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Conservation Commission Minutes 05/09/16

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Stow Conservation Commission
Minutes
May 9, 2016

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on May 9, 2016 at 7:30 in the evening.

There were present: Serena Furman, Vice-Chair
Cortni Frecha
Ingeborg Hegemann Clark
Jeff Saunders
Sandra Grund

Absent: Andy Snow, Chair
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.

Minutes

Cortni Frecha made a motion to approve the minutes of April 19, 2016 as drafted and amended. Jeff Saunders seconded the motion and it was passed unanimously.

Captain Sargent – Sferra informed the Commission that Andy Snow contacted Lenny Rodriguez regarding the May 10, 2016 deadline to remove his belongings from Captain Sargent. Rodriguez informed Snow that he is closing on a piece of land on May 25, 2016 and requested an extension until the end of May to avoid having to move his equipment multiple times. The Commission discussed the request for an extension.

Cortni Frecha made a motion to extend the May 10, 2016 deadline for Lenny Rodriguez to remove all farming equipment and buildings from Captain Sargent until May 31, 2016. Ingeborg Hegemann Clark seconded the motion and it was passed unanimously.

Proposed Red Acre Knotweed Project – Serena Furman informed the Commission of the proposed Japanese knotweed removal project at Red Acre Woodlands. The project will also be discussed during the next Stow Conservation Trust (SCT) meeting. Furman noted that the knotweed patch is a manageable size and not very dense. The proposal for removal includes cutting at least four times during the summer as recommended by the New England Wildflower Society. Furman noted that the project would help residents with small knotweed patches on their property understand the level of effort of removal without the use of herbicide. Sferra added that the patch is located within the 35' no disturb buffer. The Commission discussed the options for permitting invasive species removal projects including creating a general permit or a standard Order of Conditions (OOC). Sferra will investigate this further. In the meanwhile, an RDA will be filed for the proposed Red Acre knotweed removal project.

Notice of Intent Continuation
Minute Man Air Field, Inc. – 302 Boxboro Road (R-7 #35)

Greg Roy of Ducharme & Dillis was present and provided a letter addressing the comments in the review letter from Sue Carter of Places Associates, Inc. Sferra noted that a letter from Don MacFarlane, resident of 113 Boxboro Road, was included in the Commission's packet. Roy provided the Commission revised plans. Roy provided a copy of the Stow Wetlands Bylaw Waiver Request. Roy reviewed the plan changes which included added details to the bio-retention area and plantings. Roy noted the concerns from Sue Carter, the Planning Board and the Commission regarding spills of hazardous material. Roy added that property owner, Don McPherson, supports placing spill kits in the proposed hangars, posting signage, and including legal documentation regarding the storage of hazardous material in the lease agreements for the hangars. Roy clarified that no utility connections are proposed for the hangars but, if necessary, utilities would be located on the far side of the proposed hangars away from the resource areas. Cortni Frecha confirmed that the proposed witch hazel must be trimmed to meet required airport standards.

Roy reviewed the plans for the rectangular weir outlet control structure which Roy confirmed would restrict flow slightly. Roy added that the calculated difference in the ponding pre and post construction would be one to two inches and confirmed that the calculations would be provided to Sue Carter and the Commission. Roy also confirmed that the increase in retention time was calculated and was very similar to existing conditions. Sferra noted that she reviewed the files for the property and did not find information on the existing swale. Roy added that McPherson believes that the swale was created sometime in the 1960s or 1970s. Roy described the location of the 35' no disturb buffer and confirmed that the proposed hangar locations have not changed. The Commission confirmed that if the hangars are moved out of the 35' no disturb buffer there would be one less bay in each building. Roy added that the revised plans include sumps, sediment forebays and the bioretention swale.

Sandra Grund arrived at 8:00 PM

Roy described the construction of the proposed trench drains. The Commission requested that the capacity for the drains be provided. Roy noted that the floodplain elevations were determined using FEMA floodplain maps and the Heath Hen Meadow Brook flood study data which was completed for the Town. Roy added that the floodplain elevation data does not correspond with the ground survey and that the existing runway functions as a dam. Roy noted that they have applied for a Zoning Board of Appeals special permit and believe that there is a mapping error. The Commission discussed the concerns about the storage of hazardous materials and plane repairs inside the hangar buildings. Roy stated that no hazardous material beyond the storage of an airplane will occur in the hangars and that a separate existing hangar is used for repairs. The Commission discussed requiring signage regarding storage of hazardous materials and spills in the OOC. The Commission also discussed the public benefit of the proposed hangars and noted the aeronautics regulations for storage of transient aircraft. Roy noted the lack of space at the Air Field, the need for storage, and the benefits of converting the existing grass tie down area to a more impervious area with less chance of runoff to the wetland or infiltration. The Commission confirmed with Roy that some of the outdoor tie down area will remain and requested that the applicant propose language for the signage. Roy confirmed that the Commission wanted a copy of the drainage report and sump details.



Stow, MA

82 °F

Clear

at 01:56 PM



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Cortni Frecha made a motion to continue the public hearing for a Notice of Intent filed by Minute Man Air Field, Inc. to June 7, 2016 at or after 7:30PM. Sandra Grund seconded the motion and it was passed unanimously.

Abbreviated Notice of Resource Area Delineation (ANRAD) - Continued

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

Furman opened the hearing. Sferra informed the Commission that she was contacted by Dan Wells of Goddard Consulting who requested that the hearing be continued to May 24, 2016 to allow time to complete plans.

Ingeborg Hegemann Clark made a motion to continue the public hearing for an Abbreviated Notice of Resource Area Delineation filed by Stow Woodlands LLC to May 24, 2016 on or after 7:30PM. Jeff Saunders seconded the motion and it was passed unanimously.

Notice of Intent – Borrego Solar/Fletcher Realty Trust - Continued

0 South Acton Road (R-31 #6)

David Albrecht and Zak Farkes of Borrego Solar Systems, Inc. were present on behalf of the applicant. Albrecht displayed plans and reviewed comments provided by Sue Carter of Places Associates, Inc. in a letter dated May 5, 2016. Sferra provided the Commission copies of Sue Carter's letter and noted the Town of Acton Planning Board and Conservation Commission approvals. Albrecht noted that the comments provided by Sue Carter would not affect the limits of the proposed fence and tree clearing. Albrecht noted that a bond will be in place for decommissioning by either the property owner or Borrego Solar. Albrecht noted that he has contacted Sue Carter to clarify comments including the fence details, a depression located near the wetlands and questions about the survey plan and data. Albrecht added that some of the proposed grading extends beyond the fence line and will be added to the revised plans. Albrecht clarified that the area is outside of the 100' buffer and does not affect the set of plans currently with the Commission. Albrecht also clarified that the Commission will receive a final plan set to ensure all permitting boards have the same final plans.

Albrecht continued to address Sue Carter's comments including that 4-6" of loam will be used and that the detail will be added to the plan. Albrecht clarified that a landscaping plan is not proposed because the solar field will not be visible from the road. Albrecht described the two phase construction including clearing and grubbing of half of the site and stabilizing prior to clearing the second half. Requirements for stump removal to be removed from the site in a safe and legal manner will be added to the plan. Albrecht added that some of the items noted by Sue Carter are currently included on the site plans and that he will review them with her. Albrecht reiterated that the comments provided by Sue Carter would not affect work within the buffer. Albrecht noted that the Acton Conservation Commission has requested that a construction monitor be onsite daily during the project and will share the reports with the Commission. The tabular summary required by the Solar Rules and Regulations will be added to the plan.

The Commission clarified with Albrecht that the depression near the wetlands identified in Sue Carter's comments is included on the plan and not within the area of proposed work. The Commission also requested that they receive copies of the stormwater pollution prevention plan (SWPPP) reports weekly. Albrecht recommended closing the hearing and confirmed he will provide the Commission the final plans following the Planning Board meeting.

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

Sferra provided the Commission a draft OOC for Borrego Solar and the Commission discussed the draft and the proposed knotweed treatment and phasing.

Cortni Frecha made a motion to approve and issue the Order of Conditions as amended for Borrego Solar. Sandra Grund seconded the motion and it was passed unanimously.

Coordinator's Report

- **Lot 2 North Shore Drive** – Sferra informed the Commission that the stockpile located within the 100' buffer has not been moved following their request during the February 16, 2016 meeting. Sferra contacted Prince and he stated that he would contact his contractor the next day to schedule the pile to be moved.
- **Maura Drive Potential Vernal Pool** – Furman visited the potential vernal pool located off Maura Dr and noted that the pool is full of tadpoles but did not currently have any egg masses. Furman added that she has not had experience certifying pools without egg masses but the pool did exhibit signs of a vernal pool. Furman also noted that the proposed greenhouse could be compatible with the pool but would discourage heavy landscaping around the greenhouse and shading the pool. Furman can survey the pool next spring.
- **278 Red Acre** – Sferra confirmed that a new fence was installed at the 278 Red Acre where the Commission recently issued a permit septic system repair. Sferra observed the fence from the road and described the location and noted that it may have been installed at the base of the slope or in the 35' no disturb buffer. Sferra noted that there is an exemption for fences as long as there is no impact on wildlife movement. The Commission discussed the fence and noted that requiring plantings to create a buffer to the 35' no disturb area could prevent issues in the future.
- **Gates Lane Site Visit** – Sferra informed the Commission that the site visit for Gates Lane has been scheduled for May 22, 2016 at 9 AM. A site visit on Goshen Lane to discuss the beaver pipe may follow.

Request for Determination of Applicability – 164 Barton Road (U-2 #16)

Furman read the hearing notice. Property owners Bob and Kathy Cantin were present. Sferra informed the Commission that the proposed garage and carport are within the 100' buffer and reminded the Commission that a Notice of Intent was previously filed for a retaining wall on the property. Sferra noted that Doug Morse completed a site visit, took photos, and recommended that the roof run off from the proposed garage and car port be directed into french drains. Mr. Cantin described the area and noted that the proposed garage and carport will be located twelve feet from the house. The area between the house and garage and carport will be completed with pavers. An area of existing pavement will be seeded and french drains will be installed to collect roof runoff. Mr. Cantin added that the removal of asphalt and installation of pavers will not increase the amount of impervious area but remove the impervious area outside of the 100' buffer. The proposed plan has been approved by the ZBA. The Commission discussed the Determination of Applicability and requested a revised plan which includes the roof drains or other options including rain chains or a rain garden.

Ingeborg Hegemann Clark made a motion to close the public hearing and approve and issue a Negative #3 Determination. Cortni Frecha seconded the motion and it was passed unanimously.

Coordinator's Report (Continued)

- **Bolton Conservation Commission Assistance** – Sferra informed the Commission that the Bolton Conservation Commission has been without an agent for many months and has requested that Stow provide them with some short term temporary assistance. She and Jacquie will be providing 12-15 hours of office assistance/week and have scheduled this so that it will not affect office hours in Stow. The Commission discussed the proposal and recommended that an end date be set.
- **Bolton ZBA – DiPietro Variance Request** – Sferra informed the Commission that she had been contacted by a Bolton resident regarding a ZBA variance request filed by Alan DiPietro for a frontage variance to construct a house in Bolton. The house would require a wetland crossing. The Commission reviewed a draft letter to the Bolton ZBA regarding the request. The letter has also been reviewed by Town Counsel. *Ingeborg*

Hegemann Clark made a motion to issue the draft letter to the Bolton Zoning Board of Appeals as written. Cortni Frecha seconded the motion and it was passed unanimously.

- **Stowaway** – Sferra updated the Commission, noting that Peter Melone of Stowaway Realty Trust contacted the office regarding the violation letter sent on April 27, 2016. Melone informed Sferra that they have hired a wetland consultant, Dave Burke, and confirmed that they have stopped activities within the 100' buffer and 200' Riverfront Area after receiving the letter. Burke later contacted Sferra and to inform her he will be conducting a site visit at the property and intends to file for a permit in the beginning of June.
- **180 Crescent Street** – Sferra updated the Commission regarding the wetland alteration issue at 180 Crescent Street. Sferra performed a site visit and provided photos for the Commission. Jim Boyd has hired a wetland consultant to delineate the wetland and will be filing for a permit in late May/early June. The Army Corps of Engineers is satisfied with the ongoing response. Straw wattles have been installed as requested and will be inspected this week.

Executive Session – Litigation Strategy

At 9:45 PM Ingeborg Hegemann Clark made a motion to go into Executive Session pursuant to MGL Chapter 30A, section 21 A(3), for the purpose of discussing litigation strategy, and to adjourn thereafter. Cortni Frecha seconded the motion and it passed 5-0 on a roll call vote: Serena Furman, aye, Cortni Frecha, aye, Sandra Grund, aye, Jeff Saunders, aye, Ingeborg Hegemann Clark, aye.

Respectfully submitted,

Jacquelyn Goring
Conservation Assistant

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