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## Conservation Commission Minutes 01/05/16

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Stow Conservation Commission  
Minutes  
January 5, 2016

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on January 5, 2016 at 7:30 in the evening.

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

Absent: Doug Morse  
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

*Serena Furman made a motion to approve the minutes of December 15, 2015 as drafted and amended. Jeff Saunders seconded the motion and it was passed unanimously.*

### Coordinator's Report

**Maple Street Violation** – Sferra noted that a pre-trial conference for the DiPietro Maple Street violation is scheduled for January 11, 2016.

**Upcoming Filings** – Sferra informed the Commission that she is expecting two new filings; an Abbreviated Notice of Intent (NOI) for 277 Sudbury Road for a patio and landscaping and a Request for Determination of Applicability (RDA) for a wetland delineation for a solar project at the former Hudson Town dump. The Commission discussed assigning the NOI to Commission member Doug Morse and the RDA to Ingeborg Hegemann Clark with assistance from Andy Snow and Cortni Frecha.

**Beaver Dam – Assabet River** – Sferra informed the Commission that she had received emails from Jeri DiPietro, resident of 506 Gleasondale Road, regarding a large beaver dam on the Assabet River which the Commission observed during a recent site visit on the Lundy property. DiPietro has been experiencing significant flooding in her backyard and inquired if anything could be done about the beaver dam. Sferra offered to meet DiPietro at her property and the Commission noted the dam is a safety issue for boaters on the Assabet River. The dam is located on the Assabet River between Town owned land and OARS owned land. The Commission discussed breaching the dam. Mike Clayton, Superintendent of Streets, has been in touch with OARS about this.

**Beaver Solutions LLC** – Cortni Frecha noted that the Town of Dover uses beaver deceiver devices successfully and that the Central Massachusetts Mosquito Control Project staff may be willing to provide the labor to install devices to help prevent ponding and mosquito issues. Sferra noted that she and Jacquie Goring met with Mike Callahan from Beaver Solutions LLC at Town Forest to discuss the potential use of flow control devices at the bridge. Callahan provided a quote to the Commission which the Commission reviewed. Sferra noted that she will contact the Highway Department regarding pricing for piping as suggested by Callahan. The installation of the beaver deceiver will require submittal of an NOI. The Commission discussed installing a beaver deceiver at Town Forest and noted that the area is visible to the public and may be an educational opportunity for visitors. Sferra added that Callahan recommended adding a fence across the bottom of the pipe to prevent the beavers from blocking it.

*Ingeborg Hegemann Clark made a motion to authorize up to \$2,000 for the installation of a beaver deceiver at Town Forest as proposed in the December 31, 2015 Beaver Solutions proposal. Cortni Frecha seconded the motion and it was passed unanimously.*

**2015 Annual Report** – The Commission reviewed and discussed the 2015 Annual Report.

*Cortni Frecha made a motion to approve the 2015 Annual Report as drafted and amended. Serena Furman seconded the motion and it was passed unanimously.*

**Open Space and Recreation Plan** – Ingeborg Hegemann Clark made a motion to transmit the Open Space and Recreation Plan to the Commonwealth for their review. Serena Furman seconded the motion and it was passed unanimously.

**Request for Certificate of Compliance – Villages at Stow 40B** – Sferra informed the Commission that the outstanding issues including encroachment in the 35' no disturb buffer and remaining silt fence had been addressed. The silt fence was removed and a line of bird houses was installed along the 35' no disturb buffer. The area within the 35' no disturb buffer which was being maintained as lawn will be allowed to naturalize as required by the Order of Conditions (OOC). This will be a continuing condition. Sferra conducted a site visit for the Request for Certificate of Compliance (COC) as well as a preconstruction site meeting for the water system installation.

*Cortni Frecha made a motion to issue a Certificate of Compliance for the Villages at Stow 40B. Ingeborg Hegemann Clark seconded the motion and it was passed unanimously.*

The Commission recessed at 8:03 PM to attend the Selectmen's meeting for the 323 Great Road discussion. The Commission returned at 9:23 PM.

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**Request for Certificate of Compliance – Lot 1 and Lot 2 Adams Drive** – Sferra informed the Commission that she had conducted a site visit at Lots 1 and 2 Adams Drive and provided photos to the Commission. Sferra noted that large rocks were placed along the 35' no disturb buffer on Lot 1. Lot 2 is further from the wetland therefore a requirement to demarcate the 35' no disturb buffer was not included in the OOC for the property. Sferra recommended that the Commission issue a COC for Lot 1 and Lot 2 Adams Drive. Sferra included an ongoing condition in the COC for both properties that no brush or leaves be dumped within the 35' no disturb buffer.

*Ingeborg Hegemann Clark made a motion to issue a Certificate of Compliance for Lot 1 Adams Drive and Lot 2 Adams Drive. Cortni Frecha seconded the motion and it was passed unanimously.*

#### **Lenny Rodriguez – Captain Sargent Conservation Area**

*Ingeborg Hegemann Clark made a motion to add an additional agenda item, discussion regarding Lenny Rodriguez's Farming Operation on the Captain Sargent property, declaring that an emergency exists and that the matter must be acted upon at the present meeting for the immediate preservation of the peace, health, safety or convenience of the town. Cortni Frecha seconded the motion and it was passed unanimously.*

Dwight Sipler, Chairman of the Agricultural Commission, was present for the discussion. Sferra provided notes for the Commission from various meetings and conversations with Lenny Rodriguez as well as emails from Phyllis Tower, Animal Inspector. Sferra informed the Commission that on December 23, 2015 Tower conducted her annual inspection of the animals kept by Rodriguez at Captain Sargent Conservation area and stated that she was extremely disappointed with the conditions on site. Tower, Sferra and Snow met Rodriguez onsite on January 2, 2016, to follow up on the inspection, at which time conditions had not improved and the issues identified during Tower's December inspection had not been addressed. Among the issues identified by Tower, the animals did not have water and the pigs were lying in mud without a dry area to lie down. She was also concerned about the condition of the goat. Sferra informed the Commission that she had a series of difficult telephone conversations with Rodriguez on January 4, 2016 attempting to follow up on the site visit with Tower and Snow wherein he was argumentative and hung up on her. She informed him multiple times during these conversations that the Commission would likely be discussing this issue tonight. Sipler also visited the Conservation office to discuss the issue on January 4th.

Sferra clarified with the Commission that the emergency agenda item should be to discuss the well-being of the animals only and that any discussion regarding the status of Rodriguez's license agreement can be scheduled later. Sferra noted that Rodriguez has requested to meet with the Commission and she told him that she would ask about scheduling a date. Tower submitted her report to the State. They recommended she contact the Animal Rescue League regarding the animals, which she has done. The Commission discussed whether Rodriguez should continue to be permitted to keep animals on the property. Snow noted that it was extremely cold during their site visit and the little water that was available to the animals was frozen. Snow also noted that the requirements to take care of the animals were clearly communicated to Rodriguez by the Commission at the last meeting with him and they have not been done. Snow expressed concerns about the well-being of the animals and noted that complaints have been received by visitors to the Captain Sargent Conservation area. The Commission discussed the difficulty raising animals without access to electricity. It was noted that the animals were observed on many occasions without water in the summer and Rodriguez had stated at that time he would bring the animals water in the morning and it would get knocked over. Rodriguez does not live at the farm and Tower suggested Rodriguez find someone to help him check on the animals between his visits but he did not do so. The Commission expressed concerns that the animals will continue to not be cared for properly. Farmers have different styles of farming and it is difficult when people fail at the expense of animals. The consensus was that Rodriguez has been given every opportunity to succeed and the animals should be removed. Sferra noted the communication challenges she has been having with Rodriguez. She mentioned that Rodriguez had stated back as far as November that he was getting rid of the pigs "in a couple of weeks" but they are still there, and his license does not permit them.

Sipler stated that the pigs appear to be too small to be marketable and would likely take a few months to grow large enough to be eaten. Sipler noted that his understanding is that the animals are peripheral to Rodriguez's farming operation and that he has been working to get his greenhouse and seems to have been sidetracked by the animals. Sipler also noted that he suggested to Rodriguez that he should make an effort to show the pigs are leaving and recommended that he provide the Commission a letter from the person who is intending to take the pigs but Rodriguez did not listen. Sipler added that getting rid of the animals would probably be good for Rodriguez and the land. The Commission discussed requiring that the animals be removed from the property and would like to meet with Rodriguez at a future Commission meeting to discuss his plans for farming on the property in the future. The Commission reviewed a draft letter provided by Sferra. The Commission noted that they would like a short cover letter to be included stating the requirements of the vote and would encourage Rodriguez to continue his fruit and vegetable farming on the property and look forward to the productivity with the new greenhouse. Sferra will contact Rodriguez in the morning to convey the vote and follow up with a letter from the Commission.

*Ingeborg Hegemann Clark made a motion to issue a letter to Lenny Rodriguez requiring that all animals at Captain Sargent Conservation area be removed no later than January 19, 2015 and making clear that failure to do so would be grounds for license termination. Jeff Saunders seconded the motion and it was passed unanimously.*

#### **Appointment – Jesse Steadman – Captain Sargent Agricultural Field**

Jesse Steadman and Jaime Aspenson, Captain Sargent Field farmers, were present to update the Commission on the progress of their tree farm. Steadman and Aspenson informed the Commission that they had planted another 1,000 trees for a total of 2,000 and that 200 trees were lost this year due to drought. Steadman also informed the Commission of the ongoing issues they have experienced with deer browse and the steps they have taken to protect their trees including monofilament fencing, deer soaps, and organic spray deterrents which have been working well. Steadman noted that temporary deer fencing made of black low visibility netting is available but costly and will be used as a last resort. The Commission noted that enclosure fencing must be eight feet high and is very expensive. Steadman further explained the monofilament fencing was hung at a series of different heights and angled to deter deer from jumping over it.

Steadman discussed field edge management with the Commission and displayed photos of the field edges. Steadman stated that long-term management of the field edges is needed and that approximately fifteen to 20 feet of brush and invasive species has grown into the field from the stone wall. Steadman recommended that clearing the brush along the field edge and planting Christmas trees in the area would prevent future field edge encroachment. Steadman stated that he is considering ringing the outer edge of the field with blue spruce to create a living fence. Steadman noted that deer do not care for blue spruce and are less likely to jump over fencing if there is something on the other side. In the favorable conditions at the field, he thinks blue spruce would grow approximately a foot per year. Steadman also noted that he is aware of the Commission's invasive species project and knotweed removal and wanted to know if field edge management was part of the scope for the project. The Commission discussed field edge management and the wildlife habitat value of the field edge and Christmas trees and the need for field edge invasives management. The Commission discussed the density of the trees with Steadman confirmed the density varies from year to year as trees grow and are taken down for sale. The Commission also discussed scheduling a site visit to review the field edge maintenance issues. Steadman added that field edge maintenance is great work for January and February and that the brush could either be chipped or burned after clearing.

Steadman reviewed a list of retail considerations which they had created after discussions with Irene Del-Bono, Director of the Conservation Restriction Review Program; Celia Reichel, Executive Office of Energy and Environmental Affairs Division of Conservation Services; and Sferra. Steadman noted that all of the items listed in the document provided to the Commission they have experience with at their other location including bathrooms, electricity, parking and signage. Aspenson noted that tree sales would not begin until 2020. Steadman stated the electricity won't be needed for tree sales and that a battery would be used to power lights and a small trailer would be temporarily staged at the site during the tree sales. Steadman noted that they would put forward a proposal for retail at the site and displayed photos of what a retail tree sale area would look like. Steadman also noted that Reichel recommended that a written agreement be created for any retail operation. Sferra suggested a retail addendum to the existing lease. Steadman and Aspenson discussed with the Commission creating a sign for the tree farm with the name of the farm and the Stow Conservation Commission. Steadman and Sferra will contact the building inspector regarding the Stow sign ordinance. Steadman noted that each year a different crop of trees would be ready for sale and eventually if either party chooses to part ways the tree business could be phased out until all of the trees are gone. The Commission discussed the tree sales and hosting a Conservation Commission event at the same time to make the "harvest" a community event.

#### **Adjournment**

*Ingeborg Hegemann Clark made a motion to adjourn the meeting at 10:20 PM. Serena Furman seconded the motion and it was passed unanimously.*

The Commission adjourned at 10:20 PM.

Respectfully submitted,

Jacquelyn Goring  
Conservation Assistant

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