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## Conservation Commission Minutes 04/19/16

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### Stow Conservation Commission Minutes April 19, 2016

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

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

Absent:

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.

#### 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. Albrecht reviewed the two phase construction sequence and stabilization methods and noted that the details have been included on the plan. Additions to the plan include the 35' no disturb buffer line and the access easement for the site. Albrecht noted that the proposed panels which required trees to be removed within the 35' no disturb buffer had been moved and tree cutting is no longer proposed within the 35' no disturb buffer. Albrecht confirmed that trees outside of the fence area would be left with stumps in place and the area would be reseeded. Albrecht informed the Commission that he had met with the Fire Chief and confirmed that the previously proposed four foot gate should be replaced with two fourteen foot wide gates to allow emergency vehicle access. The proposed chain link fence will be set four inches above grade. The Commission recommended that if Borrego would like the fence to be set higher than four inches the Building Inspector should be contacted.

Albrecht informed the Commission that Department of Environmental Protection (DEP) had issued a file number for the project. Albrecht reviewed the comments made by DEP and noted that he is aware that DEP will be issuing new stormwater requirements for solar projects shortly. Albrecht added that he does not consider solar panels to be impervious and that the panels will be set three to nine feet above grade. The proposed work has been calculated to increase runoff by 3%. Albrecht clarified that the site was characterized as a "dirt road" based on the heavily disturbed nature of the site and believes that the hydrology calculations are correct. Albrecht also noted that details regarding the four inch depth of top soil and the three types of seed mix proposed for the project will be added to the plan as requested by DEP. The Commission confirmed that the buildings and trailers currently on the site will be removed and Japanese knotweed will be treated with herbicide and removed. Albrecht noted that the system owners will be permitted to prune or top trees on the hill if production is affected and that the area is accessible by an existing road. Albrecht also confirmed that the solar panels will not be visible from South Acton Road. Albrecht requested that the hearing be continued to allow Borrego Solar to complete the public hearing process with the Stow Planning Board, Acton Planning Board and Acton Conservation Commission.

Serena Furman made a motion to continue the public hearing for a Notice of Intent filed by Borrego Solar to May 9, 2016 at or after 7:30PM. Cortni Frecha seconded the motion and it was passed unanimously.

#### Minutes

Cortni Frecha made a motion to approve the minutes of April 5, 2016 as drafted and amended. Sandra Grund seconded the motion and it was passed unanimously.

#### Request for Determination of Applicability – James Ervin – Red Acre Woodlands (R-30 #20)

Serena Furman recused herself. Andy Snow read the hearing notice. James Ervin, Stow Troop 1, was present to discuss his proposed Eagle Scout project to replace a boardwalk in Red Acre Woodlands. Ervin informed the Commission that an existing boardwalk is collapsing and in need of replacement. Ervin displayed a map of the work site and photos of the existing boardwalk which was installed ten years ago by Stow Conservation Trust (SCT) and was designed to be a temporary crossing using pine planks. Ervin described the design for the replacement boardwalk which he modeled after another boardwalk built by SCT further down the trail. Ervin noted that no removal of vegetation is proposed and a small amount of soil may need to be scraped away to install the culverts. Ervin confirmed with the Building Department that a building permit was not needed for the project.

Sandra Grund completed the site visit and confirmed that the work is within the existing trail. Ervin added that all of the work will be completed by hand and the existing boardwalk will be broken down and brought out to the road for removal by the Highway Department. Ervin confirmed that he will remove or bend the nails back to prevent animals or trail users from being injured and intends to have the pile removed quickly. The work will be completed over four to five days during the weekend and will require the trail to be temporarily closed. John Sangermano, member of SCT, was present and confirmed that the trail will be closed during construction. Ervin confirmed that the existing boardwalk is 58' long and will be lengthened slightly to account for the grade and allow a smooth transition from the boardwalk for trail users. Ervin requested that the Commission waive the abutters fee of \$260 to reduce the amount of money that must be raised for the project. The Commission discussed the project and noted that the soil in the area is stable and the proposed boardwalk has been designed well and thanked Ervin for proposing the project. They supported the waiver request.

Cortni Frecha made a motion to close the public hearing for a Request for Determination filed by James Ervin. Sandra Grund seconded the motion and it was passed unanimously.



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Serena Furman returned

#### **Notice of Intent - 551 Sudbury Road (U-6 #15)**

Andy Snow read the hearing notice for the Notice of Intent filed by Andrew Makarovskiy for 551 Sudbury Road. Makarovskiy was present and displayed plans for the project. Makarovskiy informed the Commission that the existing house was built in 1924 and will be demolished. The proposed work includes constructing a new three bedroom two story home on roughly the same footprint of the existing house and finishing an existing garage as a cottage. The proposed house will be constructed thirteen feet farther from the lake than the existing structure and outside of the 35' no disturb buffer. The existing septic system was installed in 2007. Additional proposed work includes a shed, 4'x20' removable dock, underground propane tank, emergency power generator and chain link fence. Makarovskiy described the location of the 100' and 35' no disturb buffer and the location of the proposed erosion controls. Makarovskiy noted that the proposed fence is located within the 35' no disturb buffer and is necessary to contain his two dogs. Makarovskiy added that his dogs will not stay within an electric fence and he has concerns about his dogs disturbing wildlife and neighbors. Makarovskiy also noted that if the fence was made smaller to be outside of the 35' no disturb buffer the fenced area would be very narrow and nearly unusable.

Jeff Saunders completed the site visit and noted that a patio will be constructed using the existing building foundation and will be constructed using the existing field stone and concrete blocks. The patio will be finished with slate and the Commission recommended using peastone rather than sand which is less pervious. Makarovskiy added that one oak tree will be removed within the 35' no disturb buffer which Saunders confirmed is dead. Saunders added that no other trees will be cut within the 35' no disturb buffer and some limbing is proposed outside of the 35' no disturb buffer. Saunders noted that erosion controls will be used while drilling the well and a pit will be dug to contain soil cuttings and water while drilling. Sferra confirmed that the Board of Health approval for the proposed well had been received. Saunders added that the water line, propane line, and electric lines will all be set within the same trench. Saunders also noted that a drum was observed during his site visit which Makarovskiy confirmed will be removed. Saunders described the location of the existing driveway loop which will be used as a construction entrance and will be left to naturalize after the project is completed. Makarovskiy confirmed that the remaining area of the driveway will be completed using gravel and will not be paved. Saunders added that an area of the driveway will require filling after construction. The proposed floating dock will be removed partially in the winter and an existing fire pit will be moved. Saunders added that existing piles of debris will be removed. The Commission confirmed with Makarovskiy that the tree which fell into the lake will not be removed.

The Commission confirmed with Makarovskiy that the area for the fence was selected to avoid clearing trees and understory. The Commission reviewed photos from the site visit. The Commission discussed the potential for nutrients entering the lake from the dog area, wildlife passage, and the benefits of keeping the site as natural as possible with minimal disturbance. Makarovskiy confirmed that he will be keeping the pine needle understory and will not be seeding the yard. The Commission discussed mitigation for the proposed fence including planting low shrubs, such as blueberry bushes, and/or a natural stone wall to prevent runoff from the dog area into the lake.

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

#### **Appointment – Larry Smith - 176 Barton Road Plan Revision Request**

Larry Smith, owner of 176 Barton Road, and Scott Hartwell, builder, were present to discuss proposed plan changes for the project. Smith noted that during construction a less intrusive way to complete the walkway to the lower deck was found which would eliminate the proposed switchbacks and create a set of steps down to the water. The revised plan includes 26 granite steps that will be installed from the deck to the upper wall and six steps onto the upper patio and a black rail on one side. Hartwell noted that ¾ inch stone will be used behind the stairs to allow for drainage. One of the proposed trees will be relocated to install the stairs. Smith added that the upper wall will be extended due to the steep grade and ten holly plants will be planted in front of the wall to create a hedge visible from the lake. The Commission confirmed the wall is not over four feet and will not need a railing.

*Ingeborg Hegemann Clark made a motion to approve the minor plan amendment for 176 Barton Road. Cortni Frecha seconded the motion and it was passed unanimously.*

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

Andy Snow opened the hearing for Minute Man Air Field. Sferra informed the Commission that she was contacted by Greg Roy of Ducharme & Dillis and requested that the hearing be continued to May 9, 2016.

*Serena Furman made a motion to continue the public hearing for a Notice of Intent filed by Minute Man Air Field, Inc. to May 9, 2016 on or after 7:30PM. Sandra Grund seconded the motion and it was passed unanimously.*

#### **Coordinator's Report**

- **551 Sudbury Road** – Sferra informed the Commission that the Natural Heritage had not responded regarding the 551 Sudbury Road application and a condition could be added to the Order of Conditions.
- **Upcoming Meetings** – Sferra informed the Commission that the next meeting is 5/9/16. A new filing for 164 Barton Road was received and Doug Morse volunteered to conduct the site visit.
- **0 Gates Lane** – Sferra informed the Commission that 0 Gates Lane will be on the 5/9/16 agenda. The consultants have both reviewed the wetland delineation and are now in agreement.
- **Hemenway Farm** – The Commission noted that work appeared to be occurring on the Walcott Street property. Sferra will contact Mark White to confirm.
- **Maple Street** – A site visit is scheduled for work proposed off Maple Street.
- **Adams Road** – Sferra informed the Commission that beaver activity near Adams Road Lot 3 may be impacting the 100' buffer to the septic system on the adjacent lot. John Anderson will contact the Board of Health regarding emergency trapping. The Commission noted that the site may be well-suited for a beaver deceiver in the future.
- **Potential Violation** – The Commission discussed potential wetland violations at properties on Old Marlborough Rd, White Pond Rd, Hudson Rd and Crescent St. Sferra will conduct site visits and update the Commission.
- **Captain Sargent** – Sferra informed the Commission that she was contacted by Ruth Kennedy Sudduth regarding pasturing horses at Captain Sargent adjacent to her property. The area was the site of an invasive species removal project and a letter of permission was issued by the Commission to allow Sudduth to maintain the area as meadow. The Commission discussed the request and determined that the area serves as wildlife habitat and pasturing horses would not advance the Commission management goals.
- **41 Hale Road** – Sferra provided the Commission the updated landscape plan for 41 Hale Road and comments from Morse. The Commission reviewed the plan and discussed the revisions and recommended that staff conduct a site visit when the work has been completed. *Sandra Grund made a motion to approve the landscaping plan for 41 Hale Road. Cortni Frecha seconded the motion and it was passed unanimously.*
- **Planning Board Comments – Stiles Farm and Jillian's Lane** – Sferra informed the Commission that there are no wetland resource areas associated with either project.

**Determination of Applicability – James Ervin - Off South Acton Road – Red Acre Woodlands (R-30 #20)**

Serena Furman recused herself from the discussion.

The Commission discussed the Determination of Applicability and the request to waive the abutters fee. The Commission will request that the work be completed during low water conditions.

*Sandra Grund made a motion to approve the waiver request for the abutters fee. Ingeborg Hegemann Clark seconded the motion and it was passed unanimously.*

*Cortni Frecha made a motion to approve and issue a Negative #3 Determination. Sandra Grund seconded the motion and it was passed unanimously.*

**Order of Conditions - 551 Sudbury Road (U-6 #15)**

Sferra provided the Commission a draft OOC for 551 Sudbury Road and the Commission discussed the draft.

*Serena Furman made a motion to approve and issue the Order of Conditions as amended for 551 Sudbury Road. Sandra Grund seconded the motion and it was passed unanimously.*

**Adjournment**

*Ingeborg Hegemann Clark made a motion to adjourn the meeting at 10:05 PM. Serena Furman seconded the motion and it was passed unanimously.*

The Commission adjourned at 10:05 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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