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Conservation Commission Minutes 03/08/16

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Stow Conservation Commission
Minutes
March 8, 2016

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on March 8, 2016 at 7:30 in the evening.

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

Absent: 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.

Appointment – Lenny Rodriguez – Captain Sargent Conservation Area

Lenny Rodriguez was present to discuss his farming license termination at Captain Sargent Conservation Area with the Commission. Rodriguez explained to the Commission that he felt there had been a misunderstanding. Rodriguez stated that he had been harassed and had done nothing wrong and wanted to know why he was not present when the Commission terminated his license agreement. Rodriguez also stated that he felt his termination was a result of his request for a greenhouse. Rodriguez noted that he was embarrassed about his actions which resulted in the Police Department being called to Town Building. Rodriguez described his issues during the previous year when his plants arrived late and were damaged heavily by deer and provided the Commission a letter expressing his concerns about the termination of his license.

Andy Snow arrived at 7:38 PM.

The Commission clarified that they voted to approve the request for a greenhouse and that he was informed of the meeting when the vote was taken but did not attend. The Commission noted that the termination was not based on personal issues, but was about the care of his animals, and reminded Rodriguez that Conservation Commission staff were implementing decisions and following direction from the Commission. Rodriguez stated that he did not want to leave the property but would follow the request and confirmed he will remove all of his farming equipment and buildings by May 10, 2016 but would like to return in November to remove his peach tree. Commission members added that Rodriguez is a good farmer and that the animals may have been too much of an undertaking, especially as he does not live at the site.

Notice of Intent (#299-0610) 217 Hudson Road (R-12 #25)

Andy Snow read the hearing notice for 217 Hudson Road. Steven McAleer, American Quality Builders, and Stephen Sears, Ross Associates, Inc., were present to discuss the replacement of a failed septic system at 217 Hudson Road. The proposed septic system will replace the existing cesspool which failed Title V inspection. The proposed septic system was previously planned outside of the 100' buffer but the location was adjusted to be farther from the well located on the adjacent property as requested by the Board of Health. Sears described the location of the wetlands and the 35' no disturb buffer and noted that the proposed septic system will be located 54' from the wetland and outside of the 200' Riverfront Area and floodplain. Sears noted that the area is currently lawn. Removal and replacement of a panel of chain link fence will be required to access the area with equipment. Sears added that one pine tree is proposed for removal. Jeff Saunders conducted a site visit and clarified with Sears that a second pine tree may need to be removed if the roots are affected during construction of the proposed septic system. McAleer stated that he had met with an arborist who felt that the second pine would not need to be removed and confirmed that a maple tree which was identified during the site visit was in good health. Saunders confirmed the wetland delineation during the site visit. Silt fence and straw wattle are proposed for erosion controls. McAleer confirmed equipment will be only crossing lawn area. Saunders added that the area of the proposed septic system is easily accessible by equipment.

Ken Duchi, resident of 209 Hudson Road, was present. Sears noted that the septic system location was adjusted as requested by the Board of Health to be 100' from Duchi's well and the design was shortened to be 54 feet from the wetland. The new location of the septic system is now straddling the fence line but located completely within the 217 Hudson Road property boundary. Duchi noted that his well is hundreds of feet deep and was not concerned about water quality but believed that the row of pine trees between the two properties was the property line. Sears clarified the boundary line for Duchi. The Commission confirmed with Sears that ½ foot of grading will be necessary to complete the septic system replacement and only one tree will need to be removed. Duchi noted that he is not concerned about tree removal and reiterated that he has no issues with the proposed work but was still unclear on the property line location. The Commission noted that the Board of Health hearing is scheduled for March 10, 2016 and recommended Duchi attends if he is concerned about the location of the septic system.

Cortni Frecha made a motion to close the public hearing for the Notice of Intent for septic system replacement at 217 Hudson Road. Doug Morse seconded the motion and it was passed unanimously.

Public Hearing – Stow Conservation Commission – Proposed Draft Conservation Land Regulations

Kathy Sferra read the hearing notice for the proposed draft Conservation Land regulations and provided the Commission a summary of the proposed draft. Sferra noted that the goal of revising the Conservation Land regulations is to simplify the existing sixteen pages of regulations and make them consistent across properties. The proposed regulation changes will also address recent issues including creation of unauthorized trails, use of



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chainsaws on Conservation Land by the public, and overnight parking. Sferra informed the Commission that comments were received from Sondra Albano, chair of the Stow Disaster Animal Rescue Team, Stow Conservation Trust (SCT), Stow Police Department as well as questions by phone. The Commission discussed requiring dogs to be in sight of the handler while off leash. The Commission opened the hearing for public comment.

Dorothy Flood Granat, 11 White Pond Road, was present to discuss her concerns regarding the proposed requirement for horseback riding permits. Flood Granat noted that she moved to Stow 13 years ago partly because she was able to ride her horses on Town Forest trails. Flood Granat stated that she had done research on horseback riding permits and could only find one location in New York which required permits due to liability reasons. Flood Granat also noted that she called the Conservation office and spoke with Sferra who explained that the goal of the draft regulations was to standardize rules about horseback riding and also foster a dialog between the Commission and the riding community about trail conditions and appropriate trails for riding. Flood Granat inquired why horseback riding was singled out over mountain bikers. She feels that horses do less damage to trails than mountain bikes. Flood Granat added that horses and mountain bikers can both widen trails and did not understand why horseback riding was singled out.

The Commission noted that the purpose of horseback riding permits is collect contact information for riders to be sure they are aware when trails are too muddy for riding and to prevent riders having to trailer to the properties when trails are closed. Flood Granat noted that she understands the permit is free but does not feel it is fair. Sferra clarified that horseback riding is currently not permitted in Flagg Hill or Heath Hen Conservation area and allowed at Town Forest with a permit and the goal of the Commission is to simplify the regulations. Bruce Trefry, Land Steward, was present and added that Town Forest once had fifteen foot wide packed gravel roads and so it was the one place that horseback riding did not require a permit. Trefry described the large number of mountain bikers using the various conservation lands and noted the logistical difficulty of monitoring bikers. Trefry also noted that horseback riders could be contacted after a large storm event and could provide information back to the Commission to help keep the trails maintained. Trefry stated that he believes that passive bike riding is permitted on marked trails and single track, sliding, and speeding mountain biking activities are not. Flood Granat stated that mountain bikers are present on the marked trails and cause damage and continued to express concerns about requiring a permit for horseback riders. Trefry clarified that the proposed regulations state that bikers must only use marked trails and bikers are currently creating unmarked trails. The Commission inquired if it would be feasible to also require permits for mountain biking. The Commission's goal is to connect the Commission with horseback riders and to help communicate where it would be most appropriate to ride. Trefry noted that horseback riding was not allowed at Heath Hen Conservation area prior to the connection to Flagg Hill Conservation area because entering the property prior to the linkage required crossing a wooden bridge that is not designed to be adequate for horses.

The Commission discussed the practicality of requiring permits for mountain biking and noted that many surrounding towns including Harvard, Lincoln, Littleton and Concord required horseback riding permits. The Commission clarified that trails will also be closed to biking during muddy conditions and noted that permitting horseback riding will allow the Commission to contact horseback riders in the event trails are closed as a courtesy to riders who may be trailering their horses. Flood Granat stated that it would be the responsibility of the horse owner to not trailer to Stow conservation land when conditions are too muddy. The Commission stated that they had heard Flood Granat's concerns and would take them into consideration but would not be making a decision tonight. The Commission noted that comments can be submitted until March 15, 2016. The Commission reiterated that they hope to make the regulations more user friendly and that standardization of the regulations will be helpful for the public and help Conservation staff enforce the regulations. Flood Granat stated that she is in favor of having dogs in sight while off leash and under direct control.

Cortni Frecha made a motion to continue the public hearing for the Proposed Draft Conservation Land Regulations until March 22, 2016. Ingeborg Hegemann Clark seconded the motion and it was passed unanimously.

Minutes

Cortni Frecha made a motion to approve the minutes of February 16, 2016 as drafted and amended. Serena Furman seconded the motion and it was passed unanimously.

Appointment – Jesse Steadman – Captain Sargent License & Land Management Issues

Sferra noted that Jesse Steadman's license is due for renewal in April and provided the Commission staff comments on the proposed land management plan submitted by Steadman. Steadman was present and reviewed discussion items identified during the site visit regarding the field edge management. Steadman also reviewed the proposed field management plan which outlined areas of priority. Steadman described the areas which were identified during the site visit including specific areas the Commission would like protected and various management techniques including removal of overhanging branches and clearing of understory. An area closest to South Acton Road was identified by Steadman as a priority for clearing low hanging branches and potential planting of Christmas trees in 2016. Steadman removed the additional areas outlined for management which will likely overlap the Commission's invasive species removal project. Steadman reviewed the areas specified by the Commission during the site visit to remain including large trees and some areas of understory. The Commission discussed the large pile of leaves and compost located on the field which partially obstructs the trail which was placed by Lenny Rodriguez. Steadman discussed the equipment which is proposed to be used as part of the field edge management which includes loppers, mowers and chainsaws. The Commission recommended that the brush be piled for burning and noted the habitat benefits of brush piles and benefits of burning to avoid the spread of invasive species. Sferra will discuss the permitting requirements for burning with the Fire Chief. Sferra also noted concerns about multiple chainsaw users on the property and confirmed that Steadman should have the lead with this work as licensee and that Trefry may be available to provide some assistance with chainsaw work. Other volunteers can assist Steadman with hand work and moving brush.

Steadman reviewed his Christmas tree retail proposal and described the equipment including a small trailer, fencing, and parking areas. All equipment and fencing would be seasonal and in place for two months during Christmas tree sale season. Steadman reviewed the sketch he provided to the Commission which included the proposed area for tree sales and discussed fencing at the entrances to direct the flow of car and pedestrian traffic. Steadman discussed the anticipated sales and number of cars and noted the area proposed for parking at Captain Sargent could hold approximately 45 cars. The Commission discussed the traffic pattern and concerns about weather and muddy conditions. Steadman added that he has observed the proposed parking area during significant rain events and identified the areas that should be avoided during muddy conditions. Sferra noted that the Commission will work on a draft license agreement for the next year and the request for proposal (RFP) for the front farm field.

Hegemann Clark recused herself to discuss her proposed bee keeping request with the Commission. Hegemann Clark informed the Commission that she is currently taking a bee keeping course. Hegemann Clark described an area at the Captain Sargent field which is dry and has a south and east facing exposure necessary for the hives. Hegemann Clark described the proposed hives and cinderblock stand and noted that she hopes set up the hives at the end of April. The Commission discussed the hives and the proposed location which is nearby an unofficial trail and determined that they do not wish the trail to continue to be used and could post signs alerting trail users of the hive. Steadman confirmed that he is in agreement of the hive location and Hegemann Clark noted that she will be completing any necessary clearing using small hand tools. The Commission will do a simple letter of permission for this.

Cortni Frecha made a motion to approve the request made by Ingeborg Hegemann Clark to keep bees at Captain Sargent farm field. Serena Furman seconded the motion and it was passed unanimously with Ingeborg Hegemann Clark abstaining.

Peer Review – 0 Gates Lane

Sferra informed the Commission of the various resource areas identified in the Abbreviated Notice of Resource Area Delineation (ANRAD) for 0 Gates Lane and noted that she had requested three quotes for peer review of the wetland delineation for the property. Sferra also noted that the delineation submitted with the ANRAD differed from the wetland delineation completed in 2000. Sferra reviewed the process for hiring a peer reviewer. Sferra provided the three quotes to the Commission and noted that the Commission is only able to request \$2,500 from the applicant for peer review under the bylaw. The Commission reviewed the quotes provided by Sferra from B&C Associates, Oxbow Associates, and Places Associates.

Cortni Frecha made a motion to hire a peer review by David Crossman of B&C Associates for the wetland delineation of 0 Gates Lane. Ingeborg Hegemann Clark seconded the motion and it was passed unanimously.

**Order of Conditions (#299-0610)
217 Hudson Road (R-12 #25)**

Sferra provided the Commission a draft OOC for 217 Hudson Road and the Commission discussed the draft. The Commission revised the OOC to include removal of up to three trees as part of the proposed work.

Ingeborg Hegemann Clark made a motion to approve and issue the Order of Conditions as amended for 217 Hudson Road. Cortni Frecha seconded the motion and it was passed unanimously.

Certificate of Compliance – 70 Edson Road (#299-406 and 299-569)

Snow conducted a site visit to review the requests for Certificates of Compliance (COC) for 70 Edson Street. Snow confirmed the construction of a pool, stone patio and fireplace and noted that all of the required plantings had been completed. Snow also confirmed that the four trees proposed for removal had been removed and had not been stumped, as requested, and no other tree clearing was completed.

Cortni Frecha made a motion to issue Certificates of Compliance for 70 Edson Street. Doug Morse seconded the motion and it was passed unanimously.

Coordinator's Report

Upcoming Filings – Sferra informed the Commission that she has received a Notice of Intent (NOI) for Minute Man Air Field and a public hearing is scheduled for March 22, 2016. Serena Furman and Snow will have the lead. Sferra noted that she is expecting a large amount of smaller projects to be filed soon.

Site Visits – Frecha will be conducting a site visit for the South Acton Road Solar Project and will inform the Commission when it has been scheduled. Sferra recommended a site visit be scheduled for 0 Gates Lane after the wetland delineation has been peer reviewed.

Planned Conservation Development (PCD) Bylaw Revisions – Sferra provided the draft Planned Conservation Development (PCD) bylaw and informed the Commission that she will draft a comment letter for the Commission's review for the next meeting and request comments. The Commission discussed the draft PCD bylaw and recommended adding scenic vistas as a secondary consideration listed in the bylaw.

Eversource – Sferra informed the Commission of the upcoming Eversource Open House in Hudson on March 15, 2016 and in Sudbury on March 16, 2016 regarding the high tension transmission line proposed in Hudson, Sudbury and partially in Stow.

Ridgewood – Sferra informed the Commission that she met with Planning staff, the property owner and representatives from Ducharme & Dillis and Toll Brothers to discuss the Ridgewood development and noted that they will be re-filing with the Planning Board and the Commission will be receiving revised plans. Sferra noted that the footprint of the development has not changed but there are currently proposed changes to the Open Space.

Stow Acres – Sferra noted that an article about the change in ownership of Stow Acres will be included in tomorrow's Stow Independent.

Adjournment

Cortni Frecha made a motion to adjourn the meeting at 10:00 PM. Ingeborg Hegemann Clark seconded the motion and it was passed unanimously.

The Commission adjourned at 10:00 PM.

Respectfully submitted,

Jacquelyn Goring
Conservation Assistant

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