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Conservation Commission Minutes 02/07/17

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Stow Conservation Commission
Minutes
February 7, 2017

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on February 7, 2017 at 7:30 in the evening.

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

Absent: Doug Morse
Jeff Saunders
Sandra Grund

comprising a quorum of the Commission

Also present: Kathy Sferra, Conservation Coordinator
Jacquelyn Goring, Conservation Assistant
Bruce Trefry, Land Steward, Associate member

The Conservation Commission meeting was called to order at 7:30 PM.

Minutes: Cortni Frecha made a motion to approve the minutes of January 17, 2017 as written. Serena Furman seconded the motion and it was passed unanimously.

Coordinator's Report

- Massachusetts Association of Conservation Commissions Request to Sign on to Statewide Letter regarding Pipelines:** Ingeborg Hegemann Clark recused herself from the discussion therefore there were not enough Commission members for a quorum on this matter and a vote could not be taken.
- Regency at Stow:** A preconstruction meeting will be held on February 8, 2017 with representatives from Toll Brothers and the site contractor, Fenton and Sons.
- Preseason Community Garden Meeting:** Sferra and Goring met with the garden stewards last week to discuss the 2017 gardening season. Goring is creating job descriptions for the garden stewards and perennial plots will be expanded into row B creating an additional 6 perennial plots.
- Stow Acres:** Conservation and Planning staff met with Peter Brown of Stow Acres to discuss the feasibility of a small development on the existing driving range which would then be moved elsewhere on the course. Sferra informed Brown of the Commission's concerns about work being done on the course and Brown confirmed he would follow up with Dave Carlson about scheduling a site visit.
- Citizen Warrant Article:** Sferra informed the Commission that resident Mark Burrell has filed a petition article for rezoning the back of his lot from Recreation-Conservation to Residential. A portion of the lot was similarly rezoned in 1988 to build the existing single family home. Sferra displayed a map of the property. The petition for zoning change was not submitted within the 90 days as required therefore the Board of Selectmen will be voting whether or not to waive the 90 day requirement. Sferra added that the petition was submitted on day 87 and believes that there is enough time to give the petition fair consideration.

Nicki McGachey – Associate Member Interview – Nicki McGachey was present to interview for an associate member position. McGachey described her background in communications and personal training and her interests in the outdoors, gardening and invasive species. Andy Snow noted that the Commission's role often includes educating the public and McGachey's experience will be helpful. Hegemann Clark noted that Snow joined the Commission after being an applicant similar to McGachey and that she met McGachey on her property through the filing process and she was impressed with her invasive species knowledge and outlook on treatment of invasives without chemicals. *Cortni Frecha made a motion to appoint Nicki McGachey as an associate member. Serena Furman seconded the motion and it was passed unanimously.*

Bruce Trefry arrived at 8:00 PM.

Quinn Gross – Eagle Scout Project – Captain Sargent Conservation Area – Quinn Gross was present and provided the Commission hand outs for his Eagle Scout project. Gross proposes building and installing a new kiosk at Captain Sargent Conservation Area and moving large rocks from the entrance of the red trail to create a better entrance. Gross described photos depicting which rocks will be moved and which will stay in place at the entrance of the red trail. Gross also described the design of the kiosk which will be approximately 36 inches square with a plexiglass cover and constructed using pressure treated timbers. The kiosk supports will be buried eighteen to 24 inches below ground surface and anchored with boards. The kiosk will be approximately seven feet tall and will have an asphalt shingled roof. Bruce Trefry clarified that after the rocks are moved at the entrance to the red trail there will be an approximately two foot wide opening with small rocks to remain in place, not wide enough to allow motorized vehicles through. Gross confirmed the kiosk plexiglass cover will be hinged on the side to be easily accessible. The Commission discussed the use of pressure treated wood and agreed that is okay to use for the kiosk. Gross noted that Trefry will remove the tree stump near the location of the proposed kiosk and concrete footings would not be used. Gross also noted that he will be doing fundraising for the materials and hopes to complete the project in June 2017. The Commission confirmed that they will sign off on the Eagle Scout project when complete.

Request for Determination of Applicability – Stow Conservation Trust – Shepherd Memorial Woodlands - off South Acton Road – Dick Perkins and Janet Moffat, Stow Conservation Trust (SCT) Board members, were present and joined Quinn Gross. Gross reviewed the proposed bridge crossing which will be completed as part of his Eagle Scout project. The proposed crossing is nine feet wide and the bridge will be constructed



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at 11:56 AM



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sixteen feet long to avoid potential erosion. Gross noted the crossing will span moving water therefore pipes similar to the construction of the Red Acre Woodlands bridge crossing will not be used. Gross showed design plans for the bridge and described the construction. The bridge will rest on three bricks on each end to prevent the pressure treated wood from contacting the ground directly. Metal rods will be installed on each side of the bridge to anchor it to the ground. Four by four inch pressure treated boards will be used and assembled with screws. Trefry recommended that four by six inch timbers be used for strength to cross the sixteen foot span and noted that adding more detail to the design and having it reviewed by the Building Commissioner would be beneficial. Cortni Frecha agreed that using four by six inch boards would be stiffer and last longer. Gross confirmed he would use four by six inch boards and two by six inch decking. The Commission agreed the Building Commissioner should review the bridge crossing plans.

Perkins described the proposed trail network for Shepherd Memorial Woodlands and noted that creating the trails is the first priority for SCT. The proposed trail will loop around the property and cross wetlands in two places. Gross will construct one bridge crossing and the other will be completed by another Eagle Scout. Perkins noted that the proposed trail will be wide enough for walking and narrow enough not to change the feel of the forest. SCT's Stew Crew will help with trail building and maintenance. Perkins noted SCT would like to get started on the trail and bridge project as soon as possible. Sferra provided photos of the crossings. The second crossing is approximately 50 to 60 feet long. Trefry confirmed with Perkins that an ATV could pass through the proposed opening of the red trail if necessary to bring materials closer to the property for the wetland crossings. Hegemann Clark noted that a portion of the trail appears to cross wetlands at the beginning which Perkins noted is not wet. Sferra confirmed the area is not wet but expressed concerns about compaction and recommended that portion of the trail be monitored. Hegemann Clark also expressed concerns about the proposed trail location in proximity to potential vernal pools. Sferra noted that she and Trefry, Goring, and members of SCT spent significant time locating the trail and that the area where one of the potential vernal pools is located was an excavation in an old gravel pit. Sferra added that the proposed location for the trail along Heath Hen Brook may be difficult to maintain as an open trail and there are spots where the bank has eroded and is dangerous and SCT that the trail be pulled back into the woods. Sferra also noted the second potential vernal pool was not located during the trail planning. Sferra added that the trail dead end shown on the plans may not be constructed.

Sferra and SCT met with the Acton Conservation Trust (ACT) and agreed that the trail connecting Shepherd Memorial Woodlands and ACT land would be a winter only trail because the wetland crossing would require more than 800 feet of boardwalk. Snow read a letter of support for the project submitted by Ruth Kennedy Sudduth, abutter, who was not able to attend the hearing. Abutters Cynthia Mesh and Martin Ferguson of 19 Canterbury Road were present and commented that the proposed project will be wonderful and agreed that the trail should be pulled back from the brook. Mesh clarified that the winter only trail cannot be crossed due to the length of boardwalk that would be required. Ferguson asked about a trail easement from Heather Hill Road in Acton between two lots and Sferra clarified that the status is ambiguous. Mesh and Ferguson expressed concerns about the increased beaver activity on the brook and concerns about flooding. Sferra clarified that the Board of Health and the Commission would have to work together to issue permit to breach the dam if necessary. Sferra noted that subsequent approval of plans for the second wetland crossing by the Eagle Scout would be needed. *Ingeborg Hegemann Clark made a motion to close the public hearing for the Determination of Applicability filed by Stow Conservation Trust. Cortni Frecha seconded the motion and it was passed unanimously.*

Trefry left the meeting at 8:30 PM.

Request for Determination of Applicability – J. Melone & Sons – 77 White Pond Road – John Melone Jr. and Peter Melone, J. Melone & Sons, were present. John Melone Jr. informed the Commission that Hudson Light & Power has required them to change the power at the property from delta/wye to wye service which will require all of the wiring and transformers to be changed. Two new electric lines will need to be trenched and a 10x20' addition added to the existing switch house for new transformers which will sit on a concrete floating pad. Serena Furman conducted a site visit and displayed photos including the location of the existing utility pole and proposed trench. The trench will go across a flat area to the existing switch house building. Furman noted there is a pump house against the stream and steps down to the pump house. Furman displayed a photo of the proposed building addition marked in the field with orange paint. There is an existing eighteen inch berm along the edge of the property which Furman noted would prevent erosion and thought perhaps straw bales should be used at the top of the stairs down to the pump house. Melone noted that the limit of work will be 30 feet from the berm and confirmed that the work has begun on the utility poles and Hudson Light & Power is waiting for approval to continue the work. Melone added that if J. Melone & Sons loses power it currently shuts power off back to Hudson and that Stow Acres and Stowaway golf courses are the only other properties in Stow still on delta/wye power. Hudson Light & Power hopes by converting J. Melone & Sons to wye power it will help spread the load on the power grid for Stow and prevent future town wide outages. Peter Melone added that included in their application is a letter from Hudson Light & Power on the require change. John Melone Jr. confirmed construction would be no more than three days. Furman noted that anything removed from the trench will be staged away from the brook. Abutter Bill Garcia, 44 Hastings Street, was present and confirmed with the Melones that work will not be done on the electric line by the entrance to the property. *Ingeborg Hegemann Clark made a motion to close the public hearing for the Determination of Applicability filed by J. Melone & Sons. Serena Furman seconded the motion and it was passed unanimously.*

Continued Public Hearing – Notice of Intent – Stowaway Realty Trust – 121 White Pond Road – Dave Burke, wetland resource specialist, and John Melone Jr. and Peter Melone, Stowaway Realty Trust, were present. Burke provided copies of the most recent revised plans. Sferra also provided staff comments to the Commission. Burke described the River Front Area (RFA) calculations and confirmed the proposed alteration will be well under 10% as required. Burke reviewed the most recent plan changes based on comments provided by the Commission. Burke provided copies of an invasives management plan by the Department of Conservation and Recreation (DCR) and described his preferred method of invasives removal including mechanical pulling with a vehicle or chainsaw winch. Burke added that herbicides would be applied judiciously and not overused and foliar spraying would not occur on windy days. Sferra noted concerns about manually ripping out invasives along stream banks and recommended that the method not be used in those areas and more specific protocols be provided. Burke stated that near the stream the cut and dab method would be used and described the use of a chainsaw winch which he does not use within ten feet of the resource area. The Commission noted that the invasive species treatment must be done by a licensed professional.

Burke noted that erosion controls were added to the plan and the cart path was shifted to move the eighth green out of the 100' buffer. The RFA line was also extended on the plan and the fourth green was moved out of the 200' RFA. 35 trees are proposed to be planted including black tupelo, river birch, sugar maple and red maple. The Commission recommended that the trees be protected from beavers. Burke noted the improvements to the parking area including bumpers, wood fence and proposed stone wall and a planting area of native grasses around the club house. Snow noted that wetland flag 44 was not revised on the plan and would be included in the conditions. Burke added that wetland flag 44 should be moved eight to ten feet from the location shown on the plan. The Commission requested that the requested snow fence be sketched on the plan as a limit of work and discussed erosion controls for the well installation to contain water and soil. John Melone Jr. confirmed that the trees along Elizabeth Brook are covered in bittersweet and will be cut down and replaced. The Commission noted that they would request that mechanical removal of invasives and heavy equipment not be done within a certain distance to resource areas. Garcia confirmed with Peter Melone that the course has been closed for almost three years and they hope to reopen in the spring. Burke hand sketched the snow fence limit of work line on the plan. The Commission noted that a draft Order would be ready for the next meeting and discussed concerns about the mechanical invasive species removal in an area that is sand over organic material which will be prone to erosion. Sferra recommended that the invasives work be done gradually to allow for native plants to grow in and using cut and dab technique at the appropriate times for the species. *Ingeborg Hegemann Clark made a motion to close the public hearing for the Notice of Intent filed by Stowaway Realty Trust. Serena Furman seconded the motion and it was passed unanimously.*

Forest Cutting Plan – Fletcher – South Acton Road – The Commission reviewed the Forest Cutting Plan filed by forester John Robbins for a property off South Acton Road owned by Bruce Fletcher. Sferra noted that the Commission has 10 days to comment and most of the work is well away from the property line of Captain Sargent Conservation Area. The Commission confirmed with Sferra that the cutting is a selective cutting to remove white pine to open the area up for oak. Sferra will inform the State Forester that the Commission had no comments.

Request to Modify Determination of Applicability – 28 Harvard Road – Hegemann Clark informed the Commission that she met with McGachey, owner of 28 Harvard Road, on the property and reviewed the request to extend the existing raised garden bed to match the width of the house and continue the approved split rail fencing along the side of the property. The proposed changes are within 100' to the wetland on the property. The Commission discussed the request and determined that a plan amendment to the file for the fence and a minor project approval for the raised bed expansion would be appropriate. *Ingeborg Hegemann Clark made a motion to amend the Determination of Applicability for 28 Harvard Road to include the additional split rail fence. Cortni Frecha seconded the motion and it was passed unanimously.*

Request from Stow Conservation Trust to Fund Small Farm Conservation Restriction Appraisal – Sferra informed the Commission that SCT has requested that the Commission fund the appraisal for small farm and noted that SCT had paid for the Carver Hill appraisal. Sferra estimated the cost of the appraisal for small farm would be approximately \$3,500 and there is currently \$2,750 in Community Preservation Act (CPA) funds for appropriation of small land acquisitions, and second CPA fund with a balance of \$50,000 for the same purpose, and \$30,000 available in the Conservation Fund. The Commission discussed the request and agreed to deplete the \$2,750 available in CPA funds first. *Ingeborg Hegemann Clark made a motion to pay for the small farm Conservation Restriction appraisal using the two CPA funds available for land acquisition. Cortni Frecha seconded the motion and it was passed unanimously.*

Annual Town Meeting Warrant Articles/FY18 Budget – Sferra informed the Commission that the Community Preservation Committee (CPC) voted to approve the proposals for small farm and Carver Hill. Hegemann Clark noted that Sferra and Bob Wilber, SCT, did a phenomenal presentation to the CPC. Sferra noted that she and Goring had met with SCT to strategize outreach and due diligence for both projects between now and Town Meeting. Sferra informed the Commission that she had a budget meeting with Town Administrator Bill Wrigley. Wrigley requested two changes to the proposed budget including contributing funds from the Wetland Protection Fund to salaries and to reduce the request for the Conservation Fund from \$10,000 to \$5,000. Sferra provided the Commission a revised budget to review and recommended \$4,000 of wetland protection funds be contributed to salaries in FY18 based on the prior year's receipts. *Serena Furman made a motion to approve the revised budget. Cortni Frecha seconded the motion and it was passed unanimously.*

Sferra added that she will be meeting with the Finance Committee next week and encouraged that Commission members attend if available. The Commission reviewed the draft Annual Town Meeting warrant articles. *Andy Snow made a motion to approve the Annual Town Meeting warrant articles as amended. Cortni Frecha seconded the motion and it was passed unanimously.*

Determination of Applicability – J. Melone & Sons – 77 White Pond Road – The Commission discussed the proposed electrical upgrade and recommended including a condition that all construction be completed as shown on the plan. They did not think additional straw bales were necessary. *Serena Furman made a motion to approve and issue a Negative #3 Determination. Cortni Frecha seconded the motion and it was passed unanimously.*

Determination of Applicability – Stow Conservation Trust – off South Acton Road – The Commission discussed the proposed trail and wetland crossings and recommended including conditions that 4x6 boards be used in place of the proposed 4x4 boards for strength and additional details be added to the plan including the length of screws and specifications on the metal rods. The Commission also requested that the plans for the second crossing be submitted to the Commission for review prior to starting and the Building Commissioner must review the proposed plans for both crossings. *Cortni Frecha made a motion to approve and issue a Negative #3 Determination. Ingeborg Hegemann Clark seconded the motion and it was passed unanimously.*

Commission Member Report – Hegemann Clark noted that the wetland on the North side of the entrance to J. Melone & Sons is being taken over by cattails and she would like to get permission to remove them. Hegemann Clark noted that there are both native and non native hybrid species of cattails and have a tendency to become a monoculture and she is concerned that the wet meadow will be lost. Sferra will research the owner of the wetland.

Executive Session – Litigation Strategy

At 10:00 PM Ingeborg Hegemann Clark made a motion to go into Executive Session pursuant to MGL Chapter 30A, section 21 A(3), for the purpose of discussing litigation strategy, and to adjourn thereafter. Cortni Frecha seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Serena Furman, aye, Cortni Frecha, aye, Ingeborg Hegemann Clark, aye.

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during February 7, 2017 Conservation Commission Meeting:

- Quinn Gross Eagle Scout project presentation
- Stowaway Site Plans dated 1/9/17
- Department of Conservation and Recreation Office of Regional Planning Best Management Practices for Managing Terrestrial Invasive Plants, submitted by David Burke
- 2/7/17 Agenda and Meeting Packet
- Conservation Commission Member Supplemental Packets
 - Staff comments regarding Stowaway NOI Addendum Golf Course Maintenance Plan
 - Draft Stow Conservation Commission Warrant Articles Town Meeting 2017
 - Fiscal Year 2018 Budget Request Form – Conservation, Approved and proposed revision

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