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## Conservation Commission Minutes 07/19/16

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Stow Conservation Commission  
Minutes  
July 19, 2016

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on July 19, 2016 at 7:30 in the evening.

There were present: Andy Snow, Chair  
Serena Furman, Vice-Chair  
Cortni Frecha  
Doug Morse  
Jeff Saunders  
Sandra Grund

Absent: Ingeborg Hegemann Clark

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.

### Request for Determination of Applicability – 168 North Shore Drive (U-4 #33)

The Commission opened the public hearing. Homeowner Tracey Arvin was present and described the proposed work which includes removal of up to seven trees. Kathy Sferra provided a map of the property including the proposed trees for removal and photos from the site visit conducted by Jeff Saunders. Arvin informed the Commission that her neighbors removed trees two years ago following a wind storm which caused trees to fall onto their home and into her property causing damage. Arvin identified a cluster of trees on her property that are top heavy and now isolated and more exposed to the wind after the trees were removed on the neighboring property. Arvin added that there are two trees leaning towards Lake Boon and confirmed she was informed by the Lake Boon Commission if they fell and were considered a hazard she would be required to have them removed. Arvin received a quote for the tree removal for \$20,000 to remove the trees from the lake if they fell.

Arvin informed the Commission that she would like to keep the trees but is concerned about them falling onto her house or into Lake Boon. Sferra noted that she visited the neighbor's property after the tree hit their home and approved an emergency permit for tree removal. Saunders noted that during his site visit he identified a seventh tree that has no lower branches and would be very exposed if the selected trees are removed and recommended it also be taken down. A crane will be required to remove the trees. Saunders added that three of the seven trees proposed for removal are located within the 35' no disturb buffer and described the lot as tiered with multiple retaining walls. Arvin added that there are four other very large trees on her property that will not be removed and will not be impacted if the large cluster is taken down.

The Commission discussed the habitat benefits of the trees and the privacy, shade, and bank stability they provide the property. The Commission noted that if the trees are permitted to be removed, replacement plantings may be required and stump grinding would not be allowed. The Commission discussed concerns about the tree removal causing erosion. Arvin noted that the existing shoreline retaining wall has been in place for at least 45 years and wake boarding increased erosion and caused damage to the wall. Arvin confirmed she would like to do some planting of maples or oaks in the vicinity of the trees to be removed.

The Commission discussed the removal of the three trees within the 35' no disturb buffer. The Commission also discussed the removal of white pines and the increased likelihood of the surrounding pines to fall after surrounding trees are removed. Arvin reiterated that she does not want to remove any trees and Saunders noted that the trees selected for removal are most likely to fall and damage her house or a neighbor's. The Commission also noted that by allowing only the trees outside the 35' no disturb buffer to be removed, the trees within 35' would be more likely to fall due to additional exposure and erosion. The 35' no disturb buffer on the property is previously disturbed. The Commission discussed requiring 1:1 tree replacement for the three trees within the 35' no disturb buffer and twelve additional shrubs. The Commission recommended that chicken wire be used around the bases of the new trees to prevent beaver damage.

Andy Snow made a motion to close the public hearing for the Request for Determination filed by Tracey Arvin. Sandra Grund seconded the motion and it was passed unanimously.

### Notice of Intent – 180 Crescent Street (U-11 #34)

The Commission opened the public hearing. Homeowner Jim Boyd and representative David Crossman, B&C Associates Inc., were present. Crossman displayed plans and reviewed the NOI filed in response to a wetland violation on Boyd's property. Crossman noted that the wetlands on the property were delineated and a small area of wetlands had been filled, including an area of wetlands on a neighboring property. Work was also occurring within the 35' no disturb buffer. Crossman noted that a waiver to work within the 35' no disturb buffer was submitted to restore the area, which includes removing the fill and planting a line of shrubs to define the wetland. Crossman added that the majority of the wetland area is a wet meadow and the proposed plantings will be located on the edge of the wetland. Crossman also noted that permanent delineation of the 35' no disturb buffer could occur using boulders, and loam in the yard could be pulled back further from the wetland. Additionally, stockpiled landscaping materials in the rear of the property will also be removed and evergreens planted to provide shade in the disturbed area to prevent invasive plants from filling in the area. During the site visit, the Commission noted the presence of invasive plants including multiflora rose, oriental bittersweet, Japanese knotweed, burning bush and coltsfoot.

Crossman reviewed the activities proposed to continue between the 35' no disturb buffer and 100' buffer including screening of loam, storage of wood chips and storage landscaping equipment. Crossman noted that the storage would be largely seasonal, stockpiling in the spring with most of the materials removed by the winter. The Commission discussed the drainage easement on the property and the potential need for access by the Highway Department. Boyd noted that the culvert has not required frequent maintenance and was cleaned out approximately twelve years ago. The Commission discussed the importance of removing the stored materials from the 35' no disturb buffer and delineating it.

The Commission confirmed with Boyd that the existing red maple in the hummocked area should remain in place. Crossman noted that the wetland fill is approximately six inches deep and will be scraped back and replanted. Crossman confirmed that the plantings will occur in front of the existing line of evergreens planted by Boyd along the wetland line. The Commission expressed concerns about causing further damage to the wetland by



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removing the fill. Crossman stated that the fill on the neighboring property should not be removed because root damage could occur to the nearby stand of red maple trees. Crossman added that the area of fill proposed for removal is higher in elevation and will not cause more damage by removing it. Crossman also noted that Boyd received a letter from the Army Corps of Engineers regarding completing work without a permit and stated that less than 5,000 square feet of fill occurred and does not meet the required amount to file for a permit with the Army Corps. The Commission discussed the replanting plan of shrubs and wet meadow mix and recommended that the proposed evergreens also be added to the plan.

John Charamonde, 34 Deerfield Lane, stated he had many concerns about the activities occurring on the property. Snow described the Commission's jurisdiction and the filing process and noted that the Commission would not be discussing zoning issues. The Commission also noted that the area between the 35' and 100' buffers was previously disturbed and Boyd would like to continue to store landscaping materials in the area but would not be permitted to dump concrete washout of store heavy equipment and fuel. Charamonde expressed concerns about heavy equipment noise. Sferra clarified that the 35' no disturb buffer will be required to be kept natural and the area between the 35' and 100' buffers would be conditioned to ensure activities in that area would not have an adverse impact on the wetland. Charamonde continued to express concerns about current use of the property including the noise, vibrations and burning of leaves. The Commission recommended that Charamonde discuss his concerns with Boyd directly. Boyd stated that the noise from the property occurs briefly in the morning before leaving to his job sites and would like to work the issues out with his neighbors. He said he was unaware of the concerns.

The Commission discussed the previous activities on the lot. Sferra confirmed the previous storage on the lot using aerial photos. The Commission also discussed installation of an approximately one foot tall berm just outside the 35' no disturb buffer. Boyd noted that he would like to bring the lot back down to grade and keep the area clean and organized. The Commission requested that Crossman include boulders to delineate the 35' no disturb buffer, the berm, plantings and the requested evergreens on the plan. Crossman agreed to extend the timeframe for a decision beyond 21 days to allow this to be considered at the next meeting. Sferra will draft a decision.

*Cortni Frecha made a motion to close the public hearing for the Notice of Intent filed by Jim Boyd. Sandra Grund seconded the motion and it was passed unanimously.*

**Appointment – Kent Seith – Maintenance of Lake Boon Cove Opening:** Kent Seith, resident of 11 Hale Road, was present to discuss the maintenance of the Lake Boon cove near Hale Road. Seith displayed maps for the Commission and reviewed Order of Conditions (OOC) 299-536 which required the Commission to be notified of maintenance dredging. Seith noted that the initial dredging was very successful but it was clear that the channel would become blocked again and would require ongoing maintenance. Seith also displayed photos of the channel now and following the 2011 dredging. Seith added that after dredging the channel was approximately four feet deep. Recently a boat had to be pushed over the sand bar in the channel from the cove to get out onto Lake Boon. The proposed work includes removing approximately five cubic yards of material, which Seith described as mostly sand, and bringing it onto the nearby beach to dewater and be spread. Seith proposed that the channel be cleared using either a three inch trash pump or backhoe. The Commission discussed the size of the beach and the amount of sand to be removed from the channel. Seith noted that the beach will not expand in size. The Commission discussed the proposed methods for clearing the channel and recommended completing the work using a backhoe. Sferra recommended that the dredging work occur from the cove out to the lake to prevent excess erosion and sedimentation. The Commission also requested that photos be taken throughout the project. An approval letter will be written and sent to Seith including the conditions requested by the Commission.

*Cortni Frecha made a motion to approve maintenance dredging at the Lake Boon cove per Order of Conditions #299-536. Jeff Saunders seconded the motion and it was passed unanimously.*

**Appointment – Tracey Arvin – Associate Member Application:** Tracey Arvin, resident of 158 North Shore Drive, was present and informed the Commission she would like to join as an Associate member. Arvin noted that she has lived on Lake Boon for 25 years and is a licensed electrician and has degrees in geology and earth science. Arvin teaches electrical technology and environmental science at Benjamin Franklin Institute of Technology. Arvin added that she lives on the lake because she loves the environment and is interested in preserving Lake Boon and the community. The Commission discussed the benefits of having another homeowner who has gone through the permitting process and a resident of Lake Boon on the Commission. *Cortni Frecha made a motion to accept Tracey Arvin as an Associate member. Serena Furman seconded the motion and it was passed unanimously.*

**Appointment – Gray/Morin – 12 Pine Point Modification:** Jim Morin was present to discuss the requested changes to the septic system plan for 12 Pine Point. Morin noted that the approved septic design could not be installed properly due to the presence of large concrete footings under the existing wood retaining wall. A cul-tec plastic chamber was installed and one foot from the poly barrier whereas the approved plan design was five feet from the barrier. Nashoba Board of Health inspected but did not approve the system as built. Nashoba requested that a drip system be installed which disperses the effluent from the septic system. Morin noted that a structural engineer has reviewed the proposed plan changes. Morin added that the new system will be located one foot further from Lake Boon and will provided more treatment than the originally proposed system. Morin displayed and reviewed the updated plan and described the benefits of the drip system including phosphorous removal. *Serena Furman made a motion to approve the minor modification to the proposed septic system plan at 12 Pine Point Road. Sandra Grund seconded the motion and it was passed unanimously.*

**Minutes:** *Cortni Frecha made a motion to approve the minutes of June 21, 2016 as drafted and amended. Sandra Grund seconded the motion and it was passed unanimously.*

#### Coordinator's Report

- **Fencing** – A homeowner asked about installing a dog fence. The property contains wetland and riverfront Area. There is an exemption in the Act for fencing if it does not impact wildlife. The Commission discussed filing for a permit for fencing within the buffer and agreed that if the fencing is placed outside the 35' no disturb buffer and does not impact wildlife a permit will not be required.
- **New Resident Mailing** – The Commission reviewed the draft mailing for abutters to wetlands and conservation land. *Andy Snow made a motion to approve the letters as drafted and amended. Cortni Frecha seconded the motion and it was passed unanimously.*

**Determination of Applicability – 168 North Shore Drive (U-4 #33)** – The Commission discussed the Request for Determination of Applicability for removal of up to seven trees on 168 North Shore Drive. The Commission determined that the trees could be removed and all seven must be flush cut. The Commission requested that a planting sketch be submitted which includes at least twelve native shrubs and three 1 ½ to 2 inch caliper native trees. Additionally, all three trees must be planted within the 35' buffer and all plantings must be established through two growing seasons. *Cortni Frecha made a motion to issue a Negative #3 Determination. Jeff Saunders seconded the motion and it was passed unanimously.*

**Emergency Certification – 26 Railroad Avenue** – Sferra informed the Commission that an emergency well replacement in the buffer zone and RFA was required at 26 Railroad Avenue. Sferra displayed a plan of the property and noted that the new well was to be installed in the same location as the existing failed well. *Serena Furman made a motion to ratify the emergency certification for well replacement at 26 Railroad Avenue. Sandra Grund seconded the motion and it was passed unanimously.*

**Request for Certificate of Compliance – 40 Bradley Lane** – Sferra informed the Commission that more than 40 tires were removed from the pond at 40 Bradley Lane as requested prior or issuing the Certificate of Compliance. *Serena Furman made a motion to issue the Certificate of Compliance for 40 Bradley Lane. Cortni Frecha seconded the motion and it was passed unanimously.*

#### Coordinator's Report – continued

- **Captain Sargent Agricultural Lease** – Lenny Rodriguez's farming equipment has not yet been removed. Town Counsel sent a certified letter to Rodriguez which has not been picked up. Town Counsel expressed concerns about the tractor being left with the key in the ignition and

recommended that the key be removed and brought to the police department. A Stow Police Department business card was left in its place.

- **Site Visit scheduling** – Sferra informed the Commission that a COC Request was received for Phase I and II for Minute Man Air Field. The site visit is tentatively scheduled for August 9 or 10.
- **Hemenway Farm** – Goring updated the Commission on the most recent proposed remediation plan for Hemenway Farm. Sferra received information from AECOM regarding the cleanup and forwarded the information to Saunders for review. Staff recommended that an RDA be filed for the proposed work.
- **New Filings** – There have been two new filings including an RDA for tree removal at 10 Dawes Road and an NOI for septic replacement at 136 Hudson Road.

**Adjournment**

*Serena Furman moved to adjourn the meeting at 10:04 PM. Cortni Frecha seconded the motion and it passed unanimously.*

The Commission adjourned at 10:04 PM.

Respectfully submitted,

Jacquelyn Goring  
Conservation Assistant

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