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Conservation Commission Minutes 01/19/16

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Stow Conservation Commission
Minutes
January 19, 2016

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on January 19, 2016 at 7:30 in the evening.

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

Absent: Doug Morse
Sandra Grund
Jeff Saunders

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 5, 2016 as drafted and amended. Serena Furman seconded the motion and it was passed unanimously.

Lake Boon – Invasive Species Request for Proposal – Don Hawkes, resident of 9 Dawes Road, was present and informed the Commission that the Lake Boon Commission will be meeting on January 21, 2016 and will be finalizing the Request for Proposal (RFP) for herbicide treatment of Lake Boon. Hawkes inquired if the Commission would like to review the draft RFP. Sferra noted that the Commission does not meet again until February 2, 2016. She offered to review the RFP. The Commission discussed the invasive weed treatment at Lake Boon including the type of herbicide and funding for the work. Hawkes confirmed that the RFP will allow more flexible use of the funds than the previous contract. Sferra requested that the Order of Conditions (OOC) be attached to the RFP and will provide the most recent Order to Hawkes.

Coordinator's Report

Winkler Property – Sferra informed the Commission that the Winkler property on Boxboro Road will be on the agenda for the next Commission meeting. The property is proposed to be removed from Chapter 61A.

62 Sudbury Road – Mosquito Control – Sferra informed the Commission that she had received a notice last week from the Central Massachusetts Mosquito Control Project regarding maintaining a ditch which runs through the property at 62 Sudbury Road. The proposed work includes digging out the ditch and side casting and spreading the material and 240 square feet of brush cutting. Ingeborg Hegemann Clark reviewed the letter and recommended that the material be spread thinly. Hegemann Clark noted that Central Massachusetts Mosquito Control should identify the wetlands on the property to prevent inadvertently spreading material into the wetlands. Sferra will provide comments to Central Massachusetts Mosquito Control.

Quirk Property – Sferra informed the Commission that the Building Inspector made a finding that the Quirk property had not been lawfully occupied as a residence.

323 Great Road Park Proposal – Sferra informed the Commission that there was a meeting with each of the four groups which were part of the 323 Great Road Park proposal to plan how to proceed with the project now it was endorsed by the Selectmen. A clean-up day will be scheduled in April and a Community Preservation Act fund application will be submitted to the Community Preservation Committee for design funds.

Jesse Steadman – Captain Sargent Agricultural Field – Sferra noted that she will work with Jesse Steadman to schedule a site visit with the Commission to discuss the field edge management.

Deer Ex-closure – Sferra informed the Commission that she was contacted by Tom Rawinski regarding installing a deer enclosure at Flagg Hill Conservation Area. The Commission discussed the deer enclosure and agreed the project could be an interesting monitoring project.

Request for Certificate of Compliance – 98 Gleasondale Road – Sferra informed the Commission that she had received a Request for a partial Certificate of Compliance (COC) for the septic system replacement at 98 Gleasondale Road and certifications from the septic designer and installer. The property owner is aware that the new owners will be required to complete the plantings and establish grass. Hegemann Clark and Cortni Frecha conducted a site visit. Hegemann Clark noted that the Norway maples were not removed during the construction and Frecha added that the area is not stable but cannot be seeded at this time. Hegemann Clark noted that an area of clumpy soil should be raked and recommended that a partial COC be issued.

Cortni Frecha made a motion to issue a partial Certificate of Compliance for 98 Gleasondale Road. Ingeborg Hegemann Clark seconded the motion and it was passed unanimously.

Massachusetts Association of Conservation Commissions (MACC) Annual Conference – Sferra reminded the Commission of the MACC Annual conference on March 5, 2016 and requested that Commission members determine if they are interested in going and what workshops they would like to attend.



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

Jim Morin was not present. Sferra described the site and noted that the Board of Health approved the septic system but requested that the wood retaining wall below the proposed septic system be replaced with a block wall. Sferra requested that Morin attend the Commission meeting because the Order of Conditions (OOC) did not include wall reconstruction. Sferra will reschedule with Morin.

**Abbreviated Notice of Intent (#299-0609)
277 Sudbury Road (U-3 #19)**

Andy Snow read the hearing notice for 277 Sudbury Road. Property owners Charles and Megan Rabi were present. Charles Rabi displayed engineered drawings of the house and a proposed planting plan. Sferra noted that the previous planting plan was a result of tree removal completed without a permit and erosion. Rabi described the location of the 35' no disturb buffer line and the proposed work including a patio, two pathways, retaining wall and improved plantings. Rabi added that the plantings completed by the previous owner that were requested by the Commission as a result of the tree clearing did not take and what did survive is an eyesore. Remaining plants will be transplanted as part of the proposed planting plan. Sferra displayed photos of the property. Snow added that the proposed planting plan includes only native plant species. Rabi stated that his mother owns a landscape company and will be doing the work. The proposed patio will be eighteen feet by eighteen feet and will be constructed of blue stone and will be dry laid using sand to ensure the area is pervious. The proposed retaining wall is 34 feet long with two returns. The two existing retaining walls will be replaced and crushed stone will be added under the existing deck. Hay bales and silt fence will be installed in front of the proposed retaining wall. Rabi described a possible location for a drywell for the gutter downspout but there is little erosion around the area. Rabi displayed a cross section which includes a cut to create a 3% pitch which will be completed using a mini excavator and bobcat. The Commission noted that if the retaining wall is installed four feet or higher the Building Inspector would require a fence to be installed and an engineered design for the wall. Rabi added that they intend to use the wall as a seating wall so a fence would not be desirable. Snow noted that during the site visit with Doug Morse they requested that the 35' no disturb buffer be added to the plans and confirmed that the planting will be done by hand and no tree removal will be required. Snow added that Morse recommended using 3/8 inch peastone rather than stone dust under the patio.

Rabi reviewed the planting plan and noted that all of the plants selected are native. There is an area of Japanese knotweed along the property line which is proposed for removal. Rabi previously discussed with Sferra the methods to remove knotweed and the Commission recommended cutting the stems and injecting herbicide rather than foliar spraying. The Commission noted that the OOC will expire after three years and informed Rabi that a permit extension could be requested if the knotweed work was not complete. The Commission discussed the existing plantings and future maintenance requirements for the proposed plantings. The Commission noted concerns about the safety of a retaining wall over four feet high and Rabi confirmed the retaining wall is intended to add safety to the steep slope. The Commission clarified which retaining walls are deteriorated and being replaced.

Cortni Frecha made a motion to close the public hearing for the Abbreviated Notice of Intent for 277 Sudbury Road. Serena Furman seconded the motion and it was passed unanimously.

Snow reviewed the permitting process with the Rabi's and reminded them of the requirement to apply for a COC after completing the project.

**Order of Conditions (#299-0609)
277 Sudbury Road (U-3 #19)**

Sferra provided the Commission a draft OOC for 277 Sudbury Road and the Commission discussed the draft. The Commission revised the OOC to include the retaining wall, paths and invasives work. The Commission also added a perpetual condition that no dumping shall take place within 35' of Lake Boon and that Japanese knotweed shall not be composted.

Serena Furman made a motion to approve and issue the Order of Conditions as amended for 277 Sudbury Road. Cortni Frecha seconded the motion and it was passed unanimously.

Community Preservation Proposal – Open Space Funds – The Commission reviewed a draft Community Preservation Proposal for \$50,000 in Open Space funds. The funds will be used to replenish the Open Space fund for due diligence and small land acquisitions. The Commission voted against submitting the proposal in 2015 in favor of requesting Community Preservation funds for the Brewer Property and invasive species removal and mapping. Sferra noted that there is currently money available in the Open Space fund committed to the Dunn property acquisition with Stow Conservation Trust. The Commission discussed the proposal and the dollar amount requested. Funds will be used towards acquiring land, appraisals, surveys and due diligence.

Cortni Frecha made a motion to submit a Community Preservation proposal for Open Space Funds. Serena Furman seconded the motion and it was passed unanimously.

Lenny Rodriguez – Captain Sargent Conservation Area

The Commission reviewed the sequence of events that had occurred with Lenny Rodriguez following the request for him to remove the animals at Captain Sargent Conservation area. Snow informed the Commission of an incident with Rodriguez in Town Building which resulted in the Police Department responding. Snow noted that there has been a significant amount of time invested to help Rodriguez be successful with his farming operations but the situation has deteriorated with Rodriguez becoming verbally abusive with staff on multiple occasions or failing to communicate with staff when needed. Snow, Sferra and Bruce Trefry, Land Steward, visited Captain Sargent earlier today and two turkeys and four chickens were remaining. They did not have fresh water. The Commission had previously required that all animals be removed from the property no later than today and provided Rodriguez with written and verbal notice that failure to do so would be "cause" for license termination. Snow added that Rodriguez will not communicate with staff and that she had informed him he could attend the February 2, 2016 Commission meeting but Rodriguez indicated he no longer wanted to meet with the Commission as he had previously requested. The Commission discussed their options for termination of Rodriguez's license within the provisions included in the license agreement. The Commission expressed concerns about the request for the animals to be removed not being met, Rodriguez's threatening language toward staff, and continuing communication issues. It was agreed that rather than terminating for cause in 30 days, that he would be notified that he is being given the remainder of his license term to close out his operation and remove his equipment and buildings. The animals must still be removed immediately.

Ingeborg Hegemann Clark made a motion to terminate the license agreement with Lenny Rodriguez for Captain Sargent Conservation Area by not renewing the license agreement at the end of the term in May 2016. Cortni Frecha seconded the motion and it passed unanimously. A certified mail letter will be sent to Rodriguez informing him, and the chair will also telephone him.

Adjournment

Ingeborg Hegemann Clark made a motion to adjourn the meeting at 9:00 PM. Cortni Frecha seconded the motion and it was passed unanimously.

The Commission adjourned at 9:00 PM.

Respectfully submitted,

Jacquelyn Goring
Conservation Assistant

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