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[VISITORS](#)
[HISTORY](#)
[Home Page](#)
[About Stow](#)
[Minutes & Agendas](#)
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[Town Documents](#)
[Council on Aging](#)
[Recreation Department](#)
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[Library](#)
[Stow TV](#)
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Conservation Commission Minutes 06/21/16

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Stow Conservation Commission Minutes June 21, 2016

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on June 21, 2016 at 7:30 in the evening.

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

Absent: Doug Morse
Jeff Saunders
Sandra Grund

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 May 24, 2016 and June 6, 2016 as drafted and amended. Serena Furman seconded the motion and it was passed unanimously.

Request for Certificate of Compliance – 95 Lowell Drive –Homeowner Deb Francis and builder Duncan Thorne were present. Sferra provided the Commission email correspondence with Scott Hayes of Foresite Engineering regarding observations from the site visit completed by Sferra and Jackie Goring. Sferra included in the email to Hayes the conditions that were not completed in accordance with the Order of Conditions (OOC), and noted that staff would not recommend the Commission issue a COC until the items were addressed. Sferra added that she had subsequent conversations with Thorne and Commission member Doug Morse regarding the COC request.

Sferra provided the approved plan and as built and noted the items that were incomplete and required in the OOC as mitigation for constructing the garage partially within the 35' no disturb buffer. She also explained the history of the mitigation that was required on the site in exchange for approval of work within the 35' buffer. The stone wall required to delineate the ten foot wide area that is also required to be restored was not installed in the correct location. The area between the stone wall and wetland was required to be planted and left to naturalize. Two 1 ½ to 2 inch caliper red maples were also required to be planted and were shown on the as built plan but could not be located during the site visit. Francis stated that she had not seen the plans displayed by Sferra and noted that they have been working hard on the back yard installing the stone wall and replanting the wetland.

Sferra added that during the site visit it was observed that garlic mustard, an invasive species, was planted in the area to be restored. Sferra provided the list of concerns to Hayes via email and requested the information be forwarded to the homeowner. Thorne noted that he sent a text message to Francis requesting that the skunk cabbage that was planted be removed. The Commission clarified that garlic mustard is invasive and skunk cabbage is a native plant. Francis stated that she removed both the skunk cabbage and the garlic mustard. The Commission clarified with Francis the area of wetland to be restored and the proper location of the stone wall. The Commission also reviewed with Francis the requirements for the planting of two 1 ½ to 2 inch caliper red maples, seeding the area and leaving the area to naturalize. The Commission recommended re-seeding the existing lawn area with wetland seed mix to minimize additional disturbance. The Commission clarified that red maples will be available at most garden centers and noted that planting the wetland seed mix will fill in the area with ferns and other wetland plants.

The Commission noted that a pile of sand was found within the 35' buffer during the site visit. Francis stated that it was on the opposite side of the yard and Sferra clarified that there are also wetlands and buffer zone in that area. Francis explained that they recently removed their sand box and regraded the area and will remove the sand from the 35' no disturb buffer. The Commission also reminded Francis that the OOC included perpetual conditions that yard waste could not be disposed of in the 35' no disturb buffer. Francis noted that the wood chip pile was left by their tree company and has been there for a few years. Thorne added that the wetlands are now better protected than before because of the added drainage completed as part of the garage project. The Commission confirmed that the erosion controls could be removed and disposed of properly and not within the 35' no disturb buffer. Sferra noted that once the plants are established they should contact the Conservation office to schedule another site inspection. Goring provided a copy of the approved plans to Francis for reference.

Continued Public Hearing - Notice of Intent - 33 Hale Road (U-5 #16)

Snow opened the hearing for the NOI for 33 Hale Road filed by Red and Noelle Aylward. Sferra confirmed that a DEP file number has been issued. Sferra noted that Red Aylward contacted her regarding attending the hearing and she confirmed it was not necessary for him to attend but the decision would likely be issued during the meeting. *Ingeborg Hegemann Clark made a motion to close the public hearing for a Notice of Intent filed by Red Aylward. Cortni Frecha seconded the motion and it was passed unanimously.*

Sferra provided the Commission a draft Order of Conditions for 33 Hale Road and the Commission discussed and revised the draft. The Commission noted the tree proposed for removal should be flush cut and the silt fence does not need to be trenched. The Commission also added that the proposed work is providing a public service to the Town of Stow in making plowing of Hale Road easier for the Highway Department. *Cortni Frecha made a motion to approve and issue the Order of Conditions as amended for 33 Hale Road. Serena Furman seconded the motion and it was passed unanimously.*

Coordinator's Report

- **Site Visit Scheduling** – Sferra noted that upcoming site visits will be scheduled via email. Furman and Frecha confirmed that they will attend the Pompositticut Street site visit on June 23, 2016.



Stow, MA

82 °F

Clear

at 01:56 PM



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- **184 Barton Road** – Sferra informed the Commission that the tree planting has been completed and provided photos of the site taken by the homeowner. Don Hawkes, resident of 9 Dawes Road, was present and noted that the sod was installed the prior weekend.
- **Captain Sargent Agricultural Lease** – Snow informed the Commission that Lenny Rodriguez's farming equipment has not been removed and Snow confirmed she has called Rodriguez and left voicemail messages but he has not responded. The Commission discussed various options for removing the items and requested that Sferra research the Commission's legal recourse. They agreed to send a certified letter to Rodriguez requesting his belongings be removed immediately.
- **Upcoming Meeting Schedule** – Sferra noted that no applications have been received yet for the July 5, 2016 Commission meeting and will confirm next week if the meeting can be canceled. The Commission discussed the summer meeting schedule and vacations and confirmed meeting dates of July 19, 2016 and August 16 and 30, 2016.

Certificate of Compliance – 40 Bradley Road – Sferra noted that the COC for 40 Bradley Road is not ready to be issued; the tires have not been removed from the pond on the property.

Certificate of Compliance – 98 Gleasondale Road – Goring informed the Commission that she visited the property and confirmed the site is stable and the required plantings were completed. The Commission reviewed photos from the site visit. Goring noted the on-going condition included in the COC that no dumping of leaves or yard waste shall occur in the wetland or the 35' no disturb area.
Ingeborg Hegemann Clark made a motion to issue the Certificate of Compliance for 98 Gleasondale Road. Cortni Frecha seconded the motion and it was passed unanimously.

Mailing to Landscape and Tree Companies – The Commission reviewed the draft mailing to local landscaping and tree companies. The Commission discussed the planned updates to the bylaw and regulations and the potential for holding landscaping and tree companies partially responsible for unpermitted work conducted within the Commission's jurisdiction. Sferra will contact MACC regarding including contractor accountability in the bylaw and regulations. Goring will also be mailing new homeowners within the 100' buffer and/or abutting Conservation Land regarding the Commission's jurisdiction.

Pending Enforcement Cases – The Commission reviewed the list of pending enforcement cases and prioritized follow up items for staff.

Fiscal Year 2017 Work Plan – The Commission reviewed the draft fiscal year 2017 work plan and provided comments to staff. A finalized work plan will be brought to a future meeting.

Commission Reorganization – The Commission discussed reorganization for the coming fiscal year. Andy Snow volunteered to continue to serve as Chair and Serena Furman volunteered to continue to serve as Vice-Chair. Cortni Frecha volunteered to continue as the liaison to the Community Preservation Committee. *Ingeborg Hegemann Clark made a motion to appoint Andy Snow to serve as the Chair, Serena Furman to serve as the Vice Chair and Cortni Frecha as the liaison to the Community Preservation Committee of the Conservation Commission effective July 1, 2016. Cortni Frecha seconded the motion and it was passed unanimously.*

Adjournment

Serena Furman made a motion to adjourn the meeting at 9:30 PM. Cortni Frecha seconded the motion and it was passed unanimously.

The Commission adjourned at 9:30 PM.

Respectfully submitted,

Jacquelyn Goring
Conservation Assistant

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