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[BUSINESSES](#)
[VISITORS](#)
[HISTORY](#)
[Home Page](#)
[About Stow](#)
[Minutes & Agendas](#)
[Department & Boards](#)
[How Do I..?](#)
[Town Calendars](#)
[Town Documents](#)
[Council on Aging](#)
[Recreation Department](#)
[Stow Public Schools](#)
[Public Safety](#)
[Library](#)
[Stow TV](#)
[Opportunities](#)
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Conservation Commission Minutes 06/06/16

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Stow Conservation Commission
Minutes
June 6, 2016

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on June 6, 2016 at 7:30 in the evening.

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

Public Hearing (Cont'd) - Notice of Intent – 101 Kingland Road (U-4 #59)

Property owners Robert and Sherry Kotosky were present and provided revised plans for the proposed work. Robert Kotosky noted that the changes requested by the Commission had been made. The revised plans included a second phase of erosion controls, trees proposed for removal, a revised well location, and stair replacement and dock details. The proposed well location was moved out of the 35' no disturb buffer while meeting the required setbacks of the Board of Health. Kotosky noted that Steve Poole, Lakeview Engineering, reviewed the proposed stair replacement and redesigned the replacement stairs to be built up above grade to avoid damaging the tree roots. Kotosky added that the proposed dock will extend 20 feet into Lake Boon. Sherry Kotosky informed the Commission that the water may only be three feet deep 20 feet from the shore and the dock may need to be extended. Robert Kotosky stated that he believes his neighbor's dock is 40 feet long. The Commission clarified that the Lake Boon Commission has dock length requirements that limit dock length to 20' unless they issue a separate permit. The Commission identified that the revised plan shows the dock dimensions as six by twelve feet. The Commission discussed the dock length discrepancy and noted that the Order of Conditions (OOC) may include a condition that the dock is permitted to be six feet by 20 feet and anything larger would require the Kotosky's to come back to the Commission. Sherry Kotosky added that they may not install a dock and will do so only if necessary.

Sandra Grund arrived at 7:42 PM.

The Commission confirmed that the dock will be removable and constructed using marine grade material. Robert Kotosky confirmed that the proposed retaining wall located behind the house is included on the plan. Up to nine trees are proposed for removal including two trees within the 35' no disturb buffer that are infested with carpenter ants. Sherry Kotosky noted that they do not want to remove any trees if possible and the Kotosky's confirmed they would consider leaving the trees within the 35' no disturb buffer as snags if they must be removed. Robert Kotosky added a note to the plan to clarify the hand sketched locations of the trees proposed for removal.

Cortni Frecha made a motion to close the public hearing for a Notice of Intent filed by Robert and Sherry Kotosky. Jeff Saunders seconded the motion and it was passed unanimously.

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

Sandra Grund recused herself. Andy Snow read the hearing notice. Property owners Red and Noelle Aylward were present. Aylward displayed plans for the proposed work which include construction of a replacement patio, dock and landscaping improvements. Aylward noted that purpose of the work is for safety/accessibility improvements. Aylward described the property and noted that there has been a lot of erosion over the last several years where the snowplow on Hale Road crosses the front of their property. Aylward also stated that the existing 22' dock is falling into the water and is proposed for replacement with a 20' dock. Aylward noted that the proposed plans were designed to match the character of the neighborhood and to meet the Commission's regulations. Additional work includes adding a step to the existing porch to level the area which has been eroding away from plowing. Sferra displayed photos of the site. A small retaining wall and patio will be constructed in front of the stairs and a unlock paver path will be constructed down to the lake. Mike Clayton, Superintendent of Streets, was present and noted that a small wall around the existing well and removal of a white pine tree would help with plowing.

Porous pavement is proposed to allow surface water to infiltrate rather than wash into the lake. A retaining wall will be added next to the garage to prevent erosion in that area. Aylward also noted that Cortni Frecha recommended during her site visit creating a well around the base of the tree to prevent choking the tree. Aylward clarified that the patio and driveway will not be connected and a sign will be installed to mark the edge of the plowing area. Frecha added that the retaining walls will be two foot by two foot dry stacked walls. The proposed patio will be constructed using blue stone. Blueberry plantings will be placed in front of the proposed wall located ten feet from the shoreline. Juniper plantings are also proposed to prevent erosion on the steep slope in the area of the neighbor's existing arborvitae hedge. The Commission discussed the proposed plantings and erosion issues. Clayton confirmed that the majority of the erosion on the property is a result from plowing which has damaged the area in front of the driveway. The Commission noted that a file number has not been issued from MassDEP and discussed a continuation with the Aylwards. Red Aylward expressed concerns about the safety of the existing dock and the Commission agreed that the boards could be removed however no work could be done in the water or on the bank before the permit is issued.

Serena Furman made a motion to continue the public hearing for a Notice of Intent filed by Red Aylward to June 21, 2016 at or after 7:30PM. Jeff Saunders seconded the motion and it was passed unanimously.

Sandra Grund returned at 8:04 PM.



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82 °F

Clear

at 01:56 PM



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Appointment and Discussion – Julie Sullivan & Chris Chisholm, Boon Road South APR

Sferra provided the Commission a draft proposal for the Community Preservation Committee (CPC) for the Agricultural Preservation Restriction (APR) for a 20 acre parcel on Boon Road owned by Julie Sullivan. Sullivan and Chris Chisholm, Department of Agriculture, were present. Chisholm informed the Commission that the voluntary agricultural restriction on the Sullivan property has been in progress for a number of years and recently an appraisal was completed for the property. A minimum of two house lots could be created by right and a maximum of seven house lots would be possible if a subdivision was approved. A value of \$600,000 was determined for two estate lots as they did not want to spend time and money doing land planning for a greater number of lots. Chisholm added that the value of the land once restricted as farm land is \$70,000 and that the goal of the APR program is get the full difference of the values to the land owner. Chisholm also noted that the Department of Agriculture typically has a \$10,000 per acre cap but due to the Town of Stow having an Agricultural Commission and being a Right To Farm community as well as the significance of the property, the budget was increased to a total of \$347,805. Chisholm stated that the Department of Agriculture would ask the Town for the remaining \$182,195 to help keep the land as a farm and provide equity for the landowner.

Sferra informed the Commission that the Sullivan APR was expected to be included on the Fall Town Meeting warrant, however, a Town Meeting may take place as soon as August and this may be the only opportunity to consider this before next May. CPC will be meeting on June 13, 2016 and will discuss the APR which would be co-held by the Conservation Commission and the State. Chisholm added that the State would monitor the restriction and any special permit requests would be brought to the Town for review. Sferra noted that the Commission should discuss their level of support for the project. The Town is required to contribute a minimum of 10% or \$53,000. The Commission noted that the property is identified in the Open Space and Recreation Plan as having agricultural significance, importance for preserving small town nature, scenic significance and historic and cultural significance and agreed they would be willing to hold the APR. Chisholm also noted the significance of Honey Pot Hill Orchard and the fact that the property has prime agricultural soils. Chisholm also added that the State will be contributing the most funding and the property would remain on the tax roll and would provide equity for the Sullivan family. The Commission continued to discuss the funding and the relatively low cost per acre for the 19.65 acre property. Sferra noted that the Commission should provide a suggested contribution amount. The Open Space Committee will be meeting on June 16, 2016 and will also suggest an amount for funding. Sullivan added that she has been in Stow for 49 years and believes that it is important that the property is preserved. The Commission was highly supportive of the project and looked towards staff to determine the amount of contribution but were inclined to provide funding at the higher end of the range to meet the landowners' needs.

Public Hearing (Cont'd)- Notice of Intent - Minute Man Air Field, Inc. – 302 Boxboro Road (R-7 #35)

Greg Roy of Ducharme & Dillis was present and provided a letter addressing the four outstanding items identified during the previous hearing. Roy first noted that he has provided the revised drainage documentation and confirmed the maximum ponding increase of two inches in the existing swale. Roy noted that the existing wetland is a drainage swale created by property owner Don McPherson for drainage from the taxiway. Roy clarified that the runoff from the proposed hangar area will enter a sump and the wetland drainage area will not be negatively impacted by the proposed work, including the installation of the outlet control structure to manage the additional drainage. Roy also noted the soils on the site are classified as Class D and are very tight with poor drainage with little infiltration difference from the proposed pavement. Roy provided a sump detail for the trench drains and suggested a condition that this be incorporated into the final plans. Roy also provided proposed language for the signage. Roy reminded the Commission that McPherson is amenable to including a condition regarding maintenance or the storage of hazardous materials in the hangars other than the materials found inside the airplanes.

Roy discussed the encroachment of the 35' no disturb buffer and clarified that the area was used as a grass tie down area for 30 aircraft. Roy also noted that the Minute Man Air Field master plan included plans for hangars aligned with the existing hangar located within the 35' no disturb buffer. The proposed hangars have been moved farther from the wetland area than proposed in the master plan. McPherson was present distributed and reviewed various information about regulations and grant assurances including the requirements for aircraft storage as a public benefit. McPherson clarified that the proposed hangars will only have 9 units and were shortened on the side farthest from wetland to not impact airplane traffic. McPherson added that the hangars could not be moved any farther away from the wetland because aircraft could not pass by and noted he is required to provide space for the traveling public. The Commission discussed the alternatives analysis provided by McPherson and recognized that the hangars could not be moved away from the wetland into an area used for taxing and will be constructed in an area which has been previously disturbed. Roy added that approximately 400 square feet of the hangars will be located within the 35' no disturb buffer and that the area was used for grass tie downs previously.

The Commission reviewed the proposed language for the signage. McPherson suggested painting the pavement along the trench drains to inform the public that they drain into a wetland. Roy confirmed that the increased water in the drainage area will peak 13.5 hours after a 2 year storm and will remain in the drainage area for less than one hour. Ingeborg Hegemann Clark noted that the increase will not likely impact the wetland vegetation. Roy described how the data was confirmed for the floodplain and noted that the ZBA agreed that there is an error on the FEMA flood plain maps. Roy also confirmed her will submit a Letter of Map Amendment (LOMA) to FEMA. The Commission noted that the 2004 Order of Resource Area Delineation (ORAD) confirmed the land subject to flooding and compensatory flood storage requirements. Roy added that a DEP file number was issued with no comments.

Cortni Frecha made a motion to close the public hearing for a Notice of Intent filed by Minute Man Air Field, Inc. Serena Furman seconded the motion and it was passed unanimously.

**Public Hearing (Cont'd) - Abbreviated Notice of Resource Area Delineation (ANRAD)
Stow Woodlands, LLC – 0 Gates Lane (R-10 #25B-1)**

Dan Wells, Goddard Consulting, was present and displayed revised plans and an aerial image of the property. Wells informed the Commission that the revised wetland flag locations from B&C Associates and the Commission were incorporated on the plan. Wells described the wetland flag revisions including bordering vegetated wetland (BVW) and bank flags in the area of Elizabeth Brook and Great Road as well as flags on the parcel owned by the Town of Stow. Wells added that the three vernal pools have been documented and the flags were adjusted in those areas as requested. Wells clarified that the majority of the adjusted flags were located on the northern portion of the property closest to Great Road. Wells reviewed the stream flow analysis completed using StreamStats software for the two streams on the property near 598 Great Road and 79 Gates Lane. Wells confirmed that the streams are intermittent based on the calculated watershed size. Wells confirmed that Elizabeth Brook is a perennial stream and is subject to a 200 foot buffer and the two intermittent streams are located inside previously flagged BVW.

The Commission noted that they conducted two site visits to review the wetland delineation and confirmed that the peer review consultant, B&C Associates, reviewed all of the flags. The Commission also reviewed resource area terminology and Town, State and Federal jurisdiction for BVW, bank, isolated land subject to flooding (ILSF), vernal pools and isolated vegetated wetlands. Elizabeth Michaud, resident of 570 Great Road, asked the Commission what the next step will be and requested clarification on a proposed wetland crossing required to access the property now that additional wetlands were identified near Great Road. The Commission noted that stream crossings should have a bridge-like appearance and are required to meet state stream crossing standards. Sferra explained that the resource area delineation will be confirmed by the Commission through an Order of Resource Area Delineation (ORAD) which will be finalized tonight following the closing of the hearing. If a development plan is proposed for the property a Notice of Intent (NOI) will be filed if work is proposed within the Commission's jurisdiction. Scott Lilliot, resident of 65 Gates Lane, referred to drainage that comes off Spindle Hill and across Gates Lane through a culvert which Wells confirmed included on the plans.

Ginny Powell, 598 Great Road, asked what would be required if access is proposed from Great Road. The Commission clarified that work would require a permit and may also be within Federal jurisdiction and that any proposed stream crossings or wetland filling would require an alternative analysis and/or a replication. Powell confirmed that any plans would be available to the public and abutters would be notified of public hearings. Michaud confirmed that the Planning Board would determine if the property is suitably accessible from Great Road and Gates Lane and wetland crossings would be within the Commission's jurisdiction. The Commission noted that crossings would require alternatives analysis which could include reviewing the potential for purchasing other property for access. Michaud noted that the parcel was described in the Open Space and Recreation Plan as valuable for conservation in the underserved western portion of the Stow and inquired if the Town has considered purchasing the property for conservation land. Sferra clarified that the Town evaluated the property as a prospective school site years ago. Michaud asked if the Town would now be willing purchase the property and the Commission noted the purchasing of the property for conservation is not within the scope of the hearing. Sferra clarified with Powell that the potentially developable designation is used for assessment and is not the zoning for the property. The Commission noted that the Planning Board encourages developers to consider Planned Conservation Developments which may protect portions of the property.

Peter Mills, 66 Gates Lane, noted that the stream behind 63/75 Gates Lane is never without water and inquired about the stream flow analysis. The Commission clarified that the area was delineated as a BVW. Wells identified the location on the map and noted that the results of the stream flow analysis determined the stream to be intermittent. Mills added that the pond located on 47 Gates Lane feeds the stream located behind the property. Michaud clarified the Natural Heritage & Endangered Species Program (NHESP) process. Wells identified the portion of the site located within the

NHESP jurisdiction. Michaud inquired what endangered species is located in the area and Wells noted that a request would have to be filed for that information and if a NOI was filed NHESP would be notified.

Serena Furman made a motion to close the public hearing for an Abbreviated Notice of Resource Area Delineation filed by Stow Woodlands LLC. Sandra Grund seconded the motion and it was passed unanimously.

40 Bradley Lane – Request for Certificate of Compliance – Sferra informed the Commission that the site has not been cleaned up and the request will be tabled.

Order of Resource Area Delineation (ORAD) - Stow Woodlands, LLC – 0 Gates Lane (R-10 #25B-1)

Sferra provided the Commission a draft ORAD for 0 Gates Lane and the Commission discussed and revised the draft. The Commission requested that the area of the ponds should be calculated to determine if they are ponds as defined by the local bylaw and regulations.

Serena Furman made a motion to approve and issue the Order of Resource Area Delineation as amended for Stow Woodlands, LLC. Cortni Frecha seconded the motion and it was passed unanimously.

Order of Conditions/Minute Man Air Field, Inc. – 302 Boxboro Road (R-7 #35)

Sferra provided the Commission a draft Order of Conditions for Minute Man Air Field and the Commission discussed and revised the draft.

Serena Furman made a motion to approve and issue the Order of Conditions as amended for Stow Minute Man Air Field, Inc. Cortni Frecha seconded the motion and it was passed unanimously.

Order of Conditions - 101 Kingland Road (U-4 #59)

Sferra provided the Commission a draft Order of Conditions for 101 Kingland Road and the Commission discussed and revised the draft. The Commission noted that if the dock extends beyond 20 feet the Kotosky's would be required to file for an additional permit.

Ingeborg Hegemann Clark made a motion to approve and issue the Order of Conditions for 101 Kingland Road. Sandra Grund seconded the motion and it was passed unanimously.

Captain Sargent Agricultural Lease - Sferra reminded the Commission that Lenny Rodriguez was required to vacate the property by May 10, 2016 which was later extended by the Commission until May 31, 2016. Sferra confirmed that Rodriguez has not removed all of his belongings. Snow will contact Rodriguez this week.

Adams Drive – Tree Cutting – Sferra provided the Commission the proposed planting plan completed by the homeowner which includes 11 shrubs, 4 red maple trees and one viburnum. The Commission requested that the homeowner provided an order print out from the nursery when the plants have been purchased.

Central Massachusetts Mosquito Control – The Commission noted that Central Massachusetts Mosquito Control is now conducting beaver management and asked staff to get more information on this.

Adjournment

Ingeborg Hegemann Clark made a motion to adjourn the meeting at 10:42 PM. Cortni Frecha seconded the motion and it was passed unanimously.

The Commission adjourned at 10:42 PM.

Respectfully submitted,

Jacquelyn Goring
Conservation Assistant

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