg agreed it is too wet for fields. Sferra added that Mark O'Hagan, the developer who is involved, is quite committed to getting the town to 10% and building a wide variety of types of units.

Coordinator & Commission Member Reports:

- **Next Meeting** – Sferra noted that it may be possible to cancel the January 5th meeting if no new applications are received. The meeting on January 19th will have a full agenda.
- **Dog Leash Map** – The Town Clerk will be including an updated dog regulations map with this year's dog licenses. Goring has updated the map with new acquisitions.
- **New Year's Hike** – Sferra noted that despite the previous decision to hold a New Year's hike, there was a sense that this was not a good idea given the increase in Covid cases. Staff are working on a bingo card that families can use on their own outdoor adventures and will distribute this for New Year's instead.
- **SCT Violation** – Sferra noted a notice of violation that was sent to Stow Conservation Trust for work in wetlands at Shepherd. She had a conversation with Bob Wilber about this and followed up with a letter.
- **Marble Hill Trees** – Sferra noted that someone posted No Trespassing/Private Property signs on Marble Hill and spray painted more than 75 trees with yellow paint. She and Bruce Trefry cleaned it up.
- **Cornell Property** – Sferra reported that she heard today that Linda Cornell's property on the Assabet River was sold to Bob Collings, reportedly for \$1. She noted that Counsel is involved as notice was not given to the Town, nor was an affidavit of continued use signed. This is property that was offered to the Town last year and under discussion.

Decision – 80 Gleasondale: The Commission reviewed a draft Order of Conditions for 80 Gleasondale and made minor revisions. *Serena Furman moved to issue the Order as amended. Matt Styckiewicz seconded the motion and it was approved unanimously (5-0) on a roll call vote with Serena, Doug, Ingeborg, Matt and Jeff voting in favor.*

Adjournment – *Ingeborg Hegemann Clark made a motion to adjourn the meeting at 10:08 PM. Doug Morse seconded the motion and it passed 5-0 on a roll call vote with Jeff, Matt, Serena, Ingeborg, and Doug voting in favor.*

Respectfully submitted,

Kathy Sferra
Conservation Coordinator

Materials Used during the December 15, 2020 Conservation Commission Meeting:

Draft Budget
Draft Meeting Schedule
Application and Plans and draft decision for 80 Gleasondale
Order of Conditions, Plans and Photos for 8 Davis
Workplan for Municipal Vulnerability Preparedness Project
Draft Minutes from Previous Meeting
Materials from Army on Bruen Road
Track Road Concept Plans
CPA Application
Shepherd Property – Notice of Violation to SCT