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Conservation Commission Minutes 06/20/17

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Stow Conservation Commission Minutes June 20, 2017

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on June 20, 2017 at 7:30 in the evening.

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

Absent: Doug Morse
Ingeborg Hegemann Clark
Sandra Grund

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 7:30 PM.

Minutes: *Serena Furman made a motion to approve the minutes of June 6, 2017 as amended. Cortni Frecha seconded the motion and it was passed unanimously.*

Coordinator's Report

- **July Commission Meeting:** Sferra confirmed that there will be a quorum on July 18, 2017.
- **OARS Water Chestnut Rapid Response:** Sferra received an email from OARS regarding the summer 2017 water chestnut rapid response program. In previous years, Sferra was notified by OARS of planned water chestnut pulls including the location of the pulls and how the plants would be disposed. Sferra would then provide verbal approval for hand pulling of water chestnut. OARS requested approval for the 2017 pull and noted that they have recently completed a detailed water chestnut management plan. As part of the project, DEP clarified that they would prefer that OARS file for a permit with the Commission for hand pulling of water chestnut. Filing for a permit would not be possible for this year's water chestnut pull due to the timing. The Commission discussed the request and agreed to allow OARS to hand pull water chestnut without filing for the summer 2017 pull.
- **Conservation Land - Coyote Incident:** Sferra described the incident which involved a very aggressive coyote likely defending a den on conservation land. A dog was bitten and received vet treatment. Sferra discussed the incident with the Animal Control Officer and has posted signs warning trail users to leash their dogs.

Ratify Enforcement Order – 265 Gleasondale Road – An Enforcement Order was issued to the owner of 265 Gleasondale Road following a complaint about work occurring within the Commission's jurisdiction. Sferra described the property and the work that was done which included excavation of pits and soil stockpiling to create a backyard motocross track and displayed photos. Sferra added that the property owner would be excavating the public meeting to review the proposed restoration plan. *Cortni Frecha made a motion to ratify the Enforcement Order for 265 Gleasondale Road. Serena Furman seconded the motion and it was passed unanimously.*

Continued Public Hearing – Notice of Intent (NOI) – 98 Gleasondale Road – Homeowner Andrew Bass was present. Bass provided a revised plan and informed the Commission that his septic company recommended that fencing be installed ten feet from the poly barrier. Bass described the changes made to the proposed fencing location and the location of the poly barrier. The newly proposed fence location will be ten and a half feet from the poly barrier and within five to ten feet of the wetland. The Commission confirmed that the fence is now proposed in an area that is currently lawn and that some of the existing blueberries will remain outside the fence. The Commission discussed the request to allow wildlife passage under the fence which Sferra noted is a requirement for an exemption for fencing under the Wetlands Protection Act, which does not apply here. Bass confirmed that the fence could be raised approximately four inches above the ground surface to allow for passage of wildlife and not risk their dog getting out of the fenced area. Bass also confirmed that he has begun working on the invasive species removal. *Cortni Frecha made a motion to close the public hearing for 98 Gleasondale Road. Serena Furman seconded and it was passed unanimously.*

Accept Letter of Resignation – Doug Morse – Sferra informed the Commission that the Board of Selectmen's office has posted the vacancy for a member of the Commission and applications will be due July 7th. *Cortni Frecha made a motion to accept Doug Morse's resignation from the Conservation Commission, expressing gratitude for his service to the Town of Stow, and appoint him as Associate Member for a term ending June 30, 2018. Serena Furman seconded and it was passed unanimously.*

Associate Member Appointments – Sferra informed the Commission that she reached out to associate member Tracy Arvin and confirmed she does not wish to be reappointed to the Commission. Sferra also contacted Elena Trunfio and she has not responded. Sferra requested that the Commission appoint Myong Hunt, Community Garden Steward, to the Commission as an associate member. *Serena Furman made a motion to appoint Myong Hunt as Associate Member to the Conservation Commission for a term ending June 30, 2018. Cortni Frecha seconded and it was passed unanimously.*

Notice of Intent – 227 arverdeHarvard Road – Property owner Duncan Thorne and Scott Hayes, Foresite Engineering, were present. Hayes displayed plans for the proposed work which includes demolition of the existing house and garage and reconstruction of a new single family house. Hayes added that the wetland delineation for the property was completed by Caron Environmental in November 2016 and reviewed the 100' buffer and 35' no disturb buffer lines. Thorne confirmed that there is a significant amount of Japanese knotweed on the property which he stated he had



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attempted to remove in the past. Hayes added that the limit of all of the site work is up to the 35' no disturb buffer with the exception of the knotweed work. Hayes described the property which was previously a farm and historically mowed to the existing stone walls. Thorne proposes to remove the existing house but plans to keep the existing 1800s root cellar. No trees are proposed for removal and 12 blueberry bushes will be planted to establish the 35' no disturb buffer between the proposed garage and wetland. Thorne added that he would like a ten foot path beside the garage to get around the structure with a mower or other equipment. Hayes noted that a new drilled well will be installed and minor grading will be required for the proposed septic system.

Jeff Saunders completed the site visit and confirmed with Thorne that snow storage will be on either side of the proposed driveway outside the 35' no disturb buffer. The Commission noted that they appreciated that the 35' no disturb buffer will be defined with the blueberry plantings. Saunders confirmed the majority of the wetland flags during the site visit and noted the presence of a yurt within the 100' buffer. Thorne confirmed that this is a temporary structure. Saunders noted that the yurt is not causing any disturbance. Thorne confirmed that the debris on the property has been cleaned up. Hayes described the proposed infiltration trench along the driveway. The Commission discussed the proposed hand removal of knotweed and recommended Thorne reference the Conservation Department's website regarding knotweed removal. Sferra added that the removal of knotweed could take three or more years and if included in the conditions may affect the ability to receive a Certificate of Compliance. Thorne noted that he may sell the property after the house is built. The Commission continued to discuss the various methods to remove knotweed and recommended that Thorne follow the Commission's recommended guidelines. *Cortni Frecha made a motion to close the public hearing for 227 Harvard Road. Jeff Saunders seconded and it was passed unanimously.*

Appointment – Robert Bradway – 265 Gleasondale Road – Robert Bradway, owner of 265 Gleasondale Road, was present to discuss the wetland and buffer zone restoration plan. Bradway informed the Commission that he has experience working near wetlands and has been required to rebuild wetlands as part of his turf athletic field business. Bradway stated that his son built a motocross track in the rear of the property and left three ditches and jumps. Bradway proposed leaving the jumps in place and allowing them to continue to revegetate, filling the ditches using a tractor with floatation tires, and hydrospraying the area with a conservation seed mix suitable for wetlands. Bradway also stated that he would move large stones where there is a break in the wall to prevent accessing the lower part of the property. After discussion, the Commission requested that the rutting be repaired. Bradway confirmed the restoration work would take no more than seven days. Sferra proposed conditions for the restoration including that the restoration be completed by July 31, 2017, the area must be stable by September 30, 2017, and requested that the Conservation Department be contacted before seeding to confirm the grading. The Commission discussed filling the ditches and agreed that the dirt piles used to make the jumps should be used, with no fill brought in. Bradway agreed to install staked straw wattle for erosion controls.

Land Steward – Contract Extension – Sferra informed the Commission that three years ago the Land Steward position was advertised and Bruce Trefry was reappointed for three years. Trefry's contract expires June 30, 2017 which does not allow sufficient time to post and accept applications prior to the expiration due to posting requirements. Town Administrator Bill Wrigley agreed to permit a one month extension to Trefry's contract to allow sufficient time to post and accept applications prior to the July 18, 2017 Commission meeting. *Serena Furman made a motion to authorize a 30-day contract extension of Bruce Trefry's contract as Conservation Land Steward. Cortni Frecha seconded and it was passed unanimously.*

Carver Hill and small farm Grant Applications – Sferra informed the Commission that the Carver Hill and small farm grant applications are due in July. She is completing the application for Carver Hill and the Stow Conservation Trust (SCT) is completing the application for small farm. Sferra added that a Letter of Commitment to SCT to co-hold the small farm Conservation Restriction is required for the small farm grant. *Cortni Frecha made a motion to advance the votes at Town Meeting to acquire Conservation Restrictions on small farm and Carver Hill by taking the following actions: 1) executing the Municipal Certifications that both Conservation Restrictions are in the public interest, 2) executing a Letter of Commitment to the Stow Conservation Trust that the Conservation Commission will co-hold the CR at small farm, and 3) executing the LAND Grant application to the Executive Office of Energy and Environmental Affairs for Carver Hill. Serena Furman seconded and it was passed unanimously.*

Order of Conditions – 98 Gleasondale Road – The Commission reviewed the draft Order and requested that conditions be included requiring the fence to be elevated an average of 4 inches above ground and that five blueberry bushes be planted and invasive species removal be conducted as public benefit for the fencing. The Commission also requested that perpetual conditions be included that no dumping of leaves, yard waste, dog waste, excessive snow and any other materials shall occur in the wetland or the 35' no disturb area. *Cortni Frecha made a motion to issue the Order as amended. Serena Furman seconded and it was passed unanimously.*

Continued Public Hearing – Notice of Intent – 37 Bradley Lane – A continuation was requested for 37 Bradley Lane until July 18, 2017. *Andy Snow made a motion to continue the public hearing to July 18, 2017 on or after 7:30 PM. Serena Furman seconded and it was passed unanimously.*

Order of Conditions – 227 Harvard Road – The Commission reviewed the draft Order and requested that conditions be included requiring that the knotweed be removed within the Commission's guidelines and that the yurt be removed at the completion of the project. The Commission also requested that a perpetual condition be included requesting that no snow storage occur in the wetland or the 35' no disturb area. *Jeff Saunders made a motion to issue the Order for 227 Harvard Road as amended. Cortni Frecha seconded and it was passed unanimously.*

Commission Reorganization and Designation of Community Preservation Committee Representative – *Serena Furman made a motion to appoint Andy Snow to serve as the Chair, Serena Furman to serve as the Vice Chair and Cortni Frecha as the liaison to the Community Preservation Committee of the Conservation Commission effective July 1, 2017. Cortni Frecha seconded the motion and it was passed unanimously.*

Executive Session – Litigation Strategy

At 9:30 PM Serena Furman 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. Cortni Frecha seconded the motion and it passed 4-0 on a roll call vote: Andy Snow, aye, Serena Furman, aye, Cortni Frecha, aye, Jeff Saunders, aye.

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during June 20, 2017 Conservation Commission Meeting:

98 Gleasondale Road sketch plans
6/20/17 Agenda
6/20/17 Meeting and Coordinator's Report
Draft 6/6/17 minutes
227 Harvard Road Project Narrative and wetland delineation documentation
265 Gleasondale Road Enforcement Order
Doug Morse Resignation letter
Municipal Certification – Carver Hill CR
Municipal Certification – small farm CR
Letter of Intent to Co-Hold Conservation Restriction for small farm to Stow Conservation Trust
Carver Hill Orchards LAND Grant Application Table of Contents and Application Form
Draft Order of Conditions for 98 Gleasondale Road
Draft Order of Conditions for 227 Harvard Road
Restoration Plan for 265 Gleasondale Road
Email Correspondence from OARS regarding summer 2017 water chestnut rapid response

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