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Conservation Commission Minutes 05/24/16

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Stow Conservation Commission
Minutes
May 24, 2016

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on May 24, 2016 at 7:30 in the evening.

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

Absent: Serena Furman, Vice-Chair
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.

Minutes

Cortni Frecha made a motion to approve the minutes of May 9, 2016 as drafted. Doug Morse seconded the motion and it was passed unanimously.

Coordinator's Report

- **Lot 2 North Shore Drive** – Sferra reported that the stockpile in the 100' buffer has been moved.
- **98 Gleasondale Road** – Sferra informed the Commission that a request for Certificate of Compliance was submitted for 98 Gleasondale Road. Jacquie Goring will conduct a site visit.
- **33 Hale Road** – Sferra informed the Commission that the owners of 33 Hale Road will be submitting a Notice of Intent for the June 7, 2016 Commission meeting. Cortni Frecha will conduct a site visit.
- **40 Bradley Lane – Request for Certificate of Compliance** – Sferra informed the Commission that she was contacted by the sellers of 40 Bradley Lane regarding an outstanding COC for 40 Bradley Lane from a NOI filed in 1984 as a result of an Enforcement Order. Sferra will conduct a site visit.
- **Stowaway Golf Course** – Sferra provided the Commission an email from Dave Burke, representative of Stowaway, regarding filing a NOI for the tree cutting which occurred within the Commission's jurisdiction. Burke contacted Sferra in response to a letter to Stowaway regarding the tree cutting violation. Burke noted that much of the work done was invasive species removal and confirmed that tree cutting occurred within the Riverfront Area (RFA) and within the 100' buffer to a wetland. Burke will be filing a NOI and will arrange for the Commission to complete a site walk with Stowaway owner Peter Malone.
- **Crescent Street Violation** – Sferra informed the Commission that she was contacted by David Crossman, representative of the property owner of 180 Crescent Street, requesting a two to four week extension for filing a NOI. Crossman has delineated the wetland line on the property and confirmed that it appears some wetland filling has occurred. Sferra will schedule a site visit with the Commission.
- **Potential Violations along Assabet River** – Sferra informed the Commission that she was contacted by a resident regarding four potential violations along the Assabet River. Sferra sent a violation letter to one homeowner on Forest Road regarding tree cutting within the RFA. Sferra displayed a map of the property and noted that some of the trees may have been damaged by beaver and some trees could have been cut on OARS property.

Request for Determination of Applicability – 45C Marlboro Road (U-7 #6-4)

Snow read the hearing notice for the Request for Determination of Applicability (RDA) for 45C Marlboro Road. Applicant Nina Arbella, owner of Eye of the Storm Equine Rescue, was present and described the proposed work which will include a ten foot by 30 foot barn and turnout area. The proposed barn will be constructed with a metal roof with rain gutters and will be constructed using post and beams. Arbella noted that the organization has been evicted from their current space and the property on Marlboro Road has existing barn for four of the horses. The proposed barn is needed to house three additional horses that are part of the rescue program. The proposed barn will include three stalls and a ten foot storage area and will open out into the turnout area lined with rubber mats to protect the horses from ticks. The turnout area will be sixteen feet by 30 feet and will be constructed using pipe fencing. The horses will be walked by hand and will not be loose at any time due to concerns about poison ivy. Arbella noted that she uses organic pellet bedding and the stalls are cleaned daily. Manure will be piled and shared with the Community Gardeners or used by a landscaper. Arbella added that a solar electrical system will be used for lighting and confirmed that the horses will be locked in the barn at night.

Frecha conducted a site visit and provided photos for the Commission. Frecha noted that there were no wetland flags present on the site at the time for the site visit. Arbella stated that flooding has occurred on the property due to beaver activity and spring snow melt but has never over flowed into the area proposed for the barn. The Commission reviewed the plans provided by Arbella. Frecha described the location of the well and noted that it will not be impacted by the proposed barn. Arbella added that she is not concerned about contamination because the well is 225 feet deep and stated that the well has a constant overflow she will use for water for the horses. Frecha described the location of the stream which has a well-defined channel and noted that the proposed barn and turnout are low impact. Sferra added that the 1980's plans provided by Arbella shows the



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proposed barn located within 50 feet of the wetland but clarified that plans completed in 2006 indicated the proposed barn will be located outside of the 100' buffer. The Commission noted that the proposed location is well disturbed which Arbella confirmed. The Commission also noted that conditions may be included in the determination including a request to be notified if horses need to be run outside of the fenced area and a requirement that manure must be stored away from the wetland.

Cortni Frecha made a motion to close the public hearing for the Request for Determination filed by Nina Arbella. Doug Morse seconded the motion and it was passed unanimously.

Cortni Frecha made a motion to issue a Negative #3 Determination. Jeff Saunders seconded the motion and it was passed unanimously.

Notice of Intent

101 Kingland Road (U-4 #59)

Snow opened the public hearing. Property owners Robert and Sherry Kotosky were present and provided plans for the proposed work. Robert Kotosky noted that they will be demolishing the existing single family home on the property and rebuilding due to foundation issues. The proposed house will be constructed at the 100' buffer within the footprint of the existing building. Proposed work inside of the 100' buffer includes reconstruction of an existing deck, removal of a pump house, replacement of existing stairs to the lake, lighting, removal of trees and installation of a dock. The existing shed, swing set and gazebo will remain in place. Sherry Kotosky noted that Sferra had visited the property and approved the removal of three dead hazard trees. Two were removed and the third tree will be removed during construction to allow access for an excavator.

Morse conducted a site visit and confirmed that the foundation of the existing structure is not sound and the proposed structure will be within the same footprint. Morse added that the existing deck located within the 100' buffer needs to be replaced. The existing dry stacked field stone wall will also be repaired and replaced after construction. Morse recommended a different route for the stairs and noted that if the existing stair location was used for the replacement the work would damage the roots of adjacent large pine trees. A small amount of switchback would be necessary in the new stair location due to the grade. The Commission requested that the new stair location and trees proposed for removal be added to the plan. Robert Kotosky described the proposed stair location and noted that they would like to keep the large trees. Kotosky stated that the property is very natural with a beach and no retaining wall at the lake and many blueberry bushes. Kotosky noted that he would like a natural looking cobble stone path to the beach and Sherry Kotosky added that they may want a hand rail for the new steps. The Commission reviewed photos of the property.

The Kotosky's confirmed that the proposed deck will be within in the same footprint and cannot be expanded due to trees nearby. The Commission requested that the proposed stair location, materials, number of steps, the limit of work and trees proposed for removal be identified on the plan. Morse recommended that the existing steps be left in place for stabilization. Sherry Kotosky expressed concerns about the safety of the existing steps and noted that they could be replaced with new railroad ties. The Commission noted that removing he steps could cause serious erosion of the bank. The Commission inquired about the proposed well location included on the plan. Robert Kotosky stated that he did not think the well will be replaced and was unclear as to why the proposed well was located as shown on the plan. Sherry Kotosky stated that if the well was moved to the proposed location it would require one tree to be removed which is infested with carpenter ants. Kotosky stated that they do not want to remove any additional trees and the Commission stated the tree may still survive. The Commission requested that the erosion control line be moved closer to the area of work.

Sferra noted that DEP had not issued a file number. The Commission discussed the need for plan revisions and Sherry Kotosky stated they would like to start on the house as soon as possible. Sferra noted that the project is still within the appeal period of the Zoning Board of Appeals. The Commission clarified the requested plan revisions including adjustment of the erosion control barriers, addition of a second line of erosion controls, a detailed sketch of the proposed stairs, size and location of the dock and identification of the trees proposed for removal. The Commission also requested that the Kotosky's determine the need for the proposed well. The Commission recommended that the Lake Boon Commission dock rules be reviewed and noted that they prefer docks to be removable. The Commission also explained the need for a COC after the work has been completed.

Doug Morse made a motion to continue the public hearing for a Notice of Intent filed by Robert and Sherry Kotosky to June 7, 2016 at or after 7:30PM. Cortni Frecha seconded the motion and it was passed unanimously.

Doug Morse noted that the property is located across Lake Boon from 164 Barton Road and expressed concerns about the stabilization of the slope and noted that more plantings may be necessary for stabilization.

Abbreviated Notice of Resource Area Delineation (ANRAD) - Continued

Stow Woodlands, LLC – 0 Gates Lane (R-10 #25B-1)

Doug Morse made a motion to continue the public hearing for an Abbreviated Notice of Resource Area Delineation filed by Stow Woodlands LLC to June 7, 2016 on or after 7:30PM. Jeff Saunders seconded the motion and it was passed unanimously.

Determination of Applicability – 45C Marlboro Road (U-7 #6-4)

The Commission discussed conditions for the Determination of Applicability for 45C Marlboro Road and will request that they be contacted if any additional fencing for turnouts is necessary and that no manure may be stored within 50 feet of the wetland. Sferra noted that the Board of Health has not issued a stable license and the Commission confirmed they would allow the barn to be adjusted up to 20 feet from the proposed location. *Cortni Frecha made a motion to approve and issue a Negative #3 Determination for Nina Arbella for 45C Marlboro Road. Jeff Saunders seconded the motion and it was passed unanimously.*

Request for Certificate of Compliance – 10 Ministers Way

Sferra displayed the approved plans and the as-built plans submitted with the request for COC for 10 Ministers Way. Sferra described the proposed pool and construction entrance and noted that the as-built shows that the patio was expanded and the fence was moved out toward the 35' no disturb buffer. Additionally, a fire place, brick wall, paver walkway and steps are shown on the as-built and were not included on the approved plan. Frecha conducted a site visit and observed yard waste dumping, concrete washout and areas where the grass had not established. The Commission discussed the discrepancies on the as-built plan and yard waste and concrete dumping. The Commission requested that the grass be established, concrete wash out be removed and a continuing condition be added to the COC regarding yard waste dumping within the 35' no disturb buffer. An additional site visit will be conducted to ensure that the grass has grown in and the concrete has been removed. The Commission discussed the additional impervious areas which were not included in the approve plan and recommended that five native shrubs be planted as mitigation.

Adams Drive – Tree Cutting – Sferra informed the Commission that she contacted John Anderson regarding tree cutting within the 35' no disturb buffer on Adams Drive. Anderson stated that he did not cut any trees on the property and sold the property in January. Sferra reminded the Commission that a perpetual condition was included in the OOC for the property that no alteration of the 35' buffer may occur and prospective buyers must be informed about the 35' no disturb buffer. Sferra contacted the new property owners and conducted a site visit and confirmed that the trees were cut in February due to concerns about their children's safety. Sferra confirmed that one of the trees was dead and the area was grubbed. Sferra also confirmed that the property owner is aware that no other work can occur within the 35' no disturb buffer but would like to remove two additional small pines and one street tree. The property owner has agreed they are willing to replant trees and shrubs and would like to plant shrubs along the edge of the pond. Sferra confirmed that five small trees and five large trees were cut. The Commission requested that the property owner submit a restoration plan and recommended that the existing trees could be wrapped with chicken wire to prevent beaver damage. The Commission requested that a minimum of five 1 ½ to 2 inch trees and eleven 5 to 6 feet tall shrubs be planted as mitigation. A plan should be submitted by June 16.

Outreach – Sferra informed the Commission that she is working with the Tree Warden to draft a FAQ document on tree jurisdiction and also working on a letter local tree and landscaping companies regarding tree clearing permit requirements. Goring also proposed sending letters to new homeowners with properties located within the Commission's jurisdiction regarding permitting requirements and abutting conservation landowners regarding activities not permitted on conservation land.

Sandra Grund left the meeting at 9:30 PM.

Review Invasive Species Maps and Approve Invoice – Sferra provided the Commission copies of the invasive species maps of Flagg Hill, Heath Hen and Marble Hill. The Commission reviewed the maps and Sferra noted that the most significant infestation is at Flagg Hill. Sferra noted that the maps will help prioritize invasive species management at the other properties. Sferra also update the Commission on the Japanese knotweed treatment at Captain Sargent. The Commission reviewed the invoice from Polatin Ecological Services.

Cortni Frecha made a motion to pay Polatin Ecological Services, Inc. invoice number 003-2016. Andy Snow seconded the motion and it was passed unanimously.

Maple Street Violation – Sferra informed the Commission that Town Counsel agreed to send one final letter to Alan DiPietro regarding his violation before considering further legal action. The Town of Bolton Zoning Board of Appeals continued the public hearing for DiPietro's frontage variance to construct a house in Bolton.

Adjournment

Cortni Frecha made a motion to adjourn the meeting at 9:51 PM. Doug Morse seconded the motion and it was passed unanimously.

The Commission adjourned at 9:51 PM.

Respectfully submitted,

Jacquelyn Goring
Conservation Assistant

Stow Town Building 380 Great Road, Stow, MA 01775
Phone: (978) 897-4514 Fax: (978) 897-4534

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