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## Conservation Commission Minutes 04/18/17

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### Stow Conservation Commission Minutes April 18, 2017

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on April 18, 2017 at 7:30 in the evening.

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

Absent: Sandra Grund  
Doug Morse

comprising a quorum of the Commission

Also present: Kathy Sferra, Conservation Coordinator  
Jacquelyn Goring, Conservation Assistant  
Nicki McGachey, Associate

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

**Minutes:** Cortni Frecha made a motion to approve the minutes of April 4, 2017 as amended. Serena Furman seconded the motion and it was passed unanimously.

**Request for Extension – Order #299-519 – 62 South Acton Road –** Sferra informed the Commission that the Order of Conditions (OOC) for 62 South Acton Road will expire today and the homeowners have requested an extension because the work has not been completed. The homeowners will also be requesting an amendment to the approved plan at a later date. Cortni Frecha made a motion to extend Order of Conditions #299-519 for an addition and driveway work. Serena Furman seconded and it was passed unanimously.

**Request for Certificate of Compliance – Order #299-385 – 136 Barton Road –** The homeowners of 136 Barton have requested a Certificate of Compliance (COC) for septic system and well replacement at 136 Barton Road. Jacquie Goring conducted a site visit and confirmed that the site is stable and the work was conducted in accordance with the approved plan. Goring recommended that COC be issued. Serena Furman made a motion to issue a Certificate of Compliance for Order of Conditions #299-385. Cortni Frecha seconded and it was passed unanimously.

**Ratify Emergency Certification – 198 Maple Street Dam Breaching –** Sferra was contacted by the homeowner of 198 Maple Street regarding flooding caused by beaver activity that was at risk of impacting his drinking water well. Sferra, Goring and Bill Brookings from Nashoba Boards of Health conducted a site visit and confirmed that the well was at risk from the beaver dam. Two beaver dams were found behind the property, an upper dam with an existing beaver deceiver that was no longer functioning and a second dam downstream. The upper dam was causing the flooding which was impacting the well. Sferra issued an Emergency Permit allowing six to eight inches of the dam to be breached gradually by the homeowner's contractor, Malcom Speicher. The Board of Health also issued a permit. The Stow Conservation Trust provided a consent form for Speicher to access the dam on their property. Speicher requested to remove the entire dam and install new beaver deceiver pipes under the Emergency Permit. Sferra informed Speicher that could not be done and requested a Request for Determination of Applicability be filed for the proposed work. Goring will meet with the homeowner to assist with filing the permit. There was concern that the dam was holding back a lot of water and removal of the entire dam could cause flooding downstream. Andy Snow made a motion to ratify the Emergency Certification for 198 Maple Street. Ingeborg Hegemann Clark seconded and it was passed unanimously.

**Highway Department Culvert Clearing – Route 117 –** Sferra informed the Commission that the Highway Department contacted the office regarding culvert clearing at 117 across from J. Melone & Sons to prevent flooding of 117. The Highway Superintendent did not believe that the culvert was blocked by beavers.

**Appointment – Pat Huckery – Division of Fisheries and Wildlife – Delaney Erosion Control and Restoration Plan –** Pat Huckery, District Manager, and Jennifer Jones, Stewardship Biologist, from Massachusetts Division of Fisheries and Wildlife were present to discuss the Delaney erosion control and restoration plan in response to the Enforcement Order issued by the Commission. Huckery reviewed the restoration plan for the erosion caused by winter freeze and thaws in the dog beach area. Silt fence and hay bales were installed immediately and no additional erosion has occurred. Jones has been inspecting the site and noted that visitors have knocked over the snow fence and silt fence to access the area which was closed off to prevent further erosion. Jones added that the silt fence will be replaced. Huckery reviewed the restoration plan which includes revegetation, removing sediment from the pond during low water conditions, and re-establishing a berm. The area is currently vegetated with invasive spotted knapweed which chemically alters the soil to prevent other plants from growing around it. Jones added that the area known as the dog beach where the erosion was occurring can no longer serve that purpose and must be fenced off because continued use would cause more erosion. The area is susceptible to wind shear which is pushing water against the berm. Jones added that new signs will be posted alerting trail users not to enter the area and that the dog area could be moved 150 feet down the trail in an area where erosion is less of an issue. A sustainable alternative access path was suggested as possibly a more successful long term approach than banning access altogether.

Jones noted that dogs are required to be on leash but not all dog owners abide by the regulation and erosion will continue to be an issue as long as dogs are off leash. The Commission discussed the planting plan. Jones noted that the goal is to get the area revegetated but the knapweed will need to be treated using a combination of herbicide and burning to eradicate it. The Commission discussed the concerns about dogs and Huckery confirmed she would submit an article to a local paper and post more substantial signage about keeping dogs out of the area to complete the restoration project. The Commission requested that progress on the restoration plan be reviewed in September. The Commission also recommended that root balls and boulders could be used in the restoration process which is more natural looking than rip rap. Huckery added that the Division of Fisheries and Wildlife has drafted dog regulations which would require dogs to be on a six foot leash, with an exemption for hunting dogs, which will likely be implemented sometime in 2017.

**Public Hearing - Abbreviated Notice of Resource Area Delineation (ANRAD) – J. Bransfield, Money Brook Farm, LLC. – 63 & 65 White Pond –** The Commission opened the hearing. Property owner Jonathan Bransfield and Brian Butler of Oxbow Associates were present. Butler displayed the plan and described the site which is made up of two parcels, one of which is undeveloped. Resource areas on the site include Elizabeth Brook,



Stow, MA

79 °F

Clear

at 11:56 AM

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an intermittent stream and bordering vegetated wetland which were delineated by Scott Smyers of Oxbow Associates in 2016. Ingeborg Hegemann Clark conducted a site visit and recommended changes to the plan including revised flags OA A8R and OA A19R and an additional flag OA A5-1. Hegemann Clark also recommended that an estimated 100' buffer to the stream located on the adjacent Melone property be added to the plan. Bransfield also provided the Commission a revised ANRAD form which included his signature as owner of both parcels. Butler noted that the plan had not been updated with the proposed changes and requested that the Commission close the hearing with a red line plan with the final plan to be submitted later.

Hegemann Clark provided photos from the site visit and noted that there is a lot of trash on the property much of which has been removed by Bransfield. The site also has invasive species including Japanese knotweed and oriental bittersweet which Bransfield had been removing within the River Front Area. Hegemann Clark noted that the 100' buffer to the intermittent stream on the Melone's property should be shown as estimated because the delineation could not be done without permission from the property owner. Hegemann Clark added that Bransfield stopped removing vehicles and trash until the property was delineated and plans to continue to remove invasives. Bransfield would also like to remove sections of fallen trees from Elizabeth Brook with a hand saw to allow for kayaking. Hegemann Clark also noted that there is a cut in the bank of Elizabeth Brook that looks like it could have been made to create an old swimming hole.

Hegemann Clark added that she had reviewed an area of skunk cabbage that was above the delineation line to check for hydric soils and requested an additional area be added to the plan to connect OA A9 and OA A10. There are encroachments on the property from the north and south including PVC pipes and HVAC units from the Astro Crane property to the north. Bransfield added that the encroachments are approximately 40 to 50 feet into his property. Bransfield also noted that there was a burn pit on the property that he has removed three 40 yard dumpsters of metal trash and glass from. Hegemann Clark noted that she had also reviewed the stream statistics and agreed that the stream is intermittent although shown on USGS maps as perennial. *Serena Furman made a motion to close the public hearing. Cortni Frecha seconded and it was passed unanimously.*

**Order of Resource Area Delineation (ORAD)– J. Bransfield, Money Brook Farm, LLC. – 63 & 65 White Pond –** The Commission agreed to approve an ORAD with the delineation shown as accurate on the red line plan and with a final plan to be submitted prior to issuing the ORAD. *Cortni Frecha made a motion to issue an ORAD for 63 & 65 White Pond Road. Jeff Saunders seconded and it was passed unanimously.*

**Public Hearing - Notice of Intent (NOI)– Stow Conservation Department – Town-wide Knotweed Project –** The Commission opened the hearing. Kathy Sferra, Stow Conservation Coordinator, represented the Conservation Department. Sferra noted that the NOI was submitted in response to comments provided by DEP on the Request for Determination of Applicability. Sferra reviewed the comments from DEP on the NOI which included restrictions near vernal pools, a recommendation that all pertinent requirements of the Massachusetts Pesticide Control Act be included in the permit application and a note that there are additional restrictions for herbicide use in Zone II Wellhead Protection Areas. The Commission discussed not allowing the use of herbicides during the breeding season and limiting the distance that foliar spraying could be used near potential and certified vernal pools. Sferra noted that if an application for knotweed removal does not fit within the criteria set in the Order, a separate filing could be submitted by the homeowner. *Serena Furman made a motion to close the public hearing for the Notice of Intent for the town-wide knotweed project. Cortni Frecha seconded and it was passed unanimously.*

**Order of Conditions – Stow Conservation Department – Town-wide Knotweed Project –** The Commission reviewed the Order and determined that no foliar spraying would be permitted within 100 feet of potential and certified vernal pools. *Cortni Frecha made a motion to issue the Order of Conditions as amended. Serena Furman seconded and it was passed unanimously.*

#### Coordinator's Report

- **Town Meeting:** Sferra reminded the Commission that Town Meeting will be held on May 1 and 2. Sferra will be presenting the warrant article for Carver Hill, Bob Wilber will present small farm and Laura Greenough will present the Park at 323 Great Road.
- **Shepherd Memorial Woodlands Bridges – ADA Accessibility:** Eagle Scout Quinn Gross met with Doug Hyde, Building Department, to review his proposed bridge project as recommended by the Commission. Hyde has concerns about the bridge regarding Americans with Disabilities Act (ADA) accessibility. Sferra met with Hyde to discuss the concerns and clarified that if the bridge was not made ADA compliant it could be required to be removed. Hyde recommended that the bridge be made four feet wide and the approaches be modified slightly. The changes will make the project more expensive to build. Hyde and Gross are working together to complete the final design.
- **Extension of Tree Removal Deadline – Whelden Land:** Sferra spoke with the a member of the Homeowners Association (HOA) requesting that New England Tree Masters be given an extension to the end of April deadline to remove the tree from the wetland. The HOA would like an extension until the end of May because there is a significant amount of water in the pond now and they do not want someone on the dam due to structural concerns. The owner of New England Tree Masters contacted Sferra at her request to discuss the extension. The Commission was agreeable to the end of May extension.
- **Next Meeting:** The Commission discussed meeting on May 9<sup>th</sup>, local election day, and determined they would move the meeting to Wednesday May 10<sup>th</sup>. Andy Snow took a new application for 148 Hudson Road. Serena and Nicki volunteered to join.
- **Town Forest Walk Scheduling:** The Commission discussed the Town Forest Walk and scheduled it for the morning of June 4<sup>th</sup>.

**Comments on Natural Heritage Revised Priority Habitat Map –** The Commission discussed the Natural Heritage revised Priority Habitat Map which no longer includes the area mapped in Marble Hill. Hegemann Clark will draft a letter with photos for the Commission to review at the May 23<sup>rd</sup> meeting.

**EPA/DEP Wastewater Permitting Discussion –** Hegemann Clark briefed the Commission about a recent meeting with OARS to discuss discharge permits at wastewater facilities discharging to the Assabet River. Hegemann Clark discussed issues with the Total Daily Maximum Load (TMDL) for phosphorus in the Assabet River and the impact on Stow. New EPA/DEP Wastewater Permitting requires wastewater facilities to meet lower TMDL limits which can be costly for the facilities. An assessment was required to be completed by the Army Corps of Engineers which produced graphics of what the Assabet would look like if the impoundments were removed. Sferra offered to provide these by email. Previous public meetings discussing dam removal were met with concerns from farmers who use the impoundments as a water source and concerns about fire safety and the aesthetic changes of the area. Hegemann Clark added that with the most recent lower TMDL requirements discussion of dam removal may occur again. None of the communities will be requesting to increase flows therefore increase total phosphorous to the Assabet. Hegemann Clark recommended that OARS come for a joint Boards meeting with the Board of Selectmen and ConComm to review the new wastewater permitting guidelines.

**Adjournment – Ingeborg Hegemann Clark made a motion to adjourn the meeting at 9:51 PM. Cortni Frecha seconded the motion and it was passed unanimously.**

Respectfully submitted,

Jacquie Goring  
Conservation Assistant

#### Materials Used during April 18, 2017 Conservation Commission Meeting:

ANRAD Plan Money Brook Farm  
Site Visit Photos from 63 & 65 White Pond Road  
4/28/17 Agenda  
4/28/17 Meeting and Coordinator's Report  
Draft 4/4/17 Minutes  
Delaney Wildlife Management Area Erosion Damage Restoration Plan

ANRAD Description 63 & 65 White Pond Road  
Draft Order of Conditions for Town-wide knotweed control program  
62 South Acton Road Extension Request  
198 Maple Street Emergency Certification form and documentation  
Draft Priority Habitat Maps  
2009 Notice of Claim for Adjudicatory Appeal City of Marlborough Westerly Wastewater Treatment Facility

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