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Conservation Commission Minutes 02/16/16

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Stow Conservation Commission
Minutes
February 16, 2016

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on February 16, 2016 at 7:30 in the evening.

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

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

Cortni Frecha made a motion to approve the minutes of January 19, 2016 as drafted. Serena Furman seconded the motion and it was passed unanimously.

Coordinator's Report

Site Visit – Captain Sargent Conservation Area – Sferra confirmed with the Commission that the site visit with Jesse Steadman to review the field edge management at the Captain Sargent Conservation Area is scheduled for February 21, 2016.

Signage – Sferra informed the Commission that staff have been discussing the use of signs at Flagg Hill and Heath Hen Conservation Areas reminding visitors of the leash requirements for dogs as well as a "No Dumping, Cameras in Use" sign for the Captain Sargent Conservation Area parking lot. The Commission discussed the proposed signage and concerns about the recent increase in undesirable activity at the Captain Sargent parking lot and agreed that posting signs could be helpful.

Captain Sargent Conservation Area – Farm License Request for Proposal – Sferra informed the Commission that Lenny Rodriguez was not able to attend the Commission meeting as scheduled and would like to meet with the Commission at an upcoming meeting in March. The Commission discussed creating a Request for Proposal (RFP) for the vacant farm license and the timing of the end of the license period with Rodriguez. The Commission will include discussion of the draft RFP on the next agenda. Sferra noted that Steadman may have interest in parking vehicles on a portion of the farm field during Christmas tree sales and the Commission may want to consider parking vehicles there during events. The Commission discussed including in the RFP that a portion of the farm field is not under exclusive use and discussed not allowing animals to be kept on the property.

Ingeborg Hegemann Clark arrived at 7:50 PM.

Appointment – Jim Morin – 12 Pine Point – Plan Modification Request

Jim Morin was present to discuss the requested changes to the septic system plan for 12 Pine Point. Morin noted that the Commission had issued an Order of Conditions (OOC) for the septic system upgrade and that the Board of Health later requested changes to the final plan. The Board of Health requested that an existing wood retaining wall on the downgradient side of the proposed septic system be replaced with a block wall. Morin stated that the Board of Health requested the change due to a requirement that retaining walls on a slope supporting a septic system must be made of material that will not degrade. Morin noted that the wall is upgradient from the limit of work and will be installed mainly by hand. A poly barrier is still proposed to be installed five feet off of the proposed septic system. Morin stated that the wall is 270 square feet in size, one foot wide and no more than three feet high and will take approximately three days to complete. The Commission reviewed photos of the lot and the existing retaining wall. The proposed wall will be constructed using blocks one foot by one foot in dimension and will be stacked four blocks high and topped with a cap with the lower block being buried below grade. Gravel will be placed behind the wall and compacted and the blocks will be installed by hand. Morin confirmed that the wall would be finished with a railing. The Commission noted that the area is very steep and had concerns about erosion. Morin confirmed that a small excavator will be used to reach over the old wall to remove it and anticipates the slope will remain stable throughout the work. Erosion controls will be installed at the base of the slope as previously proposed. Morin added that the water table in the area is very deep, approximately nine feet below ground surface, and that the roadway intercepts drainage coming from the hillside across the street which will also help prevent erosion issues. Morin added that the existing wall is in good condition and that the property is well maintained. The Commission discussed the request and Sferra said that it could be approved as a minor amendment to the plan and documented in the file. Morin noted that the work will likely begin in four weeks.

Cortni Frecha made a motion to approve a minor modification to the plan referenced in the Order of Conditions for septic system replacement at 12 Pine Point Road. Serena Furman seconded the motion and it was passed unanimously.

Appointment – Jaime Monat & Kirkland Drive Pond Owners

Jaime Monat and Craig Fifield were present to discuss the Kirkland Drive Pond weed treatment annual report and request modifications to OOC 299-517. Sferra provided copies of the OOC and photos to the Commission and described the location of the pond. Monat explained to the Commission that ownership of the pond is shared with his neighbors. Monat provided the Commission with a presentation about the weed treatment including



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aerial photos of the ponds. Monat described the weed treatment for watermeal which is transferred to the pond by wildlife and can spread rapidly during favorable conditions. Watermeal was treated using Fluridone (Sonar) which Monat noted is very selective and does not harm other plants or animals. Monat added that the chemical is very expensive and there are only two licensed applicators in Massachusetts which recently merged into one company, Solitude Lake Management. Monat stated that the pond was treated in May 2010 and May 2013 with positive results and would like to continue to apply treatment every two to three years. Monat added that there were no negative effects observed to water quality or flora. Monat also noted that the OOC was followed diligently throughout the treatment process. Watermeal was eradicated from the pond completely one month after the chemical treatment was completed. Monat added that they would like to request an amendment to the OOC, file the annual report for 2015 and request treatment for next year. Monat noted that a 100% return of watermeal occurred in 2015.

Monat reviewed condition 28 of the OOC which specifies the requirements for the annual report and informed the Commission that water samples were not taken in 2015 because herbicide application was not completed. Monat added that he and Fifield have made efforts to limit nutrients entering the pond including using low phosphate detergents and fertilizers and issuing bulletins to neighbors informing them about runoff in the area entering the pond. Monat displayed photos of the pond before and after herbicide treatment. Monat added that there was some chlorosis of irises around the pond following treatment but they later regained their color. In September 2012 algaecide was successfully applied and Monat requested that the Commission allow algaecide to be applied if necessary in the future but it will be avoided if possible due to the high cost.

Monat provided the Commission with a proposal from Aquatic Technologies which he confirmed was consistent with the OOC. Monat also confirmed that water quality testing has been completed previously and that no substantial changes have been observed. Monat requested that condition 28 of the OOC be modified to exclude report requirements C, D and F (the results of the application on the aquatic plant communities, water quality sampling and efforts to date for the non-chemical control techniques and a re-assessment of non-chemical control alternatives). Monat stated the report requirements cost \$750 for a professional to complete. The Commission discussed the report requirements and associated costs and recommended using the neighborhood website to distribute information about the water quality of the pond. Sferra noted that the OOC is valid until April 20, 2017 and that the OOC could be modified. The Commission recommended that some of the report requirements could be completed by Monat and Fifield including surveying the aquatic plant communities and estimating percent cover. The Commission discussed the treatment of the pond and concerns about the commitment to the project with neighbors moving in and out of the area. Sferra recommended including all of the homeowners if the OOC is extended in 2017. The Commission's preference is to waive some of the requirements for 2016 and address any modification to the Order comprehensively as part of the 2017 extension. They reminded the applicant that this must be done before the expiration. The Commission discussed the need for treatment of Japanese knotweed but noted that the treatment of knotweed is not included in the existing OOC.

Ingeborg Hegemann Clark made a motion to waive the Order of Conditions requirement 28D and allow 28C, E and F to be completed by the homeowners for 2016. Cortni Frecha seconded the motion and it was passed unanimously.

Request for Determination of Applicability Southern Sky Renewable Energy Hudson, LLC – Off Hudson Road (R-12 #25)

David Haines, Haines Hydrogeologic Consulting; Michael Harrington, Southern Sky Renewable Energy Hudson, LLC; and John Henry, Beta Group, Inc. were present. Haines displayed plans and described the site which is located on the Hudson/Stow Town line. Solar panels are proposed on the Hudson portion of the property and an access road in Stow will be maintained as part of the proposed work. Haines informed the Commission that the access road is located within the 100' buffer of a bordering vegetated wetland and there are several isolated wetlands on the property. Haines provided the Commission a letter clarifying the property owner of the site. Haines informed the Commission that during the site visit it was recommended that silt fence and straw wattles be installed to prevent impacts to the isolated wetlands and to avoid the road inadvertently being widened. A designated staging area and truck turn around will be determined in the field. No improvements are proposed for the access road and will only be maintained and used for access to the site. No solar panels are proposed in Stow. Haines noted that the isolated wetlands have likely resulted from previous excavation and gravel pit activities on the site. A hearing with the Hudson Conservation Commission is scheduled for February 18, 2016.

The Commission confirmed that there will be no changes to the elevation of the access road or staging area. Haines described the area of bordering land subject to flooding. Haines also noted that the site was a former gravel pit and then landfill and an area of the site was likely opened up to attempt to drain the area but was likely inadvertently flooded instead. Haines added that a natural vegetated berm surrounds the area. Harrington confirmed that the access road will be maintained and that no change in elevation will be made to the road. Harrington also confirmed that there will be no subsurface utilities or infrastructure in Stow and Haines displayed the plans which included utility information. Harrington added that the access road will only be used to bring materials into the site.

Cortni Frecha made a motion to close the public hearing for the Request for Determination for Southern Sky Renewable Energy Hudson, LLC off Hudson Road. Serena Furman seconded the motion and it was passed unanimously.

The Commission discussed the potential for flooding in the area of the solar panels proposed in Hudson. Harrington noted that the solar panels and generators are set above the ground surface and all piping is underground. The Commission noted that there have been concerns about the proposed activity in the Riverfront Area. Haines added that the fifteen foot pines in the area should block the view from the water of the panels. The Commission discussed the proposed access road maintenance and requested that the Commission be given the opportunity to inspect the erosion controls, that no change in elevation of the access road or staging areas shall occur and clarified that no resource area boundaries were confirmed as part of the Determination.

Cortni Frecha made a motion to approve and issue a Negative #3 Determination for Southern Sky Renewable Energy Hudson, LLC off Hudson Road. Jeff Saunders seconded the motion and it was passed unanimously.

Coordinator's Report Continued

Captain Sargent Conservation Area – Lenny Rodriguez – Sferra informed the Commission that Rodriguez will be attending the March 8, 2016 Commission meeting.

176 and 178 Barton Road – Sferra noted that Larry Smith has provided a construction schedule for the projects and a site visit has been scheduled on February 18, 2016 to review the work completed at the properties thus far.

Associate Members – Sferra noted that she posted a message on Facebook indicating the Commission is looking for associate members. Members should help spread the word.

Warrant Articles – Sferra provided draft Town Meeting warrant articles for the Conservation Fund and Wetlands Fund. The Commission reviewed and discussed the articles. *Serena Furman made a motion to approve the warrant articles as drafted. Cortni Frecha seconded the motion and it was passed unanimously.*

Lot 2 North Shore Drive – Sferra displayed photos of the lot and informed the Commission of the ongoing work on the site including the removal of approximately 140 trees and loam stockpiling. The OOC included a condition that no stockpiling occur within the 100' buffer of Lake Boon. Sferra identified that one stockpile appeared to be close to the buffer and requested that the property owner, Scott Prince, confirm the location of the pile. Prince informed Sferra that half of one of the loam stockpiles was located within the 100' buffer. Sferra advised Prince that the pile should be moved or he must ask permission from the Commission to keep the pile where it is currently located. Prince provided a plan to move the stockpile. The Commission discussed the stockpile and confirmed the preferred solution is to move the pile. Sferra will notify Prince.

41 Hale Road – Sferra reminded the Commission that they had previously met with builder Brett Taylor to discuss the upper retaining wall at 41 Hale. The Commission approved a minor modification to bow the retaining wall no more than four feet into the 35' no disturb area and complete approximately 26 square feet of planting as mitigation and allow Sferra to inspect the curvature of the wall prior to construction. Sferra contacted Taylor regarding the site visit at which time he informed her that the wall had already been completed. Sferra provided photos of the completed wall and noted that she had expected it to have more curvature and less encroachment into the 35' no disturb buffer. Taylor provided an as built plan for the new wall. The previous wall was located approximately four to eight feet into the 35' no disturb buffer and was approximately 60 feet long. The new wall is approximately 45 to 50 feet long with a small return on each end and approximately 250 square feet of encroachment into the 35' no

disturb buffer. The Commission discussed the new wall and considered requesting the property owners to move it. After discussion, there was consensus to require that a planting plan be designed and approved by the Commission that mitigates the approximately 250 sq. feet of disturbance.

Draft Conservation Land Regulations – Sferra informed the Commission that the conservation department staff has been working on the Conservation Land Regulations in order to clarify and create more consistent regulations across the different properties. The Commission discussed the draft regulations including horseback riding permits, camping permits and dog walking. Sferra noted that Bruce Trefry, Land Steward, recently found a new cut and marked trail at Flagg Hill. Sferra provided a draft press release about the regulations and hearing which the Commission reviewed and agreed to send to the Stow Independent. A copy of the draft regulations will be posted on the Commissions website, Facebook page and available in the Conservation office.

Adjournment

Ingeborg Hegemann Clark made a motion to adjourn the meeting at 9:47 PM. Cortni Frecha seconded the motion and it was passed unanimously.

The Commission adjourned at 9:47 PM.

Respectfully submitted,

Jacquelyn Goring
Conservation Assistant

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