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Conservation Commission Minutes 03/07/17

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Stow Conservation Commission
Minutes
March 7, 2017

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

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

Absent: Andy Snow, Chair
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.

Appointment – Bob Wilber – Bob Wilber was present to videotape the Commission for the Save Stow's Farms video for the Stow Conservation Trust.

Minutes: Cortni Frecha made a motion to approve the minutes of February 7, 2017 as amended. Ingeborg Hegemann Clark seconded the motion and it was passed unanimously.

Appointment – Duncan Thorne – 12 Pine Point – Homeowners David and Karen Gray and contractor Duncan Thorne were present. Thorne noted that the septic system was recently replaced and the approved Order of Conditions plan did not show the existing deck to be removed or replaced. Sferra and Thorne provided photos to the Commission. A large portion of the deck was removed to complete the septic replacement which they would like to replace. Thorne added that the Grays would also like to alter the footprint of the deck slightly and displayed a sketch plan of proposed replacement. An additional 70 square feet is proposed at the lower landing of the deck to allow for a picnic table. New footings would need to be dug by hand. Thorne clarified that the deck will be expanded three to six feet on one side of the landing and all of the replacement deck work will be within the existing silt fence and within the 35' no disturb buffer. Sferra noted that the Commission had previously approved work within the 35' buffer to complete the septic replacement. Thorne added that the expansion would make the walk down to the water safer than before. David Gray provided a photo of the septic system before it was covered. Thorne noted that the deck has been designed to allow access to the septic system covers. Thorne also confirmed that new footings would be completed in a two day process, digging the footings in one day and concreting them in place the second. The Commission recommended Thorne monitor the weather to be sure the footing work would not be done during heavy rain. Ingeborg Hegemann Clark made a motion to approve the revised plan for 12 Pine Point. Cortni Frecha seconded the motion and it was passed unanimously.

Coordinator's Report

- **New Projects:** There are three new projects expected including a Request for Determination of Applicability (RDA) for an addition to a single family home at 21 Hale, an RDA for town wide Japanese knotweed removal filed by Conservation Department, and a Notice of Intent for a single family home at 277 Harvard. Cortni Frecha volunteered take 21 Hale, Serena Furman volunteered to review the Japanese knotweed RDA, and Jeff Saunders requested 277 Harvard.

Appointment – Steve Mong – Agricultural Preservation Restriction Application and 2017 Farm Update – Steve Mong was present to discuss the Agricultural Preservation Restriction (APR) application for his farm property and provide the Commission a report on the 2016 farming season. Mong informed the Commission that the farm season was difficult with the severe drought and thanked the Commission for allowing him to put in a well two years ago which allowed him access to water during the drought. Mong noted that deer were also an issue during the last season and he fenced in 20 acres of his farm with an eight foot high netting material. Sferra noted that the Commission will be renewing Mong's farm license for Noonan field in May. Mong informed the Commission that he has applied to put the rest of the farm on Old Bolton Road in the APR program to permanently protect it. Mong noted that the APR application included a survey to separate out his home from the rest of his land. Mong added that the Town would be notified this year and will likely be requested to contribute 10% of the value of the five acre lot, which will be a relatively small amount. Mong also noted that an appraisal has not been completed yet and that the abutting property owned by Phil Moseley is also in the APR program and his property will integrate the APR land owned by Moseley and the APR land owned by the Mong at Applefield Farm.

Coordinator's Report – Continued

- **small farm Appraisal:** Sferra received quotes for the appraisal and informed the Commission that Ellen Anderson was the low bidder with an estimate of \$4,000. The appraisal will be completed in April.
- **Budget Update:** Sferra informed the Commission that she and several members of the Commission met with the Finance Committee and they are next scheduled to meet with the Town Administrator.
- **Tractor at Captain Sargent:** The Town Administrator will be contacting Mr. Rodriguez to inform him that if his tractor is not removed within one week, it will be towed by CBK Towing.
- **Request for Bench Donation in Town Forest:** Sferra informed the Commission that she has received an inquiry with regard to an honorary bench in Town Forest. Staff is working on guidelines for such gifts for review by the Commission at the next meeting and prior to taking up the



Stow, MA

79 °F

Clear

at 11:56 AM



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specific request.

Request for Extension – Crown Castle Properties LLC – Lot 3 Adams Drive – Order #299-566 – Sferra informed the Commission that John Anderson has requested an Extension of the permit for Lot 3 Adams Drive. The lot has not been built on yet and the septic system was required to be redesigned. The OOC will expire in June and Anderson has requested a three year extension. *Cortni Frecha made a motion to extend Order of Conditions for Lot 3 Adams Drive until May 7, 2020. Jeff Saunders seconded and it was passed unanimously.*

Request for Extension – Regency at Stow – Boxboro Road – Order #299-464 – Goring informed the Commission that she had inadvertently extended the expiration date on the Amended Order which extended the expiration date until 12/6/19. *Jeff Saunders made a motion to extend Order of Conditions for Regency at Stow until December 6, 2019. Ingeborg Hegemann Clark seconded and it was passed unanimously.*

Request for Certificate of Compliance – 25 Brook Mill – Order #299-100 – Sferra informed the Commission that the developer of the Brook Mill subdivision received a permit for construction of a detention basin which spans two lots. The developer requested a Certificate of Compliance in 1988 which was denied as basin had not revegetated and trash was on the site. The property has since sold several times. Sferra and Goring visited the site, took photos and confirmed the basin is now vegetated and appears to be functioning as a small retention wetland. The outlet was located and appeared to be functioning. Mike Clayton, Superintendent of Streets, was not aware of any issues with the basin. *Cortni Frecha made a motion to issue the Certificate of Compliance. Jeff Saunders seconded and it was passed unanimously.*

Appointment – Mark Burrell – Zoning Petition Article – Box Mill Road – Mark Burrell was present to discuss his proposed zoning change from Recreation-Conservation (RC) to Residential to allow an additional house and driveway to be built on his lot on Box Mill Road. Burrell displayed maps and photos of the property and described the characteristics of the property. He stated that the back of the lot is not visible from the road and is bordered by the Brook. The back of the lot is fenced and used as pasture land for his ponies. Burrell reviewed his proposed plan which includes construction of a 1,200 square foot single story home which will be built to resemble a barn. He stated that no additional clearing would be required and that the driveway would be dirt. Burrell noted the prior zoning change for a portion of the property in 1988. Burrell stated that he could put a restriction in the deed that only one house would be built there in perpetuity. The Commission explained to Burrell that could only be done with a Conservation Restriction held by a third party, and that a deed restriction is time-limited to thirty years.

Sferra noted that there is a Planning Board hearing on March 14th and they have requested comments from the Commission. Tonight's meeting with Mr. Burrell was to allow them to hear about the rezoning from him before commenting. She has included draft comments in the packet. The Commission noted that the existing house was put in the RC zone by a zoning change in 1988, and the request is for another encroachment into the RC zone. Burrell stated that it is his understanding that the house was built six months before laws changed which would not have allowed a house to be built that close to Elizabeth Brook. Sferra confirmed that the existing house predates the Rivers Act. The Commission questioned whether this could be considered spot zoning and also noted the many resource areas on the property including the 200' Riverfront Area, 100' wetland buffer and 35' no disturb buffer which entirely covers the lot. Sferra pointed out that the RC zone line follows the 200' Riverfront Area boundary. Sferra also added that if the zoning change was approved there would be no guarantee that Burrell would build on it in the way described. It could be sold. The zoning change cannot be conditioned to allow the project described by Burrell. Burrell stated that following a Town Meeting vote to approve the zoning change he would immediately separate the lot and put it in someone else's name and immediately put a deed restriction on the property. The Commission noted that any proposed work would still require a permit from the Commission and noted the many developed constraints on the lot. Burrell stated he may consider purchasing additional land to be able to put the driveway further from the house. The Commission thanked Burrell and said they would put together comments later in the meeting.

Appointment – Craig Fifield – Kirkland Drive – Request for Extension of Order #299-517 – Residents Craig Fifield and Jason Biddle were present to request an extension of the permit for the Kirkland Drive Pond weed treatment. Fifield confirmed that the constructed pond had water last summer and is about six to seven feet deep. Sferra provided photos of the pond and noted that she was contacted by Solitude Lake Management requesting an extension. Sferra added that she has not received a report for the 2016 treatment which Fifield stated he would look into. Sferra noted that the Commission could issue an extension and hold it until the report was received. Fifield noted that treatment is conducted every 3 years and was last completed in 2016 and is not planned again until 2019. *Cortni Frecha made a motion to extend Order of Conditions #299-517 for Kirkland Pond weed treatment until May 7, 2020. Jeff Saunders seconded the motion and it was passed unanimously.*

Lake Boon Board Replacement – Sferra informed the Commission that ice out occurred at the end of February, similar to last year. Sferra was contacted by Theresa O'Riorden of the Lake Boon Commission, regarding the replacement of the dam boards and coordinated with Sferra and Clayton, as has been the past practice, agreeing to replace the boards on March 10th. Sferra noted that a meeting of the Lake Boon Commission has been scheduled on March 9th to discuss the replacement of the boards. Sferra recommended that the Commission request that the boards be replaced by a certain date in the event the Lake Boon Commission cannot agree on a date. This will ensure that the lake will have time to fill by the April 1st deadline set in the lake drawdown OOC. The Commission inquired why the lake has to ice out before the boards are replaced. Sferra noted that if the boards were replaced prior to ice out it could cause damage to docks and shoreline structures. Don Hawkes, a member of the Lake Boon Commission, was present. Hawkes expressed concerns about replacing the boards on March 10th and stated that he and another resident would like another week to clean up their beaches. Hawkes added that due to the recent cold weather residents may not have had enough time to finish up work and suggested a replacement date of March 17th. Hawkes stated that Lake Boon Association member David Gray has reported that four to five inches of water is currently going over the dam and replacing only one six inch board would not make a difference.

The Commission noted that in the past it had worked smoothly having one member of the Lake Boon Commission work with Town staff to schedule the board replacement. Hawkes stated that, in his opinion, the Lake Boon Commission has to agree on the date to replace the boards at a meeting and that an administrative procedure should be created for future years and could be incorporated into the OOC when it is extended. The Commission noted that having a meeting of the Lake Boon Commission to agree on the date of replacement is irrelevant to the fact that the OOC requires the lake to refill by April 1st. They agreed that the boards should go in March 10th, unless another date prior to March 17th is agreed upon by the Lake Boon Commission at their meeting.

Minute Man Air Field Taxiway Paving – Sferra informed the Commission that Don McPherson, owner of Minute Man Air Field, contacted the office because he has received State funding to repave the taxiway. The repaving will consist of resurfacing and no changes will be made to the drainage system. Sferra noted there is an exemption in regulations which allows resurfacing of roadways without changes to the drainage but it is unclear if it would apply to a taxiway. The Commission requested that Sferra confirm with McPherson that the existing culverts would not be damaged by the weight of the equipment and that the material will be milled and trucked offsite. The Commission discussed the request and agreed a minor project approval could be done for the taxiway repaving. *Cortni Frecha made a motion to request staff to complete a minor project approval for the proposed taxiway repaving project. Jeff Saunders seconded the motion and it was passed unanimously.*

Enforcement – Unpermitted Tree Work off Weldon Lane – Sferra reviewed unpermitted tree work which occurred off Weldon Lane. Sferra noted that a pond was created by an earthen dam and is within the Open Space held by the Homeowners Association (HOA). The HOA has had ongoing issues with the dam. A tree was growing out of the dam and over the pond, and water has been leaking from the dam. The HOA hired a tree company to perform tree work and no permits were obtained. Responding to a complaint, Sferra conducted a site visit and stopped the work. She noted that a bobcat owned by the tree company slid off the dam and the tree was cut and dumped in the wetland. Sferra has followed up with the President of the HOA and explained the permit process – both for removal of a single tree as well as more extensive additional tree removal work and possible repairs that are needed on the dam. She asked the Commission to make a determination with regard to removal of the tree in the wetland and any additional enforcement action against the tree company. The Commission recommended that the regulations be reviewed regarding dam maintenance and any exemptions that may exist. The Commission will require that the tree trunks be removed from the wetland in lieu of a fine. The Commission added that contractors should be required to confirm that homeowners have permits for work within their jurisdiction. Sferra noted that the letter previously sent to landscaping companies made clear that as landscape professionals they cannot assume the homeowner has received a permit. Sferra will follow up with the tree company and the HOA President.

Planning Board Request for Comment – Zoning Petition Article – Box Mill Road – The Commission reviewed the draft comments to the Planning Board regarding the petition article for the rezoning of Mark Burrell's lot on Box Mill Road. The Commission noted that the lot proposed for rezoning is 3.99 acres which does not meet the required four acres for a hammerhead lot. The Commission also discussed the zoning change already made for the existing house and the lack of guarantee that the lot would be restricted to the proposed house and driveway. The Commission discussed the Riverfront Area requirement that only 5,000 square feet or 10% of the lot can be altered. Calculations would be required to confirm a house, well, driveway, and septic system would be possible. Sferra also noted that restricting further development on the lot with a deed restriction as proposed by Burrell may be difficult to enforce over the long term. A Conservation Restriction or continuing conditions in an Order may be preferable. The Commission revised the draft comment letter and included a comment that the 1988 zoning change created an anomaly to the RC zone. *Cortni Frecha made a motion to approve the amended comments on the Box Mill Road rezoning to the Planning Board. Ingeborg Hegemann Clark seconded the motion and it was passed unanimously.*

Review and Approve Order of Conditions – Stowaway Golf Course – 121 White Pond Road – The Commission reviewed and revised the draft OOC for Stowaway Golf Course. *Cortni Frecha made a motion to issue the Order of Conditions as amended. Jeff Saunders seconded the motion and it was passed unanimously.*

Commission Member Report – Frecha noted that the owner of Stow Acres Golf Course, Peter Brown, contacted the Community Preservation Committee (CPC) regarding using Community Preservation funds to rehab the club house building. The CPC recommended Brown contact the Historical Commission regarding the building.

Annual Conference Debrief – Sferra and Goring updated the Commission on the Massachusetts Association of Conservation Commissions Annual Environmental Conference.

Town Forest Outreach – Sferra informed the Commission that staff are increasing outreach about the regulations at Town Forest and are leaving copies of the regulations with “reminder” on the windshields of vehicles in the parking lot.

Adjournment – *Serena Furman made a motion to adjourn the meeting at 10:13 PM. Cortni Frecha seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during March 7, 2017 Conservation Commission Meeting:

- 12 Pine Point Photos and sketch plan provided by Duncan Thorne
- Photos of 25 Box Mill detention basin site visit
- Photos and plans submitted by Mark Burrell for the Box Mill Road zoning petition
- Photos of the Kirkland Drive Pond
- Map of unpermitted tree work of Weldon Lane
 - 3/7/17 Agenda
 - 3/7/17 Meeting and Coordinator's Report
 - Draft 2/7/17 Minutes
 - Planning Board Notice of Public Hearing 44 Box Mill Road proposed zoning bylaw amendment
- Letter to the Board of Selectmen re: Petition for Modification of Zoning of Portion of Map of Map R-22. Parcel 2A from Mark & Sharon Burrell
- Exhibit Plan 44 Box Mill Road, Foresite Engineering
- GIS resource area map of 44 Box Mill Road
- Request for Extension Permit for Kirkland Drive Pond, Solitude Lake Management
- Email correspondence re: Lake Boon dam board replacement
- Email correspondence re: Minute Man Air Field taxiway repaving
- Email correspondence re: unpermitted work off Weldon Lane
- Draft Order of Conditions, Stowaway Realty Trust 121 White Pond Road
- Email correspondence re: Captain Sargent Tractor
- Letter to Town Forest snowmobile user
 - Revised draft Order of Conditions, Stowaway Realty Trust 121 White Pond Road
- Staff comments re: Lake Boon dam board replacement
 - Planning Board staff Memo to Planning Board re: Burrell Zoning Petition
 - Draft Conservation Commission comments on Petition Article – Burrell – Box Mill Road
 - Example Memorial Gift Policy, Town of Truro

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