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Conservation Commission Minutes 03/21/17

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Stow Conservation Commission Minutes March 21, 2017

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on March 21, 2017 at 7:30 in the evening.

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

Absent: Jeff Saunders
Doug Morse

comprising a quorum of the Commission

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

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

Minutes: *Serena Furman made a motion to approve the minutes of March 7, 2017 as amended. Cortni Frecha seconded the motion and it was passed unanimously.*

Coordinator's Report

- **Carver Hill and small farm Open House:** An open house will be held at Carver Hill Orchards and small farm on either April 29th or April 30th in advance of Town Meeting.
- **MACC Environmental Handbook:** Commission member's subscriptions for Handbook have run out. Sferra confirmed with the Commission that they do not want individual subscriptions to the handbook.
- **Unpermitted Work off Weldon Lane/New England Tree Masters – Update:** Sferra spoke with the owner of New England Tree Masters and he was agreeable to removing the trunk of the tree dumped into the wetland. The contractor understands he made a mistake and agreed to review permitting rules with his staff. Sferra has followed up with a letter to the owner requesting that the trunk be removed from the wetland by the end of April, a deadline agreed to by the owner. The owner will call to schedule a site visit prior to doing the work. The homeowners association is still planning to file for dam maintenance.
- **Maple Street Violation:** Bolton Town Counsel is preparing documents.
- **Regency at Stow:** Tracking onto the roadway has been reported. Sue Carter will visit today and recommend gravel be added to the tracking pad.
- **Delaney Erosion Violation:** The Division of Fish and Wildlife has not met the March 15th deadline for filing for the Delaney erosion violation. Sferra has not been able to reach them for an update, but will try again this week.
- **Tractor at Captain Sargent:** Follow up is currently on hold due to weather conditions.
- **Town Forest Enforcement:** More than 100 flyers have been handed out at Town Forest by staff with help from the Animal Control Officer and Stow Police. Many conversations have been had with dog owners as well and there has been an overall positive response.
- **Tree Removal – Community Gardens:** Land Steward Bruce Trefry has removed several dead elm trees at the Community Gardens, which were hazardous.
- **Freedom's Way Thoreau Trail Program:** Freedom's Way National will be running a hike through Stow in June. Sferra is working with the organization to help plan the route.
- **New Flyer for Carver Hill and small farm:** Sferra provided the Commission the flyer for Carver Hill and small farm for Town Meeting which she has worked on with the Stow Conservation Trust (SCT).

Request for Determination of Applicability – 21 Hale Road – Homeowners Kevin Trenholme and Joyce Auclair were present. Trenholme displayed the proposed addition plans which include minimal bumping out the two front corners of the house and a farmer's porch. The work is within the 100' buffer to Lake Boon. The existing house does not have a foundation and no foundation work is proposed for the addition. Sonotubes will be used to create concrete footings to support the addition. No excavation will occur with the exception of the sonotubes. Trenholme proposed using straw wattle and silt fence if necessary for erosion controls. Cortni Frecha conducted the site visit and noted that the property has a very gentle slope to the lake and straw wattle would be sufficient. Frecha noted that the proposed pitch of the roof will be steeper, which would increase the impervious surface minimally. Frecha added that the lot is very sandy and that gutters will be installed and roof runoff will be directed to an existing dry well. Frecha provided photos from her site visit and added that putting a gutter on the side of the house closest to the lake will be difficult because it will likely fill up with debris from trees and may not be necessary. Trenholme noted that he would like that side of the house to have a gutter because there is a sliding glass door on that side of the house. Frecha noted that during the site visit she informed Trenholme that concrete wash water cannot be disposed of within the 100' buffer. Trenholme clarified that the plantings shown on the plan already exist and that tree removal was done by a previous owner. Trenholme also clarified that a crane would be used for the construction of the addition and confirmed that no equipment will be driven around the back of the house due to the septic system. *Cortni Frecha made a motion to close the public hearing for the Request for Determination of Applicability filed by Kevin Trenholme and Joyce Auclair. Serena Furman seconded the motion and it was passed unanimously.* Bruce Trefry arrived at 8:00 PM.



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Request for Determination of Applicability – Stow Conservation Department – Town-wide Knotweed Project – Kathy Sferra, Stow Conservation Coordinator, represented the Conservation Department. She described the three year pilot program which would allow homeowners to do knotweed removal projects within the Commission's jurisdiction within set criteria without the need to file for individual permits. Sferra provided a summary of the program, conditions, and a draft one page application form for homeowners. Sferra noted that projects would be approved under the Commission's minor project approval process. Public outreach will be needed to educate homeowners in Stow and knotweed maps previously completed by Serena Furman could be used to reach out to individual homeowners with knotweed on their properties. Sferra also added that homeowners with knotweed in upland areas may become more aware of knotweed through the project.

Furman reviewed the application and noted that the application provides the option to not use herbicide and recommended that applicants stake out the corners of the patch to assist in long term monitoring. The Commission noted that many homeowners may not know about knotweed or wetland permitting and the public outreach will be beneficial. Sferra added that part of the outreach would include information about the plant and how to treat it. The Commission discussed the application form and recommended that any information included with the application be easily readable, include hyperlinks with additional information on where to find maps or rare species information, and be made printable in black and white. Ingeborg Hegemann Clark noted the new research on glyphosate and suggested vernal pools either be added to restricted areas, have an additional distance requirements, or seasonal restrictions to complete herbicide work when vernal pools are dry. The Commission discussed a setback or restriction on herbicide treatment on knotweed patches near vernal pools. Sferra noted that herbicide treatment on knotweed should occur in the fall when vernal pools are likely dry and Jacquie Goring added that the GIS potential vernal pool layer could be referenced when reviewing applications. Hegemann Clark added that eggs are most sensitive to herbicide so creating seasonal or distance restrictions on herbicide use and prohibiting their use before rain events would be beneficial. The Commission discussed the allowance for excavation of soils to break up the rhizomes which Sferra clarified was included based on comments by Brian Collieran, knotweed consultant. The Commission requested that Sferra find out why Collieran recommended breaking up rhizomes when it is known to cause the plant to grow more vigorously. Sferra also clarified that if an applicant must disturb more than 5,000 square feet or 50 linear feet of bank they must apply for a separate permit. The Commission also requested that Sferra research the regulations for floodplain which would trigger a separate permit and requested that the application includes the program summary and native plant references for revegetation.

Allan Fierce, 284 Red Acre Road, noted his support of the project. Fierce stated that SCT would be interested in helping publicize the effort. Sferra stated that Massachusetts law allows a homeowner to apply herbicide to their own property but organizations must use a licensed applicator on their land. Fierce added that he hopes records will be kept on homeowners successes with removing knotweed. Sferra noted that the Commission has requested changes to application and recommended the hearing be continued. *Cortni Frecha made a motion to continue the public hearing to April 4, 2017 on or after 7:30PM. Sandra Grund seconded and it was passed unanimously.*

Appointment – Allan Fierce – Mountain Biking/Bicycling on Conservation Land – Present for the discussion were Stow residents Allan Fierce; Margie Lynch, Bill Wachur, Mike Duclos, and Julianne North. Lynch introduced the subject by detailing the concerns of the group. She noted that Town Forest is the largest property for mountain biking in Stow with trails of varying difficulty. Lynch apologized that the group was not present for the public hearings discussing the regulation changes last spring and noted that the changes to the regulations have limited mountain biking to a subset of the trails. Lynch noted that the group would like to work with the Commission and staff on marking more trails and provided the Commission a map of trails most popular within their mountain biking group. Lynch also noted that the group would like to help perform trail maintenance and educate trail users and displayed a sign that could be used to educate bikers on yielding to other users. Fierce provided the Commission a copy of the Town Forest map noting the colored marked trails are limited and that mountain bikers have been riding the other trails for years until the Commission recently changed the regulations. Fierce noted that he had met with staff to discuss his concerns and they discussed the possibility of exploring this issue, but that it would be a long-term project. Fierce requested that additional trails be marked sooner.

Bruce Trefry, the Commission's Land Steward, clarified that the regulation limiting bikes to colored marked trails has been in place for many years prior to the regulation change in 2016 and that the change actually expanded mountain biking to Flag Hill and Heath Hen where its status had been ambiguous. Trefry added that mountain biking has occurred on unmarked trails for years and there are also problems with trespassing on adjacent private land and the solution is not as simple as marking new trails. Sferra noted that Goring has begun mapping the trails of Town Forest with help from volunteer Greg Jackson and noted that the grey dashed trails shown on the Town Forest map which are generally narrow foot paths have increased significantly since the current official map was created. Sferra added that staff have been advancing the trail mapping work to better understand the trail network and determine what trails are duplicative or in sensitive areas and should be closed and whether additional trails might be marked. She noted the need to involve all users in this effort, not just the mountain bikers. The Commission noted that Town Forest is being used by many bikers outside of Stow and provided the example that Town Forest maps with misinformation were found and later removed from the New England Mountain Bike Association website.

The Commission noted that there are different regulations on various conservation lands across Stow and it is the responsibility of the trail user to know the rules for each property and that many other area Conservation Commissions limit biking to wider trails as well. Sferra provided the Commission with examples from other towns. The Commission requested that the group give the Commission and staff time to review the trail map submitted tonight and asked the group to prioritize the trails they included on their map that should be open to biking. Sferra also requested that the group reach out to others in the biking community, noting that there have been many issues including night riding, trespass, use of unauthorized trails, and riding with dogs. She noted the extensive outreach currently being done to dog walkers at Town Forest, but said that the bikers are harder to interact with and enter from multiple points. Sferra noted that the Town Forest is the town's most used property and there is a need to involve all users in the discussion. Sferra also added that the work plan will be created for Fiscal Year 2018 in June and could include mapping as a priority for the coming year. The Commission stated they are happy to review their request for more trails but it must be thought through properly and they must do what is best for the land as well as all user groups. It was noted that this might be done in phases. Andy Snow noted that she was a competitive mountain bike racer and Stow and Town Forest are relatively small places for mountain biking and even in the most popular areas for biking there are trails closed to bikes to allow walkers and birders to enjoy trails as well as protect sensitive habitat. Snow added that taxpayers have invested in conservation land and the Commission must do what's right for the land. Snow also added that biking has changed with new fat tire bikes and BMX riding that tear up the land and the Commission recently had an abutter to Town Forest come to the Commission with trespassing issues with mountain bikers and more education needs to be done. Goring described the narrow foot paths to the east of the blue trail which have significant erosion, steep grades, and compaction issues.

The Commission discussed meeting at Town Forest this spring to review the trails, especially trails recommend by staff which are obvious candidates to mark, and to observe the wear and tear on trails and the locations of trails near sensitive habitat or abutting property. Greg Jackson, 25 Treaty Elm Lane, was present and noted that Town Forest is a great place to bike for children and as it stand now they cannot legally access Town Forest from the neighborhood. The Commission asked Jackson to identify which trails are good for kids. Fierce noted the Open Space and Recreation Plan includes a priority for more opportunities for biking. Sandra Grund, member of the Open Space and Recreation Plan Committee, noted the responses to the surveys were primarily regarding road biking rather than mountain biking. The Commission noted the next step is for the Commission to review the trails and get staff feedback and asked that they be patient so the work can be done in an organized fashion. The Commission also noted that volunteers would need staff oversight to conduct trail maintenance, including in areas that would require a permit with the Commission, and recommended the group review the volunteer policy. Fierce noted they have a draft work plan which they chose not to submit. The Commission asked that submittals go to staff.

Bruce Trefry left the meeting at 9:15 PM.

Request for Extension/Approval of Maintenance Tree/Shrub Work – Order #299-501 off Barton Road – Bob Collings – Bob Collings was present to discuss the Order of Conditions for vegetation management at the end of the air strip which was approved in 2009 and extended by the Permit Extension Act and expires in July 2017. Collings would like to continue to maintain the brush at the end of the air strip which is within the 100' buffer to a wetland. Collings has requested a three year extension to the OOC and notified the Commission that he plans to do maintenance this year, as required by the permit. Sferra noted that the OOC does not allow maintenance to occur beyond five years from the issuance of the permit and the extent of the proposed work has not changed. The Commission discussed the request for extension and recommended that the regulations be reviewed and a better way be devised to deal with Collings' ongoing vegetation management. The Commission confirmed with Collings that they have been notified and he may complete the brush maintenance until his permit expires in July and that a solution would be determined on or before the June 17, 2017 Commission meeting.

Request for Extension of Order #299-573 – Hendrix Hale Road Hydroraking – Cortni Frecha made a motion to extend Order of Conditions for the Hale Road Hydroraking until May 21, 2020. Sandra Grund seconded and it was passed unanimously.

Updates/New Business:

Melone Sand and Gravel Filing – Staff met with an engineer and attorney on behalf of J. Melone & Sons and wetland consultant David Burke to review the preliminary plans for a Notice of Intent (NOI) filing to upgrade the stormwater system at the sand and gravel facility.

Box Mill Road Bridge Project – The Box Mill Road Bridge is on the State's list to be repaired. MassDOT is working on plans for the bridge and temporary bridge. Sferra will meet with MassDOT and Planning Board staff next week to review the plans.

Tree Removal – 27 Sylvan Drive – The owner of 27 Sylvan Drive contacted the office regarding trees within the Derby Woods conservation land that were threatening the house. Goring conducted a site visit to review the location of the trees and coordinated with SCT to allow three trees to be removed at the owner's expense.

Conservation Commission Table at Springfest – Sferra discussed plans for a table at Springfest on May 13th for the Commission to provide public outreach on their activities including the knotweed project.

Gift Guidelines for Conservation Land – The Commission reviewed the draft Gift Guidelines for Conservation Land for memorial benches and trees on Town conservation land. Sferra noted that the Board of Selectmen have a gift policy that is broader and does not include conservation land which was also included in the Commission's packet. The Commission discussed the draft and noted that there should be a defined style of benches and plaque and placement locations should be included in the guideline. The Commission chose to table the discussion.

Planning Board Request for Comments – Zoning Bylaw Amendments – The Commission reviewed the Zoning bylaw amendments in their packets and determined they had no comments.

Determination of Applicability – 21 Hale Road – The Commission discussed the proposed addition and recommended straw wattle be installed outside the 35' no disturb buffer for erosion control. They did not think the increase in roof pitch was significant enough to require mitigation. *Ingeborg Hegemann Clark made a motion to approve and issue a Negative #3 Determination. Sandra Grund seconded the motion and it was passed unanimously.*

Adjournment – *Cortni Frecha made a motion to adjourn the meeting at 10:00 PM. Sandra Grund seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacque Goring
Conservation Assistant

Materials Used during March 21, 2017 Conservation Commission Meeting:

- 21 Hale Road sketch plan and photos provided by Kevin Trenholme and Cortni Frecha
- Map of mountain biking trails provided by Bill Wachur
- 3/21/17 Agenda
 - 3/21/17 Meeting and Coordinator's Report
 - Draft 3/7/17 Minutes
 - Sketch Plan for 21 Hale Road
 - RDA narrative for town-wide pilot Japanese knotweed control program and project area map
 - Draft Japanese knotweed removal application
 - Stow Conservation Land Regulations
- Email Correspondence with Allan Fierce, Julianne North, Margie Lynch, Bill Wachur, and Mike Duclos re: mountain biking meeting
 - Regulations Governing the Alteration of Town of Stow Conservation Land
 - Conservation Land Volunteer Policy
 - Example biking regulations Assabet National Wildlife Refuge and Sudbury Valley Trustees
 - Email Correspondence with Bob Collings re: Request for Extension to OOC #299-501
 - Email Correspondence with Basye Hendrix re: Request for Extension to OOC #299-573
 - Board of Selectmen's Guidelines for the Acceptance of Gifts
 - Draft Conservation Land Honorary and Memorial Gift Guidelines
 - Planning Board Zoning Bylaw Amendments
 - Example biking regulations from the Towns of Weston, Sudbury, Lincoln, and Harvard Conservation Trust
 - Carver Hill and small farm flyer
 - Freedom's Way Thoreau Trail flyer

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