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Conservation Commission Minutes 06/06/17

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Stow Conservation Commission Minutes June 6, 2017

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on June 6, 2017 at 7:30 in the evening.

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

Absent: Doug Morse
Ingeborg Hegemann Clark
Jeff Saunders

comprising a quorum of the Commission

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

The Conservation Commission meeting was called to order at 7:40 PM.

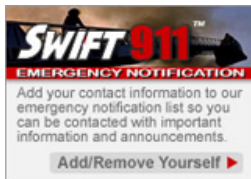
Continued Public Hearing – Notice of Intent – 148 Hudson Road – Homeowner Matthew Fanning, Lizett Frias, mother of homeowner Nicole Fanning, and Bob Valchuis, site contractor, were present and provided updated plans for the Commission. Andy Snow noted that the Commission asked that the Fannings consider pulling back the clearing line to 50' from the wetland rather than clearing up to the 35' no disturb buffer as shown on the updated plans. Valchuis stated that the Fannings did not want to move the clearing farther from the wetland and that the clearing is proposed two to three feet off of the 35' no disturb buffer line and that straw wattles will be installed one and a half to two feet from the 35' no disturb buffer. Valchuis also stated that elevations and a planting plan were also included on the updated plan. The Commission noted that they recognize some of the trees in the proposed clearing area are dead but the majority are healthy and replanting trees will cause additional disturbance. The Commission added that because the proposed clearing will go up to the 35' no disturb buffer they would include conditions in the permit that no dumping of yard waste or other encroachment may occur in the 35' no disturb buffer. Valchuis described grading which was not included on the plan and noted that they would reuse material onsite and may need to bring in loam. Fanning confirmed that there is no plan for a swing set or fence and would come back to the Commission if either were planned within the Commission's jurisdiction.

The Commission noted that the pear leafed crabapple shown on the planting plan is not native to the northeast which Frias stated was recommended by Hancock Associates because of its wildlife benefits. Cortni Frecha stated that she is not in favor of the Fannings clearing up to the 35' no disturb buffer but felt that they did a thoughtful job with the planting plan. Frecha added that if there were more members present for the hearing she may have voted against issuing a permit for the work as proposed. *Serena Furman made a motion to close the public hearing for 148 Hudson Road. Sandra Grund seconded and it was passed unanimously.*

Public Hearing – Notice of Intent (NOI) – 98 Gleasondale Road – The Commission opened the hearing. Homeowner Andrew Bass was present. Bass described the proposed work which includes raised garden beds, a patio which will encroach one foot into the 35' no disturb buffer, and fencing which is proposed within seven to ten feet of the wetland at its closest point. Bass added that he will need to revise the plans to move the proposed fence back one foot from the property line. Bass described the existing lawn area and locations of the proposed garden beds, patio and fence. Frecha conducted a site visit and noted that the fence is proposed at the toe of the slope of the existing septic mound. Frecha noted that some of the area was previously disturbed when the septic system was replaced in 2016. Frecha added that if the yard isn't kept open it could become overrun with invasives. Bass stated that he would like the fence at the toe of the slope because he can't mow beyond that point easily. Bass added that no brush or trees will need to be cleared to install the fence and if the fence company requested to do so he would not allow it. Frecha displayed photos from the site visit. Bass confirmed that there would be gates on each side of the house to access the septic system and that the fence is proposed to include the blueberry bushes planted as part of the septic system replacement.

The Commission discussed the location of the fencing and requested that a revised sketch plan be completed with the final proposed location of the fencing. The Commission also noted that the fence should have a four to six inch gap at the bottom to allow for the passage of wildlife. Bass stated that the fence is being installed for their dog and confirmed he had considered an electric fence and determined that it was not secure enough because their property is located on Route 62. The Commission discussed the need for a gap at the bottom of the fencing for passage of wildlife. Sferra clarified that the Wetland Protection Act exempts fencing that is 50' from the wetland and does not constitute a barrier to wildlife, but otherwise there is no requirement for gaps under fences. The Commission discussed the proposed fencing within the 35' no disturb buffer, the management of dog waste, and if a smaller fenced in area would be adequate. Bass said a smaller area could be fenced for the dog but he would want to check with the septic company if it is possible to install fencing in the septic area. Sferra noted that a middle ground could be met by fencing around the leach field which would encroach slightly into the 35' no disturb buffer. Frecha added that Bass would be willing to remove the swallowwort and garlic mustard to provide a public benefit for the proposed work within the 35' no disturb buffer. Bass added that he would also be willing to plant and agreed to plant five mixed native shrubs. The Commission confirmed that erosion controls would not be needed and a second site visit could be done for members who would like to see the property. Kacey Ruderman, 110 Gleasondale Road, was present and asked why planting was required if Bass was not removing any vegetation for the fencing. The Commission explained that the fence is proposed within the 35' no disturb buffer and public benefit must be provided. Jim Powers, 102-104 Gleasondale Road, was present and confirmed with Bass that the fencing will be four foot chain link and stated that he has no adverse feelings towards the proposed work. *Cortni Frecha made a motion to continue the public hearing for 98 Gleasondale Road to June 20, 2017 on or after 7:30 PM. Sandra Grund seconded and it was passed unanimously.*

Appointment – Andre Lavrenchik – 72 Packard Road – Homeowners Andre and Nataliya Lavrenchik were present to discuss the drainage ditch on their property. Sferra informed the Commission that she had invited the Lavrenchiks to meet with the Commission tonight. Ms. Lavrenchik informed the Commission that they moved to Stow in March and have since been monitoring a ditch that runs across the middle of their yard. The ditch has exposed piping and appears to be fed by a homemade drainage structure on north side of their property and runs to an intermittent stream which runs along the southern property line almost entirely off their property. Ms. Lavrenchik noted that the pipes that are in the ditch are not all connected and water will also pool in the ditch. Ms. Lavrenchik added that they would like to make improvements to the ditch so it will flow properly and be safe for their small children. Sferra informed the Commission about the history of the property which was once farm land. Sferra found historical aerial photos of the area which appeared to show a series of ditches in the area. Sferra and Goring conducted a site visit and observed a significant amount of standing water from the neighboring property, 78 Packard Road, draining into the homemade drainage structure which Sferra



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79 °F

Clear

at 11:56 AM



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suspected may have been coming from a sump pump. Ms. Lavrenchik stated that she spoke with her neighbor and confirmed she has a sump pump draining to the yard. Mr. Lavrenchik described the homemade drainage structure as a bucket set into the ground covered by mesh and is connected to the ditch with an underground pipe.

Sferra noted that the backyard of 72 Packard Road and the cow pasture behind the property were both very wet during the site visit. The septic system was replaced in 2001 without a wetlands permit at which time the Commission issued a cease and desist order. A permit was then issued for the septic replacement which included a requirement that the ditch be restored to preexisting conditions. The initial septic plans from 2001 did not show the ditch. Sferra noted that the bylaw protects intermittent streams while the WPA only protects intermittent streams below a wetland. Sferra added that the very small area near the homemade drain may classify as a wetland. Sferra described the flow of water which begins on the 78 Packard Road property as sheet flow into the drain on the 72 Packard Road property, then enters the ditch from an underground pipe inside the drain, travels along the ditch through and around pipes at the surface, outfalls into the intermittent stream to the south, then travels under Packard Road and two properties to Carriage Lane. Ms. Lavrenchik stated that mosquitoes are an issue when the drain and intermittent stream are not flowing. Sferra spoke with the Highway Department and they are aware of ditch but did not know about the drain. Sferra also discussed the drainage issues and the Lavrenchik's plan to fill the ditch with crushed stone and loam and seed. It was recommended that a six inch perforated pipe be installed in a bed of crushed stone. The Commission discussed varying approaches to the ditch. Ms. Lavrenchik stated that the back of the yard is very wet and raised higher than the rest of the yard. Sferra also noted that Ms. Lavrenchik mentioned during the site visit that when the house was first built they found clay and spread it across the backyard which could be contributing to the drainage issues. The Commission noted that the Lavrenchiks may want to feather out the grade during the ditch repair project and recommended that a professional with experience with drainage issues be hired and a Request for Determination be filed for the work. The Commission also discussed using plantings to help with the drainage and discussed the permitting process. Ms. Lavrenchik added that they contacted Central Mass Mosquito Control who stated they could treat as long as the ditch was not flowing.

Minutes: *Sandra Grund made a motion to approve the minutes of May 23, 2017 as amended. Cortni Frecha seconded the motion and it was passed unanimously.*

Coordinator's Report

- **Collings Museum:** The Planning Board is in settlement discussions with the Collings Foundation regarding the museum project.
- **Ministers Pond Tree:** Serena Furman and Cortni Frecha have flagged trees at Ministers Pond for protection from beavers. The Commission discussed next steps and agreed that the critical trees should be protected prior to the planned High Rock Church work day in August and could be used as examples for the volunteers. The Commission discussed using two inch by four inch painted wire fencing and Furman estimated that three to four rolls of wire would be needed to protect all of the flagged trees. She is getting prices.
- **Town Forest Site Visit:** Sferra noted the Town Forest site visit was completed on June 4th. The next step would be to review some goals for this effort and then to develop recommendations. The Commission agreed that the work should coincide with the 50th Anniversary celebrations. Sferra added that she has made an effort to track down the mountain biker encountered on the trail to follow up with him on his use of trails not open to biking but could not locate him.
- **Box Mill Road Bridge:** Sferra updated the Commission on the Box Mill Road bridge meeting. MassDOT continues to propose that a second bridge be built leaving the existing bridge in place to be maintained by the Town. A 50 foot right of way off Saw Mill Road through Carver Hill could be explored for access. Sferra noted that the Town will next meet with the Lords to discuss the bridge work and the feasibility of using the right of way through the orchard.
- **MVP Grant Award:** Sferra informed the Commission that the Town was awarded State funds from the Municipal Vulnerability Preparedness grant which will provide the Town a trained facilitator to assist in vulnerability planning for the community. Planning Board and Conservation Commission staff will take part in the effort.
- **Enforcement Issues:** Sferra reviewed the current enforcement issues including work in the buffer zone at 265 Gleasondale Road and yard waste dumping on Maple Street. An additional complaint was received regarding work in an intermittent stream on Wheeler Road. Sferra recommended that the Commission meet with both parties regarding the Wheeler Road violation.

Request for Certificate of Compliance – 24 Randall Road – Sferra conducted a site visit and displayed photos of the visit and described the site. A Request for Certificate of Compliance (COC) for the well and water line installation was requested in 2011 but not issued because there was construction debris remaining on the property. Sferra recommended the COC be issued. *Serena Furman made a motion to issue the Certificate of Compliance for 24 Randall Road. Sandra Grund seconded and it was passed unanimously.*

Commission Reorganization and Designation of CPC Representative – Snow informed the Commission that she contacted Doug Morse regarding his position on the Commission. Morse would like to resign and the Commission discussed the process of Associate Member Nicki McGachey becoming a Commission member. Frecha confirmed she is willing to continue as CPC Representative. Commission reorganization will be discussed during the June 20th Commission meeting.

Eversource – Comments to State and Federal Agencies – Sferra noted the recent Eversource transmission line public hearings and the Massachusetts Environmental Policy Act (MEPA) comment period. The Commission reviewed and discussed a draft comment letter. *Cortni Frecha made a motion to submit the draft comment letter as written. Serena Furman seconded and it was passed unanimously.*

Planning Board Request for Comments – Crow Island Trapeze Installation – The applicants for the proposed Crow Island trapeze installation have selected an area outside the Commission's jurisdiction and the Commission had no comment.

Order of Conditions – 148 Hudson Road – The Commission reviewed the draft Order and discussed the lack of grading shown on the plan. The Commission requested that a condition be included stating that no grading is permitted with the exception of up to six inches of loam. The Commission also requested that perpetual conditions be included that no stockpiling of snow or tree removal shall occur within the 35' no disturb buffer. *Cortni Frecha made a motion to issue the Order of Conditions for 148 Hudson Road as amended. Sandra Grund seconded and it was passed unanimously.*

Executive Session – Litigation Strategy

At 10:10 PM Cortni Frecha made a motion to go into Executive Session pursuant to MGL Chapter 30A, section 21 A(3), for the purpose of discussing litigation strategy relative to the wetland violation on Maple Street, and to adjourn thereafter. Serena Furman seconded the motion and it passed 4-0 on a roll call vote: Andy Snow, aye, Serena Furman, aye, Cortni Frecha, aye, Sandra Grund, aye.

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during June 6, 2017 Conservation Commission Meeting:

Exhibit Plan of Land 148 Hudson Road, dated 6/2/17
98 Gleasondale site visit photos
6/6/17 Agenda
6/6/17 Meeting and Coordinator's Report
98 Gleasondale Road sketch plans
72 Packard Road Site Visit Report
Draft 5/23/17 Minutes

Draft Sudbury-Hudson Transmission Reliability Project/Eversource Comment Letter
Planning Board Eversource Comment Letter
Crow Island Trapeze Planning Board Special Permit applicant letter and photo

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