

**Stow Conservation Commission
Minutes
December 19, 2023**

A meeting of the Stow Conservation Commission was held on December 19, 2023 at 7:30 pm remotely VIA Zoom Videoconferencing in accordance with the Governor's Executive Order on Remote Meeting participation.

There were present: Matt Styckiewicz, Chair
Serena Furman
Liza Mattison
Ingeborg Hegemann Clark
Jeff Saunders
Stephanie Lynch

Absent: Holly Clack, Vice Chair

Also Present: Kathy Sferra, Conservation Director
Jacquie Goring, Conservation Assistant

Minutes – *Jeff Saunders moved to approve the minutes of December 5, 2023 as written. Liza Mattison seconded and the motion was approved unanimously.*

Revote – Request for Extension of Order of Conditions #299-559 – 33-45 Walcott Street – In preparing the form for signatures, it was noted that in the previously granted extension included a requirement that the wetland delineation be revisited. Sferra noted that the condition was not discussed at the last meeting but should be included given the beaver issues. *Ingeborg Hegemann Clark made a motion to reissue the Extension. Liza Mattison seconded and the motion was approved unanimously.*

Request to Extend Deadline for Compliance – 0 South Acton Road – #299-721 – Sferra reviewed the project and confirmed the trash has been removed but the restoration plantings have not been installed. The requirement to certify the potential vernal pool has also not been done. The property owner has asked for an extension to the spring. *Ingeborg Hegemann Clark made a motion to extend the deadline for compliance to June 1, 2024. Liza Mattison seconded and the motion was approved unanimously.*

Request for Certificate of Compliance – 250 West Acton Road – #299-668 – Goring visited the site and confirmed the site is stable. The septic upgrade was complete, the proposed plan was compared to the as-built, there were no issues and issuance was recommended. *Liza Mattison made a motion to issue a Certificate of Compliance for 250 West Acton Road. Serena Furman seconded and the motion was approved unanimously.*

Request for Extension of Order of Conditions #299-634 – Cornell – 222 Barton Road – The permit expired in August. The project is not yet complete. Cornell submitted a letter requesting an extension. Sferra noted that the regulations require extensions to be requested 30 days before the expiration. In previous discussions regarding expired Orders, DEP agreed that was the procedure, but it is up to the discretion of the Commission. The options would be to either grant the extension or allow interior work to continue and require the filing of a new Notice of Intent (NOI) to complete the site work. The Commission reviewed the letter and said there appears to be extenuating circumstances and agreed that there wasn't any benefit to requesting a new NOI. *Liza Mattison made a motion to grant a three-year extension to Order of Conditions #299-634 to August 1, 2026. Stephanie Lynch seconded and the motion was approved unanimously.*

Appoint Mary Staley as Associate Member/Garden Steward – Goring said Mary Staley has been gardening at the Community Gardens for many years and has been very active in volunteering. Staley consistently follows the rules and regulations which is an important part in mentoring the gardeners. Goring highly recommended her being appointed as a Garden Steward and Associate Member of the Commission. *Serena Furman made a motion to appoint Mary Staley as an Associate Member and Garden Steward. Jeff Saunders seconded and the motion was approved unanimously.*

Stow Acres Driving Range Relocation – Request for Comments – Zoning Board of Appeals – The Commission approved the driving range Order of Conditions. There was also discussion about the Conservation Restriction (CR) and the project was voted as consistent with the CR. The Zoning Board of Appeals (ZBA) has now requested comments on the project. The Commission reviewed a draft comment letter and suggested adding that the applicant is removing a direct point source stormwater discharge and improving the stormwater discharge by allowing more infiltration and overland flow. *Ingeborg Hegemann Clark made a motion to submit the letter to the ZBA as amended. Serena Furman seconded and the motion was approved unanimously.*

Robert Fletcher – 28 Davis Road – Notice of Intent for Septic System Replacement with Tight Tank – Matt Styckiewicz read the hearing notice. Chris McKenzie, Dillis & Roy, was present. The 100' buffer encompasses the entire property. McKenzie pointed out the 35' no disturb buffer and the existing leaching field. The proposed work includes decommissioning the existing system and the installation of a new tight tank outside the 50' buffer zone from the lake. McKenzie said it was the only option; there is no place for a leaching area. Access to the site is difficult, the tank will have to be dropped in from the driveway. Erosion controls are proposed around the existing system and along the property line. A Japanese maple tree will be removed for access. The grade will be brought back to its current elevation, loamed and seeded, after the tight tank is in place. The applicant is asking the Board of Health (BOH) for a 25' variance from the neighbor's well and a 40' offset from the existing well to install the tight tank.

Mattison visited the site and reviewed photos. McKenzie said decommissioning of the existing system is an option of the BOH. The typical method would be to pump out the system, crush the cover, fill it in with sand, and loam and seed over it. Any stockpiling would be short-term. Mattison commented that the tree shown on the plan will not be removed but the holly bush where the existing tank is located

will most likely need to be removed. Mattison asked how the equipment would access the site. McKenzie doesn't know how the contractor would do the job, but stated that to get mini excavator in they will have to use a ramp. They will not have the maneuverability or room to bring in anything larger.

Sferra noted that the erosion controls shown are extending into the 35' no disturb buffer and asked if they could be moved out of the 35' buffer if the BOH doesn't require the existing tank to be excavated. McKenzie said that was in case they needed to do work around the existing leach area. McKenzie added that there is a risk leaving the existing system in place with a void underground that could cave in. Sferra recommended they use silt fence, straw bales, or both rather than the proposed straw wattle due to the slope. McKenzie agreed. The project has not been before the Board of Health. The Commission discussed continuing the hearing until the project is reviewed by the BOH. McKenzie said they won't know if the existing tank will need to be fully removed until they excavate it and it's usually the Health agent who makes that decision on site. The Commission agreed to close the hearing and noted that any changes to the plan as a request of the BOH review must be brought back to the Commission and may require an amendment. *Liza Mattison made a motion to close the public hearing. Jeff Saunders seconded and the motion was approved unanimously.*

Continued – Bruce Wheeler, Trustee, Cottages at Wandering Pond R.T. – Notice of Intent for 141 Unit Active Adult Community Residence – Owner/Applicant Bruce Wheeler, Scott Goddard of Goddard Consulting, and George Dimakarakos of Stamski & McNary were present. The applicant was present to review revisions to the plans which Goddard stated are more consistent with the River Front Area (RFA) regulations. Since the last meeting, two site walks took place and there were discussions on how to reduce the alterations proposed within the RFA and if the land uses are correctly classified as they are now verse how they are proposed. Also, recent beaver activity resulted in a blockage of the culvert under the main access road. It has since been resolved; the dam was breached, and the water is now flowing underneath the culvert. The applicant is requesting the Commission's input on proposed revisions before recreating the plans and narrative.

Goddard reviewed a presentation of the proposed revisions including the two main areas within the RFA where they're proposing substantial modifications: the amenities area and the wastewater treatment area. In the amenities area, previously proposed within the RFA was the turnaround access, courts, pool system, playground, etc. Goodard stated this portion of RFA is currently mostly forested. Goddard stated that different portions of the RFA are in different statuses including forest, meadow areas, degraded building areas, an old landscape yard, and existing access roads. Goddard showed the revised amenities zone which pulled the cottage, pool, courts and parking all outside of the RFA and kept all of the forested area. In the wastewater treatment area, they modified the access road to push the wastewater treatment plant out of the RFA. Goddard stated the the only work in this portion of the RFA is now a stormwater feature which has a different status within the regulations.

Goddard reviewed a color-coded map showing RFA areas on the site, including degraded RFA and forested and meadow areas. Goodard stated the western RFA is pretty much all naturalized. Goddard described the existing Athens Road and Goshen Lane as narrow, dirt roads, with compacted gravel.

There is an existing house on Hudson Road outside the RFA but the lawn around it is within it. Goddard reviewed the degraded areas on the site within the RFA including portions of the barn, existing buildings, and the landscape yard. Goddard reviewed aerial photos of the site and stated the areas have been degraded since the RFA Regulations in 2005/2006.

Goddard feels they can meet the criteria of improving existing conditions within the RFA without needing mitigation, but they still have some opportunity for mitigation above and beyond that. There are no changes proposed around the existing house on Hudson Road but are widening the access road and improving the crossing at Athens Lane. Goddard stated that they are doing two new stream crossings that are going to be improved conditions and he would put some of this under the limited project status because work is proposed within 100' of RFA, but it is a redevelopment condition of widening the road.

Goddard reviewed the revised wastewater treatment facility area in the northern side of the RFA and stated the only activity within the RFA is now a stormwater feature. On the south side of the river, six dwelling units are proposed. Goddard stated that the units sit within what was a previously degraded landscape yard area, except just over 2,400 square feet of disturbance. Goddard stated all the activities for the units are going to be in the outer riparian zone, more than 100' away from the river, and all existing degraded activities in the inner riparian zone will be restored mitigation areas. He didn't think they need to do that to demonstrate compliance because they have a net reduction in degraded surfaces, but he feels it gives them above and beyond compliance with the RFA standards.

Goddard stated there is 99,000 square feet of degraded RFA on the site and the six proposed units and the widening of the road is approximately 64,000 square feet of disturbance, approximately 1/3 total reduction. Goddard added that they're further away from the river except for the road access where it crosses the river. He summarized in a table the existing and proposed conditions. Goddard stated the roads, housing, sidewalks, and lawn amount to 96,000 square feet which is less than the total amount that's degraded now and that doesn't take credit for the 20,000 square feet of mitigation they are proposing. Goddard added that he thinks the project meets the standards without the mitigation.

The Commission noted they have not seen the table Goddard discussed but thought it provided some of the clarity the Commission was looking for in terms of total areas and comparisons of existing and proposed. Goring commented that showing aerials from the past was helpful, but the Rivers Act was enacted in 1996 so it would be helpful if he could provide aerials prior to the Act. The Commission asked if they examined alternatives for some of the stormwater management features. Dimakarakos said they tried to keep things out of the RFA but it is the low side of the property and that's where it needs to be. Hegemann Clark asked if they could be minimized, and didn't know of their function whether they are infiltration, detention, or a combination and if there's an exchange between groundwater and surface water while also meeting the requirements of the stormwater management. Dimakarakos said they are infiltration areas and could look at making them more diverse with respect to their function.

Sferra asked what was the total RFA on the site, the 10% alteration that they are permitted, and how close does the project come to compliance with the 10% standard. Goddard said the total RFA on the site is 843,000 square feet; 10% of that is 84,000. They are proposing 64,000 square feet and additional lawn. Goddard stated some of it's on top of existing material which brings them to 96,000 square feet. Goddard added for the additional 10,000 they're over, they make it up at a 2:1 ratio with the proposed mitigation. Sferra asked if they are planning to do the same presentation to the Planning Board to get their feedback before they go to the next iteration plans or will they move on to plans from tonight. Dimakarakos said once they feel the Commission is comfortable, the engineering will be done and the plans resubmitted to the Planning Board. They are slated to be in front of the Planning Board January 16th but most likely will not be ready to resubmit revised plans. The Commission noted that Goddard said the stormwater features will not be structures but there probably would be some type of structure associated with them, e.g., weirs, overflow, emergency spillways. Dimakarakos agreed but didn't think he would classify them as structures. The Commission requested that they review alternatives and see if they can pull them out of the RFA or make them as natural as possible.

Goddard feels they have satisfied the standards with this plan both for new development and for redevelopment. Goring asked if the mitigation was 2:1. Goddard said they were close. The Commission noted that no approval was being made tonight, they are only providing guidance to the applicant. Sferra was not comfortable with not having the chance to study the material and would like the applicant to come back on January 16th and talk more about it. Dimakarakos said from what was proposed, they have tried to move everything out of the RFA that they can. He said the only things that remain are the houses in the degraded areas, the stormwater needs to be where it is, and the access roads.

The Commission noted that they appreciated the effort that was made but the RFA regulations are very complicated and would like more time to review. The Commission suggested reviewing the material and providing them with comments before our next meeting so they could be discussed at the next meeting. Feedback can be drafted before the next meeting. Wheeler agreed. Sferra will coordinate with the Planning Board since they are scheduled to meet with them as well on the January 16th. Goddard requested a continuance. *Serena Furman made a motion to continue the public hearing to January 16, 2024 at or after 7:30 p.m. Liza Mattison seconded and the motion was approved unanimously.*

Decision – 28 Davis Road – The Commission reviewed the draft decision and requested that the Order require haybales and silt fence. *Liza Mattison made a motion to issue an Order of Conditions for 28 Davis Road as amended. Serena Furman seconded and the motion was approved unanimously.*

The Residences at Stow Acres – Request for Comments – ZBA – The ZBA hearing for The Residences is January 25th. They will be coming before the Commission with an NOI, but are requesting the ZBA grant a waiver from compliance with the local Wetland Bylaw under Chapter 40B. The ZBA will be required to review the project for the Commission under the local bylaw and will be looking for substantive comments. Sferra will prepare a draft for review at the January 16th meeting.

Review/Approve Draft Fiscal Year 2025 Budget – The Commission discussed the proposed budget. In discussion about land management, Hegemann Clark noted for the record that she is on the Board of OARS and can't participate in any discussion of the water chestnut funding. She also commented on the tree removal from the September storm and said the cost of \$1,750 didn't include time and labor of staff. Land Steward Bruce Trefry donates much of his own time, equipment, and maintenance, and asked Sferra to discuss with the Town Administrator the maintenance costs to maintain our properties and see if it could be added to the budget. The town needs to anticipate how our costs are changing over time. Sferra said a bigger issue over the next decade is the cost of managing Stow Acres when it is fully under the Town's management and control. It will be an issue for both the Conservation Commission and the Recreation Department. *Ingeborg Hegemann Clark made a motion to approve the draft budget and authorize Commission staff to finalize it and provide a copy to the Commission. Serena Furman seconded and the motion was approved unanimously.*

Staff and Commission Member Updates:

- The entrance to Heath Hen off Boxborough Road has been closed due to the rain. Assabet Overlook is also closed due to flooding.
- The recent storm breached the beaver dam on Heath Hen Meadow Brook. The dam had caused flooding on the Shepherd Woodlands property and backed up water over the causeway between the Flagg Hill Barn and Captain Sargeant. The water level has gone down about 1-1.5' since the storm.
- Repairs are needed to the trails at Town Center Park due to runoff issues. Some of the repair work is within the 100' buffer but outside the 35' no disturb buffer. A series of inlets are proposed to catch the water. Discharge will be outside the 35' no disturb buffer. An Enforcement Order will be issued.
- The Town now has a monthly municipal newsletter. Sferra provided information for the January issue about where the trail maps can be found and also the new boardwalk off the Community Gardens. If anyone has any news ideas to be included in the newsletter, let her know.
- Town building will be closed to the public starting at noon on Fridays, but staff will still be working.
- An as-built and Request for Certificate of Compliance was submitted for 74 Pine Point Road. It was recently discovered the permit had expired. Over the course of the last few storms, there have been many runoff issues on the lot. They were trying to do some minor repairs today. Staff are not sure everything was constructed to the plan. Goring and Sferra will visit the site tomorrow and review the plans. An Enforcement Order may be issued since they removed the erosion controls before approval, some things were not built per plan, and they need to get the lot stabilized. Goring said there was an abutter who had a lot of concerns about water leaving the site and going onto their property. There was a requirement to build drainage swales, but it is not clear if they were constructed. They also built a stone wall along Pine Point Road within the right of way.

At 9:20 PM, Ingeborg Hegemann Clark made a motion to adjourn. Liza Mattison seconded and the motion was approved unanimously.

Respectfully submitted,
Melanie Rich, Minutes Clerk

Materials Used at Meeting

Meeting Packet

28 Davis Road – Site visits photos and draft decision

Cottages at Wandering Pond presentation slides

Conservation Commission Minutes

12-19-23

Approved 1-16-24