

**Stow Conservation Commission
Minutes
January 16, 2024**

A meeting of the Stow Conservation Commission was held on January 16, 2024 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
Holly Clack, Vice Chair
Serena Furman
Liza Mattison
Ingeborg Hegemann Clark
Jeff Saunders
Stephanie Lynch

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

Minutes – *Liza Mattison moved to approve the minutes of December 19, 2023 as amended. Serena Furman seconded and the motion was approved unanimously.*

Wetlands Permitting Issues:

- Request for Redline Change to Approved Plan and Request for Extension of the Order of Conditions – Elizabeth Brook Apartments – DEP# 299-699 – Kathy Sferra recused herself from the discussion. Ryan Proctor, Dillis & Roy, was present. The project was before the Commission approximately 3 years ago and approved the construction of the well road, drilling of public supply wells, water line, and the construction of a pump house. The redline change is for two drain lines, fill lines, and minimal grading that were not included on the approved plan. The additional work is associated with two 12,000-gallon concrete water storage tanks which are located outside the 200' riverfront and 100' buffer. Proctor also requested a one-year extension of the Order. Goring asked the status of the erosion control replacement on the well road. Proctor said they were approved by management and can proceed with the work. *Ingeborg Hegemann Clark made a motion to approve the redline change as requested. Holly Clack seconded and the motion was approved unanimously. Holly Clack made a motion to extend the Order of Conditions for one year. Liza Mattison seconded and the motion was approved unanimously.*
- Request for Redline Change to Approved Plan – 77-79 Randall Road – DEP# 299-729 – A request was made to add a second sewer line and a pump chamber for the septic system to the approved plans. The Commission had no issues with the request. *Serena Furman made a motion to approve the redline changes for 77-79 Randall Road. Liza Mattison seconded and the motion was approved unanimously.*
- Review/Approve Planting Plan – 73 Kingland Road – DEP# 299-737 – The applicant and engineer were asked to propose mitigation planting for unpermitted tree removal done prior to the erosion

control installation. 18 trees were taken down; only 4 had been approved. The Commission requested 6 trees and at least 12 shrubs be planted as mitigation. The mitigation plan submitted includes 3 alternate-leaf dogwoods, 3 red maples, 4 elderberry, 4 winterberry, and 4 high bush blueberry. Goring visited the site and confirmed that the erosion controls have been reinstalled and an additional line added where the initial approved limit of work was located. The erosion controls were also extended across the driveway as shown on the approved plan. *Liza Mattison made a motion to approve the planting plan for 73 Kingland Road. Serena Furman seconded and the motion was approved unanimously.*

- Request for Extension of Order of Conditions – 44 Pine Point Road – DEP# 299-690 – This is a raze and rebuild project which has been going on for about 3 years. An Enforcement Order was issued during the summer due to heavy rains causing erosion and sedimentation getting into Lake Boon. That has been taken care of, but they continue to have issues with water coming off Pine Point Road and onto the property causing erosion. They have been getting constant reminders to make sure their erosion controls are shored up. Goring and Sferra visit the site regularly. There are no issues going into the lake, but they are not done with the project. Planting, as required, has not been started. Since the Order expires in April and they won't be ready for a Certificate of Compliance, a 3-year extension was requested. *Liza Mattison made a motion to approve the 3-year extension of the Order of Conditions for 44 Pine Point Road. Holly Clack seconded and the motion was approved unanimously.*
- Ratify Enforcement Order – Town Center Park – The plan for the path remediation work is being prepared and is required to be submitted to the Commission by February 14th. *Ingeborg Hegemann Clark made a motion to ratify the Enforcement Order for the Town Center Park. Serena Furman seconded and the motion was approved unanimously.*
- Ratify Enforcement Order – 74 Pine Point Road – DEP# 299-678 – Goring said there have been issues with scouring on the site. Nothing has gotten into the lake, but they are keeping a close watch on it. Work on the site was being done after the Order expired, erosion controls were removed before receiving approval per the Order of Conditions and work not shown on the plan was being done. An as-built plan and request for a Certificate of Compliance was received but there were numerous inconsistencies, some more significant than others, between what was constructed and what was approved on the plan. Goring and Sferra are meeting with the engineer tomorrow to review proposed restoration. Conditions of the Enforcement Order include a deadline to reinstall erosion controls and submittal of a revised as-built plan with restoration be submitted by the end of January. *Serena Furman made a motion to ratify the Enforcement Order as written for 74 Pine Point Road. Liza Mattison seconded and the motion was approved unanimously.*
- Request for Certificate of Compliance – 74 Pine Point Road – DEP# 299-678 – The Commission agreed to table the request due to outstanding issues previously discussed in the Enforcement Order. *Liza Mattison made a motion to deny the issuance of a Certificate of Compliance for 74 Pine Point Road at this time. Holly Clack seconded and the motion was approved unanimously.*

Continued Notice of Intent – Jonathan Bransfield, Bransfield Tree – 63-65 White Pond Road – DEP# 299-734 – Property owner Jonathan Bransfield and Chris Anderson, Hannigan Engineering, were

present. The project includes construction of stormwater features as part of site development within the 100' buffer zone. The applicant is also seeking approval for additional unpermitted clearing and invasive species work that extended into the buffer zone. Anderson gave an overview of what has happened in the last few months. The intent is for the property to be used as a contractor's yard. A landscape berm is proposed to extend along the northerly portion of the property and go to a drainage swale and large infiltration basin. Anderson noted the comment from Places Associates relative to the drainage design was to use 3/4"-1/2" washed stone instead of a pea stone base in the bottom of the infiltration basin.

The Commission discussed the wetland flag numbering and the wetland delineation not matching the Order of Resource Area Delineation plans. Sferra said a wetland delineation had been done for the abutting Melone property by the same wetland scientist and the delineations didn't match up. Goring reached out to wetland scientist Chuck Caron in July but hasn't received a reply. Anderson will follow up. The seed mix was confirmed to be native, but a note needs to be included on the plan. The Commission also noted that the straw wattle diameter was not specified on the plan.

The Commission discussed the Places Associates memo and comments regarding specifying cedar or juniper due to the risk of cedar apple rust and being too far south for the proposed black spruce plantings. Bransfield rejected the cedar apple rust concern and felt red cedar is endemic in the environment and his opinion is to favor wildlife not orchards. He is looking for something that would be dense foliage to screen the commercial activities from Town Forest, but not so big that a future owner would be inclined to cut them because they're so tall. He thought the black spruce was fine for now and could be an asset to the community in the future. Sferra suggested specifying dense evergreens to be named later. Goring asked if any of the unpermitted clearing was done within the 35' no disturb buffer and Anderson confirmed it was not. The Planning Board hearing is still open, but the applicant expressed preference to close the hearing. *Ingeborg Hegemann Clark made a motion to close the public hearing. Serena Furman seconded and the motion was approved unanimously.*

Continued Notice of Intent – Bruce Wheeler, Trustee, Cottages at Wandering Pond R.T. – Bruce Wheeler, Owner/Applicant, Scott Goddard, Goddard Consulting, and George Dimakarakos, Stamski and McNary were present. Since the last meeting, staff reviewed the documentation and sent their comments to the applicant. The applicant is meeting with the Planning Board next week. Goddard said the plan presented at the last meeting had substantial modifications to the overall site design. Post construction would have been approximately 99,000 square feet of work within the riverfront area (RFA). The 10% RFA alteration provision is approximately 84,000 square feet for the site.

Responding to the latest submittal, Dimakarakos reviewed the most recent plan revisions including changes to the water treatment facility and community facility areas. The 6-unit cluster of buildings previously proposed within the inner riparian zone was redesigned to be pulled as far away from the river as possible. Dimakarakos stated it now keeps all the work outside of the inner riparian zone. Goddard said there is room to mitigate and improve the deteriorated area. Goddard reviewed treating the access road up to the second crossing as a Limited Project which would exclude that square footage from the RFA calculations. The revised plans now have 20,000 square feet of degraded area

and approximately 24,000 square feet of lawn. Goddard stated approximately 44,000 square feet or 5%-6% of the riverfront area being allocated to building, road, and lawn except for the Limited Project portion of the roadway. Goddard noted that the graphic he is referring to would be provided to the Commission.

Goddard asked if they should be preparing a full package of revised plans at this point or should there be further conversations at the conceptual level. He also asked if there should be a conversation about Crossing 3 and what the Commission would like to see there. The applicant doesn't have a preference but is willing to do something if it would be beneficial to the Commission and town. In response to Crossing 3, the Commission's preference would be to daylight the stream. In response to preparing a full package, the Commission recommended that as they make revisions, they find more areas to remove work within RFA and make sure the alternatives analysis is thorough.

Sferra said discussion is needed about the culvert crossing designs, i.e., what do they look like, and how will they be mitigated because it's an important part of the project but didn't think it would prevent them from working on the plan set. The Commission commented that the original plan had more of an engineering approach and the Commission is looking for something more natural which could include daylighting and the removal of trash. Dimakarakos asked about first cleaning it out and finding the old culvert and see if it flows freely, or if that was too "light". Sferra didn't know why they couldn't take out the old deceiver and culvert and let the stream flow freely. If control was needed it could happen at the downstream crossing.

Sferra noted the UMass Critical Linkage Project identified Crossing 3 as one of three culvert locations in Stow where they thought there was potential to enhance wildlife connectivity. The Commission discussed the concerns about damage to wells or septic systems if the pond backs up too much, but they don't have to shy away from "light" as Dimakarakos referred to. *Ingeborg Hegemann Clark made a motion to continue the public hearing for the Cottages at Wandering Pond to March 19, 2024 at or after 7:30 p.m. Serena Furman seconded and the motion was approved unanimously.*

Review/Approve Golf Course Netting Stow Acres Driving Range – The Conservation Restriction requires Stow Acres to consult with the Commission about the proposed netting. They have agreed to have openings in the fence every 200 feet. It will also recommend that they have an Avian Emergency Plan in place so if a bird does get tangled in the netting there is a Standard Operating Procedure for who is contacted. The Commission had no issues.

The Residences at Stow Acres - Randall Road - Request for Comments – ZBA – The ZBA is requesting comments for the 40B project. The applicant is asking the ZBA for a waiver from compliance to the Town of Stow's Wetland Bylaw. The ZBA will review the project under the bylaw and determine if there should be any modifications made. Sferra drafted a comment letter to include that the ZBA suggest that developer Mark O'Hagan file with the Commission under the Wetlands Protection Act so we can look at them at the same time, as well as providing some background. *Serena Furman made a motion to send the comment letter to the ZBA. Ingeborg Hegemann Clark seconded and the motion was approved unanimously.*

Decisions (as applicable): 63-65 White Pond – The decision will be included on the next agenda.

Staff and Commission Member Updates:

- Meetings are scheduled for January 30th and February 6th.
- The Comprehensive Plan Forum is tomorrow at the Pompo Community Center from 6PM-8PM. Commission members are encouraged to attend.
- Staff will begin hosting monthly Fourth Friday hikes with the first one on January 26th at Carver Hill. The hikes are for the entire community. They will take place on the fourth Friday at 1PM with a variety of topics, paces, and locations. Information can be found on Facebook and the website and will be in the February Council on Aging newsletter. The February hike will be at Captain Sargent and will be looking for tracks and wildlife signs.
- The Town Administrator has approved the budget.
- DEP has come out with a comprehensive package of regulation revisions about resiliency, and they are looking for comments. Sferra will bring a summary to a future meeting after attending upcoming webinars.
- Sferra suggested to the Town Administrator crowdsourcing information on what areas people noticed flooding and where culverts were not working properly with the recent significant rainfall. There are ongoing discussions on how to accomplish that.

Executive Session pursuant to GL c.30A Sec.21(a)(6) – Real Estate Negotiation – Boxboro Rd – At 9:15PM, *Serena Furman moved to go into Executive Session to discuss real estate negotiation, not to return to open session afterwards. Holly Clack seconded, and the motion was approved unanimously on a roll call vote (7-0).*

Respectfully submitted,
Melanie Rich, Minutes Clerk

Materials Used at Meeting

Meeting Packet

Cottages at Wandering Pond presentation and revised plans