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Conservation Commission Minutes 05/10/17

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Stow Conservation Commission Minutes May 10, 2017

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on May 10, 2017 at 7:30 in the evening.

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

Absent: 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: Serena Furman noted a potential error in the minutes regarding the knotweed project and the discussion of the use of herbicides within the 100' buffer to vernal pools. Approval of the 4/18/17 minutes was deferred until the audio tape can be reviewed.

Approve Invoice – small farm appraisal: The Commission reviewed the invoice from Ellen Anderson for \$4,000. The Commission previously voted to pay for the invoice depleting one account with \$2,750 in Community Preservation Act (CPA) funds for appropriation of small land acquisitions and pay the remaining \$1,250 with a second CPA fund with a balance of \$50,000 for the same purpose. The invoices will require final approval from the Community Preservation Committee. *Ingeborg Hegemann Clark made a motion to pay the small farm Conservation Restriction appraisal as discussed. Cortni Frecha seconded the motion and it was passed unanimously.*

Coordinator's Report

- **Town Meeting:** Sferra updated the Commission on Town Meeting and the passing of warrant articles for Carver Hill, small farm and 323 Great Road.
- **Lake Boon Weed Treatment:** Sferra received notice from Solitude Lake Management that the Lake Boon weed treatment will occur on May 23, 2017.
- **New Projects:** Sandra Grund volunteered to take 37 Bradley Lane.
- **Garden Steward Update:** One of the garden stewards, Deb Stein, has resigned and has given up her plots but will help garden at another plot. Sferra would like to provide Stein a letter thanking her for her service.
- **Trail Closure between Captain Sargent and Flagg Hill Conservation Areas:** Sferra has worked with the Stow Conservation Trust (SCT) and the private land owners to assess trail conditions on the Whitney Fields trails adjacent to Captain Sargent. Wet conditions have rendered the trail impassable. The trail is now closed and SCT will work on a solution. The Commission discussed concerns about the trail becoming wider and the need for outreach to the biking community regarding walking bikes through muddy areas.

Ingeborg Hegemann Clark left the meeting at 7:40 PM.

Public Hearing - Notice of Intent (NOI) – 220 Barton Road – The Commission opened the hearing. Steve Poole of Lakeview Engineering and Dan James of Erland Construction were present. Poole displayed a plan of the site. James noted that the existing house needs to be demolished due to poor construction and water infiltration which has caused black mold. Concerns about mold are further complicated by the fact that the homeowner's son has a severely compromised immune system. The existing structure and foundation are proposed for demolition. Poole described the proposed structure which will be within the same footprint of the existing home with the exception of the corners being squared off. The proposed structure will be slightly further from the lake than the existing building. No work is proposed between the house and lake. A three season porch is proposed within the 35' no disturb buffer where there is currently a patio and second story deck. The Commission clarified that the footprint of the structure including the 3 season porch is not moving closer to the lake. James provided photos of the existing building and noted that all of the work is proposed above an existing upper retaining wall.

Jeff Saunders completed a site visit and described the terracing near the lake including two retaining walls and a lawn area. Saunders added that the 35' no disturb buffer has been previously developed. Poole noted that a stone drip edge or trench is proposed for drainage around the proposed house and James added that the homeowners have been encouraged not to have gutters. No additional landscaping or paved pathways are proposed and no tree removal will occur. All demolition material will be live loaded from the property and not staged onsite. Erosion controls are proposed on the first terrace at the rear of the property and will consist of staked silt fence and straw wattle. The Commission requested an additional line of hay bales closer to the edge of Lake Boon along the lower wall. James reviewed the timeline for the proposed work which will also require a ZBA variance and special permit. Providing all permits are received, the work will begin around July 4th.

Saunders also reviewed the Request for Certificate of Compliance (COC) and noted that the required plantings in an area of bittersweet removal had not been completed. Ron Gerhard, 222 Barton Road, confirmed the plantings in the area are on his property and added that contractors for the proposed work will be using his property for staging and noted his support for the project. Sferra noted that the approved plan from the 2014 Order did not specify the number of required plantings. The Commission discussed requiring three highbush blueberries or other native shrubs to be planted as part this approval. Saunders added that all other work was completed in accordance with the OOC and recommend the COC be issued.



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79 °F

Clear

at 11:56 AM



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Karen Benoit, 15 O'Connell Way, was present to support the project. *Cortni Frecha made a motion to close the public hearing for the Notice of Intent for 220 Barton Road. Sandra Grund seconded and it was passed unanimously.*

Request for Certificate of Compliance – 220 Barton Road – *Cortni Frecha made a motion to issue the Certificate of Compliance requiring that three high bush blueberries or other native shrubs to be planted as part of the new Notice of Intent filing. Sandra Grund seconded and it was passed unanimously.*

Public Hearing - Notice of Intent – 148 Hudson Road – The Commission opened the hearing. Scott Hayes, Foresite Engineering, was present and displayed a revised plan and photos of the site. Hayes noted that Matthew and Nicole Fanning received a COC in November 2016 for the house. Hayes added that the Fannings are having difficulty turning around in the narrow driveway and entertaining in the backyard. The proposed plan includes increasing the width of the driveway turnaround by 30 feet, constructing a berm, transplanting a row of arborvitae and planting additional evergreen trees. An infiltration trench is proposed as mitigation for the expanded driveway. The proposed lawn expansion includes clearing 6,000 square feet of hardwood woodland and understory. A row of evergreen and native hardwood trees at least 1 ½ inch caliper are proposed along the new edge of lawn at the 35' no disturb buffer. Staked straw wattle is proposed for erosion controls. Hayes confirmed that the driveway was originally permitted to be a circular drive in front of the house where the septic system currently exists.

Lizett Frias, mother of Nicole Fanning, and Bob Valchuis, site contractor, were present. Valchuis expressed concerns about people driving off the edge of the existing driveway and noted that the grade will be raised up to two and a half feet. Sferra confirmed with Hayes that the wetland flags from the 2008 delineation are present on site. Sferra noted that wetland delineations are valid for three years and the delineation used for the NOI is now nine years old. The Commission discussed the need for a more current delineation and details on the proposed clearing. Frias interjected into the discussion her concerns about visitors not being able to turn around in the driveway and contractors not being able to use the driveway without damaging the sprinkler heads. Frias added that three hazard trees were allowed to be removed recently and additional trees are falling frequently and expressed concerns about small children playing in the yard near falling trees. Frias continued stating that with the propane tank in the backyard there is no place for a vegetable garden or space for the children to play. Valchuis also stated that the berm along the 35' no disturb buffer is no longer proposed and tree planting along the 35' no disturb buffer is still planned.

The Commission discussed the driveway expansion and acknowledged the difficulty of turning and the safety concerns of backing down the 500 foot long driveway into Hudson Road. Andy Snow conducted a site visit and expressed concerns about the potentially outdated wetland delineation and the proposed 6,000 square feet of clearing for conversion to lawn. The Commission reviewed photos from the site visit and Snow described the habitat at the rear of the property. The Commission discussed the habitat benefits of the wooded area proposed to be converted to lawn and Frias interjected that there have been fishers in the yard and converting the area to lawn would allow the Fanning's to see animals in their yard before going outside. The Commission recommended that the applicants provide an alternative to clear cutting the area for lawn and select some trees to leave. Sferra noted that once the area is cleared to the 35' no disturb buffer and converted to lawn there could be additional requests to cut hazard trees within the 35' no disturb buffer. Valchuis stated that trees could be left as snags and that there is a balance between creating more lawn and protecting the 35' no disturb buffer. The Commission noted that there is a large front lawn. Valchuis noted that the proposed 6,000 square feet of clearing is approximately 3% of the four acre lot and reiterated that the driveway is a safety hazard. The Commission clarified with Valchuis that snow would be stored on each side of the driveway toward the backyard and Hudson Road if the proposed driveway expansion was approved.

Hayes stated that a site visit could be done with the Commission to confirm the delineation and he would speak with the Fannings about keeping specific trees rather than clearing the proposed area completely. The Commission requested that hazard trees and trees that are proposed to remain be marked separately for the site visit. Sferra noted concerns about the potential for dumping of yard waste within the 35' no disturb buffer if the lawn was expanded as proposed. The Commission also noted the size of the driveway expansion which Frias stated was necessary for parking to accommodate the Fanning's large family. Rich and Ann Marie Vroegindewy, 152 Hudson Road, were present and stated that they are glad a privacy screen was considered at the edge of the driveway expansion and noted that they agreed that the trees are hazards and are supportive of the proposed plans. The Commission confirmed with Hayes that grading for the driveway expansion will be matched to the garage door level and that no fencing is proposed. Frias stated that she believes the Fannings should have fencing to protect the children from fishers and other wildlife. The Commission clarified that the hearing would be continued for two weeks to allow for the delineation to be reviewed in the field and reiterated the request that alternatives be considered to reduce the proposed clearing. *Cortni Frecha made a motion to continue the public hearing for 148 Hudson Road to May 23, 2017 on or after 7:30 PM. Serena Furman seconded and it was passed unanimously.*

Ingeborg Hegemann Clark returned at 8:37 PM.

Public Hearing – Request for Determination of Applicability (RDA) – 198 Maple Street – The Commission opened the hearing. Malcolm Speicher, beaver specialist, was present and informed the Commission that the work will be conducted by Mike Callahan of Beaver Solutions because he no longer does beaver deceiver pipe work. Speicher described the pipe replacement work including the use of 50 inch ABS single wall piping enclosed with a wire cage at each end to prevent beavers from blocking the pipe. Ingeborg Hegemann Clark, Nicki McGachey and Jacquie Goring completed a site visit. Hegemann Clark described the area for the beaver deceiver which will be placed under a stone bridge/culvert structure. An emergency permit was issued to lower the beaver dam which was threatening the drinking water well for the property. Hegemann Clark noted that the old pipes are currently lying off to the side and should be removed once the beaver deceiver is replaced. Sferra added that written permission from SCT was provided to access their property for the replacement. Speicher added that the work won't be done until June and questioned the Commission why the lot was ever allowed to be developed. The Commission stated that was not an issue to be discussed as part of the public hearing. Steve McKenna, 196 Maple Street, was present and offered to remove the remaining pipe if necessary and confirmed no work would be done on the dam on his property as part of the replacement. *Cortni Frecha made a motion to close the public hearing for the Request for Determination of Applicability for 198 Maple Street. Sandra Grund seconded and it was passed unanimously.*

Coordinator's Report - continued

- **DiPietro, Maple Street Violation:** The complaint is in process.
- **Potential Enforcement Issues – 265 Gleasondale:** Sferra received a complaint regarding work within the Commission's jurisdiction at 265 Gleasondale. Staff is following up with the homeowner.
- **Commission Member Reports:** Commission members reported on potential enforcement issues on Wheeler Road and Middlemost Way.

Request to Amend Plan – Stowaway Golf Course DEP #299-619 – The clubhouse at Stowaway golf course was recently damaged by a fallen pine tree and is no longer structurally sound and must be rebuilt. The Commission reviewed the proposed plans and resource areas and agreed the clubhouse work could be done as an amendment to the existing plan under OOC #299-619 provided that erosion controls be installed similar to those shown on the approved OOC plan for the 6th tee. *Cortni Frecha made a motion to approve the plan amendment to repair the Stowaway golf course clubhouse. Sandra Grund seconded and it was passed unanimously.*

Request for Certificate of Compliance – 32 Pine Point Road – Furman conducted a site visit and displayed photos of the visit and described the site. The OOC was from a 2009 septic system replacement. Furman confirmed the site is stable and recommended the COC be issued. *Serena Furman made a motion to issue the Certificate of Compliance for 32 Pine Point Road. Cortni Frecha seconded and it was passed unanimously.*

Right of First Refusal – Scansaroli Property – Old Bolton Road – The Commission discussed the Scansaroli property located on Old Bolton across from Stow Community Park which is valued at \$410,000 for three acres. The Commission determined that the property does not provide any linkage to existing open space. Hegemann Clark was present for the concurrent Stow Municipal Affordable Housing Trust meeting and updated the Commission on the discussion of the property. The Commission agreed that they did not have interest in pursuing purchasing the Scansaroli property.

Lake Boon Dam – Notice of Noncompliance – Office of Dam Safety – Sferra provided the Commission a copy of the Notice of Noncompliance Lake Boon Dam. Sferra confirmed that Mike Clayton, Superintendent of Streets, received the Notice and noted that the dam was recently inspected for the Highway Department.

Renewal – Farm License Agreement – Noonan Field – Steve Mong – The farm license agreement was deferred until June.

Determination of Applicability (RDA) – 198 Maple Street – The Commission discussed the RDA and agreed that the debris must be removed prior to completion of the project. *Cortni Frecha made a motion to issue a Negative 3 Determination of Applicability for 198 Maple Street. Jeff Saunders seconded and it was passed unanimously.*

Order of Conditions – 220 Barton Road – The Commission reviewed the draft Order and requested that three high bush blueberries or other native shrubs be required to be planted that were not as part of the 2014 OOC and a second line of erosion controls closer to Lake Boon. *Cortni Frecha made a motion to issue the Order of Conditions for 220 Barton Road as amended. Jeff Saunders seconded and it was passed unanimously.*

Appointment – Jesse Steadman – Captain Sargent Farm Gate – Jesse Steadman was not able to attend the Commission meeting. The Commission agreed the gate can be approved at the staff level.

Adjournment – *Ingeborg Hegemann Clark made a motion to adjourn the meeting at 9:58 PM. Cortni Frecha seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacque Goring
Conservation Assistant

Materials Used during May 10, 2017 Conservation Commission Meeting:

Conservation Filing Plan 220 Barton Road
Site Visit Photos from 220 Barton Road
Notice of Intent Plan 148 Hudson Road, revised 5/9/17
Site Visit Photos from 148 Hudson Road
Site Visit Photos from 32 Pine Point
5/10/17 Agenda
5/10/17 Meeting and Coordinator's Report
Draft 4/28/17 Minutes
Wetland Impact Summary 220 Barton Road
Form W Request for Waiver 220 Barton Road (2)
EWH Anderson Real Estate Invoice for small farm appraisal
Email Correspondence and sketch Stowaway Golf Course clubhouse renovation
Town of Stow Planning Department 49 Old Bolton Road Chapter 61 Withdrawal map
Lake Boon Certificate of Non-Compliance and Dam Safety Order
Public Lands Preservation Act and support letter by Kathy Sferra
Email Correspondence regarding Eversource Sudbury to Hudson Transmission Reliability Project filing

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