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Conservation Commission Minutes 03/22/16

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Stow Conservation Commission
Minutes
March 22, 2016

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on March 22, 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

Absent: 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.

Appointment – Elena Trunfio – Elena Trunfio was present to discuss her interest in serving as an associate member of the Conservation Commission. Trunfio introduced herself to the Commission and informed them of her passion for the outdoors and interest in getting involved in the community. Trunfio noted that she would like to major in Environmental Science in college. The Commission members introduced themselves and described the role of the Conservation Commission and the permitting and hearing process and encouraged Trunfio to attend site visits when possible.

Serena Furman made a motion to appoint Elena Trunfio as an associate member of the Conservation Commission. Cortni Frecha seconded the motion and it was passed unanimously.

Minutes

Cortni Frecha made a motion to approve the minutes of March 8, 2016 as drafted and amended. Sandra Grund seconded the motion and it was passed unanimously.

Coordinator's Report

Keystone Program – Sferra informed the Commission that Jacquie Goring was accepted to the Keystone program and will be attending in April.

Associate Member – Sferra informed the Commission that resident Cynthia Mesh has expressed interest in becoming an associate member and will provide the Commission a letter of interest.

Commission Member Dinner – Sferra informed the Commission that the Commission member dinner has been scheduled for May 13, 2016.

Captain Sargent – Bee Hives – Ingeborg Hegemann Clark informed the Commission that she will not be keeping bees at Captain Sargent this year.

Notice of Intent – Borrego Solar/Fletcher Realty Trust 0 South Acton Road (R-31 #6)

Andy Snow read the hearing notice for 0 South Acton Road. David Albrecht and Zak Farkes of Borrego Solar Systems, Inc. were present to discuss on behalf of the applicant. Albrecht displayed plans for the proposed work on the 20 acre parcel located on the Stow/Acton town line owned by the Fletcher Realty Trust. Albrecht displayed an aerial image of the site location area and noted the location of Captain Sargent Conservation Area. Albrecht described the site as heavily disturbed with a gated gravel driveway, inactive landscaping stockpile business, old saw mill and outbuildings. Construction equipment and moving trucks are also housed on the site and will be removed as part of the site development. Albrecht noted the locations of the 35' and 100' buffer and delineated resource areas including several wetland areas and an intermittent stream. Albrecht also noted that 90% of the proposed work is located in Stow with 10% proposed in Acton. Albrecht stated that there are 0.63 acres of bordering vegetated wetland (BVW) and 2.6 acres of buffer zone in Stow and no filling or dredging is proposed as part of the project. Albrecht noted that some of the buffer zone area is previously disturbed including the existing gravel road, storage, outbuildings and the saw mill. Albrecht noted the area on the property formerly used as a gravel pit and the existing wood debris and landscaping stockpiles. Albrecht also noted the flood plain to Heath Hen Meadow Brook and an isolated wetland located in Acton.

Albrecht informed the Commission that the proposed system will be a 2.8 MW with 7,670 panels. A six foot high chain link fence with 20' gate is proposed to be installed with barb wire and the bottom six to eight inches will be left open for wildlife passage. The existing access road will be repaired but not paved. Albrecht noted that a waiver request was submitted to clear trees within five feet of the wetland totaling 16,000 sq ft and clarified that only taller trees are proposed for removal. Tree stumps will be left in place to allow re-sprouting and the disturbed areas will be reseeded with a native grass and wildflower seed mix. Clearing of trees is also proposed between the fence and the panels where stumps will be removed. Additional tree clearing is proposed outside of the 100' buffer. Albrecht noted that the panels will be installed either using a racking system or driven pile system.

Albrecht noted that the site has irregular topography and will require some grading to make it suitable for solar. Albrecht identified the area of proposed grading on the plan and noted that no part of the proposed solar system or fencing will be within the 35' no disturb buffer. Proposed erosion controls include silt fence as well as wood strand berms and mulch tubes. Albrecht described the wood strand berms as shredded material from the stump grinding process which is used to create berms five feet wide and three feet high. Bio-fabric filter matrix (BFM) is also proposed as an erosion

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control measure on steep slopes. Albrecht described the three types of proposed seed mixes for the project as well as their seeding rates and methods.

Cortni Frecha conducted the site visit with Sferra and reviewed the area where the waiver request was made as well as the location of the proposed panels within the 100' buffer. Frecha and Sferra walked along the wetland line and noted that the corners of the proposed fence line were marked in the field. Sferra provided photos from the site visit. Frecha noted the public benefit of the removal of debris, trailers, and equipment located within the wetland buffer. The Commission inquired if an alternatives analysis was completed for the alignment of the panels which would require less tree clearing in the 35' no disturb buffer and inquired if there is a minimum number of panels required to make the project economically viable. Farkes noted that the design was economically driven to achieve a 2.8 MW system while avoiding additional grading. Sferra clarified with Albrecht that if the trees proposed for removal within the 35' no disturb buffer were not removed a similar sized area of panels would not be installed.

The Commission recommended a shade study and alternatives analysis be completed to minimize the impacts to the 35' no disturb buffer. The Commission discussed the proposed mitigation including removal of debris. Albrecht described the shade areas of various tree heights and noted that a production model was completed for the proposed project. Albrecht added that part of the proposed mitigation includes selective removal of larger trees and plantings in the area of impact. Sferra noted the presence of Japanese knotweed within the buffer (and beyond) and noted that the applicant might want to consider treatment and removal before grading. The Commission also noted that the erosion controls are proposed on the wrong side of the tree removal and Albrecht stated that the ground will not be disturbed as part of the tree removal. The Commission requested that additional details be provided on the method of tree removal.

The Commission noted that the topographic lines are difficult to read on the plan and clarified that 20,000 yards are proposed to be graded and filled. The Commission discussed the proposed grading and Albrecht noted that no grading cuts are proposed within the 100' buffer and only filling is proposed. Sferra recommended continuing the hearing and clarified that the Commission would like an alternatives analysis be completed to minimize the impact to the 35' no disturb buffer. Albrecht and Farkes noted that panels could be removed from that area and they may return with that proposal. Sferra clarified that currently one fence post is proposed within the buffer of the wetland in the rear of the property and that no current activities on the site are in that area. Sferra added that she would not want additional work proposed in that area due to the significance of the rear wetland and conservation land continuity.

Cortni Frecha made a motion to continue the public hearing for a Notice of Intent filed by Borrego Solar to April 19, 2016 at or after 7:30PM. Serena Furman seconded the motion and it was passed unanimously.

**Abbreviated Notice of Resource Area Delineation (ANRAD)
Stow Woodlands, LLC – 0 Gates Lane (R-10 #25B-1)**

Andy Snow read the hearing notice for 0 Gates Lane. Snow informed the abutters present for the hearing that the Commission has decided to hire a peer reviewer for the wetland delineation due to the extent and complexity of the resource areas on the site. The Commission clarified that the ANRAD will confirm the resource areas on the site and that any plans for development will require an additional filing of a NOI. The Commission also noted that the hearing was opened to provide the Commission an overview of the resource areas on the site and that a more substantive discussion would occur during the following hearings after the wetland delineation review and site walk are completed. Dan Wells, Goddard Consulting, was present for the applicant. Wells displayed plans and described the location of the site. Wells described the resource areas including Elizabeth Brook, Wheeler Pond, bordering and isolated wetlands, perennial and intermittent streams. Wells also noted the portion of the property is located within the Natural Heritage and Endangered Species Program (NHESP) Estimated Habitat of Rare Wildlife.

Wells displayed four plan sheets which divided the property into four quadrants and described the wetland delineation for each quadrant. Resources include the mean annual high water line for Elizabeth Brook and BVW associated with the brook, and an intermittent stream which Wells noted runs off a steep slope. The southern portion of the site includes the end of Gates Lane, Wheeler Pond, and two isolated vegetated wetlands. Wells noted that these two areas did not have standing water during the delineation completed by Goddard. This portion of the property also has two isolated wetlands described by Wells as isolated lands subject to flooding (ILSF). Wells added that the Wetland Protection Act (WPA) does not include a buffer to the ILSF but the areas have a 100' buffer under the Stow Wetland bylaw. Wells described the southwest corner of the property as completely flooded and unable to be accessed by foot. Wells stated that Scott Goddard flagged the bank in the area using the wetland delineation completed in 2000. Wells confirmed that David Crossman, B&C Associates, will begin reviewing the wetland delineation in the field this week. The Commission will complete a site visit following Crossman's review of the delineation.

Wells confirmed that the River Front Area is shown on the plans. Wells also confirmed that Bordering Land Subject to Flooding (BLSF) was not included on the plans because they feel the BLSF on the site is all located within BVW. The Commission requested that all ILSF and isolated vegetated wetlands be reviewed for vernal pool characteristics. Wells noted that the two identified ILSF were found to be vernal pools during the previous filing for the property. Wells displayed an aerial image of the property and described the interior banks of the intermittent streams. Wells stated that there is a well-defined channel on the steep slope. Sferra noted that there are wetland resource areas on the abutting properties with buffer zones onto the 0 Gates Lane property which Wells stated they will confirm. Sferra identified an area of wetland delineated in 2000 which was not included in the most recent plans. Sferra also inquired if it was necessary for Crossman to review the wetland delineation in the steep slope area abutting Spindle Hill Conservation Area if the area is likely not developable. Wells stated that he would confirm with his client but would likely request that the area also be confirmed. The Commission discussed the timing of a continuation date to follow the review by Crossman, site visit and to allow time for Goddard to review the potential vernal pools on the property. Sferra noted that the vernal pool investigation could be included as a condition to the Order of Resource Area Delineation (ORAD).

Scott Lilliot, resident of 65 Gates Lane, noted that there is water flowing off the slope year round and confirmed with Wells that one of the stream channels continues to Elizabeth Brook. The Commission requested that a tributary watershed analysis be completed to assess if the stream is intermittent or perennial. Ginny Powell, resident of 598 Great Road, stated that an area behind her property is very wet and would like it reviewed as part of the wetland delineation. Matt McGrath, resident of 78 Gates Lane, stated that he has heard frogs on the property and that there is a lot of flow off the slope in the area of his property. George Quiervyn, resident of 55 Gates Lane, stated that he owns two lots on Gates Lane and vehicles were parked for an extended period of time on his property in the easement turn around area and requested that no one park on his property. Sheri Lazaros, representative of Stow Woodlands LLC was present and stated that the gate could be opened at the end of Gates Lane to allow additional parking during site visits. Powell inquired about the significance of the Estimated Habitat and Wells stated that Natural Heritage will have the opportunity to review the project. The Commission described that process for the audience. Elizabeth Michaud, resident of 570 Great Road, noted that every spring a large amount of water streams along the side yard of 570 Great Road which comes from Spindle Hill and requested that the area be included on the wetland delineation. Wells noted that wetland flagging was completed in the area and included on the plan.

Cortni Frecha made a motion to continue the public hearing for an Abbreviated Notice of Resource Area Delineation filed by Stow Woodlands LLC to April 5, 2016 on or after 7:30PM. Serena Furman seconded the motion and it was passed unanimously.

Sferra noted that the agenda for the April 5, 2016 meeting would be posted on April 1, 2016 and if the hearing will be continued a note will be included on the agenda.

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

Andy Snow read the hearing notice for 302 Boxboro Road. Greg Roy of Ducharme & Dillis and Don McPherson, owner of Minute Man Air Field, were present. McPherson noted that the proposed area of work was used as a grass tie down area for parking planes prior to stockpiling ledge from the Phase II runway expansion project. McPherson also noted that the area was able to park 30 planes and allowed for parking for the public as required by State and Federal aviation laws. Roy displayed an existing conditions plan which included the project area and airport facilities. Roy noted that a small wetland area built by McPherson at an unspecified date is present and currently functions as a drainage area. An existing twelve inch culvert routes water from the area to a wetland on the other side of the taxiway. Roy identified the 35' no disturb buffer, 100' buffer and the associated flood plain.

The proposed work includes the two additional hangar buildings 51 feet wide and 230 feet long used for storage of planes and an additional paved tie down area. A stormwater management system is proposed which includes primary treatment through a bio-retention swale and sediment forebays for pretreatment prior to entering the existing wetland. The existing twelve inch culvert is proposed to be improved with an outlet control structure to decrease the flow. Roy noted that that additional paving appears to increase the impervious area on the site but the soils in the area are a tight silt

and loam and allow very little infiltration. Approximately 20,000 yards of crushed rock and ledge is proposed for removal with some proposed to be reused onsite under the paved areas. McPherson stated that Zoning Board of Appeals is reviewing the project as well as the Planning Board for both erosion and sedimentation and earth removal permits. Roy stated that a site walk was completed on March 18, 2016 with members of the Commission and staff. Roy clarified with the Commission that the specifications on the plantings will follow the stormwater guidance and that no trees can be planted due to aviation requirements.

McPherson noted that the area is not sanded or salted and he is cognizant of the Commission's concerns about fuel spills and is willing to post signage and make spill kits available in the area. Serena Furman conducted the site visit and clarified that the proposed hangars will be prefabricated and will be placed on poured concrete slabs. All utilities will enter the hangar buildings from the far side away from the wetland area and the hangars are not proposed to be heated. Furman also noted that the paving the tie down area is necessary to prevent spills as described by McPherson and expressed concerns about aircraft maintenance activities occurring within the 100' buffer. McPherson noted that plane maintenance occurs in front of the designated maintenance building and that no commercial activity will be allowed in the proposed hangars. The Commission discussed concerns about maintenance in the proposed hangars and the proximity of the proposed trench drains. McPherson noted that he is very motivated to ensure that no spills occur on the site. The Commission discussed the 35' no disturb buffer and existing disturbance, the wetland drainage area and culvert. The Commission recommended that sumps be added to the trench drains to avoid release of fuel and sediment to the wetland. The Commission also expressed concerns regarding the proposed outlet control structure and the impact to the water level and plant community of the wetland and requested the existing and proposed flow rates. It was requested that Sue Carter look at this as she does the Planning Board review. The Commission also noted that the WPA does not permit the use of an existing wetland for stormwater management. The Commission also requested that information be provided on when the wetland drainage area was constructed by McPherson.

The Commission confirmed that the prefabricated hangars could be shortened although McPherson expressed concerns about the limited space for parking on the property. Roy described how the planes would enter and exit the proposed hangars. McPherson noted that the property is hundreds of acres but the majority of the available space is wetland and that there is very little area to store and park plane. The Commission reviewed their requests including providing public benefit for the proposed work, changes to the water level and flow with the proposed outlet control structure and information on when the wetland drainage area was created and if it was completed under an Order of Conditions (OOC). The Commission also confirmed the truck route will be directly exiting the site on pavement and would not require additional erosion control measures.

Cortni Frecha made a motion to continue the public hearing for a Notice of Intent filed by Minute Man Air Field, Inc. to April 19, 2016 on or after 7:30PM. Serena Furman seconded the motion and it was passed unanimously.

Stow Conservation Commission – Proposed Draft Conservation Land Regulations

Ingeborg Hegemann Clark made a motion to close the public hearing for the Proposed Draft Conservation Land Regulations. Cortni Frecha seconded the motion and it was passed unanimously.

Sferra noted that she had provided the comment letters to the Commission. Sferra informed that Commission that she received an email regarding ATV and dirt bike usage on conservation land after the deadline for public comment but noted that the timing it was likely unrelated to the proposed draft regulations. Sferra also provided a summary of comments and questions raised to date and recommended that discussion be deferred to the April 5, 2016 Commission meeting to allow more time for discussion.

US Fish and Wildlife Service – Proposed Acquisition of Air Force Property – Sferra noted that an inholding of property within the Assabet National Wildlife Refuge currently owned by the Air Force is proposed to be purchased by the US Fish and Wildlife Service.

Cortni Frecha made a motion to provide the Board of Selectmen with a letter recommending the acceptance of the Air Force Property to the US Fish and Wildlife Service. Andy Snow seconded the motion and it was passed unanimously.

241 Boxboro Road – Cortni Frecha recused herself from the discussion regarding 241 Boxboro Road. Sferra informed the Commission that the Selectman would be discussing the attempt to withdraw 241 Boxboro Road from Chapter 61 after receiving a letter from Town Counsel indicating that the current submittal was not adequate. The portion of the property to be withdrawn from Chapter 61 is valued at \$40,000. The Commission discussed the cost and continuity of the parcel to other conservation land. Sferra confirmed that the lot is contiguous to Flagg Hill but would not provide access and is likely not developable as it lacks sufficient frontage. The parcel is not identified as a priority parcel in the Open Space and Recreation Plan. The Commission reviewed the plan of the lot to be withdrawn from Chapter 61 and the adjacent house lot.

Ingeborg Hegemann Clark made a motion to provide the Board of Selectmen with a letter stating that the Commission is not interested in the town exercising its right of first refusal for 241 Boxboro Road. Sandra Grund seconded the motion and it was passed unanimously.

Zoning Board of Appeals Request for Comments – 302 Boxboro Road – The Commission requested that Sferra communicate to the ZBA that they are concerned about the use of the proposed hangar buildings.

Planned Conservation Development (PCD) Bylaw Revisions – Sferra provided the Commission comments to the proposed Planned Conservation Development (PCD) bylaw. The Commission reviewed the comments and the proposed changes to the bylaw.

Ingeborg Hegemann Clark made a motion to provide the Planning Board comments on the Planned Conservation Development bylaw revisions as drafted. Cortni Frecha seconded the motion and it was passed unanimously.

Planning Board Request for Comments – 302 Boxboro Road – The Commission requested that Sferra inform the Planning Board their request for sump mitigation in the proposed trench drains and their concerns regarding the water levels of the existing wetland and will review the comments from Sue Carter's review of the project.

Planning Board Request for Comments – Borrego Solar Project – The Commission discussed the Borrego Solar project and the proposed tree removal. The Commission requested that Sferra inform the Planning Board of their concerns regarding the 35' no disturb buffer.

Adjournment

Serena Furman made a motion to adjourn the meeting at 10:11 PM. Ingeborg Hegemann Clark seconded the motion and it was passed unanimously.

The Commission adjourned at 10:11 PM.

Respectfully submitted,

Jacquelyn Goring
Conservation Assistant

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