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Conservation Commission Minutes 07/18/17

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Stow Conservation Commission Minutes July 18, 2017

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

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

Absent: Jeff Saunders
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: Cortni Frecha made a motion to approve the minutes of June 20, 2017 as amended. Serena Furman seconded the motion and it was passed unanimously.

Coordinator's Report

- **New Projects:** 33 Hale Road was taken by Cortni Frecha and 222 Barton Road will be reviewed by Jeff Saunders. Nicki McGachey and Jacquie Goring will conduct a site visit for 247 West Acton when filed.
- **MS4 Permitting:** The effective date of the General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) was extended from July 1, 2017 to July 1, 2018.
- **Collings Museum:** Sue Carter, Places Associates, will be conducting inspections for the Planning Board at the Collings Museum. The Commission agreed to also have Sue inspect for Con Comm.
- **0 Cross Street:** The Town has been notified of a 1.5 acre parcel on Cross Street being removed from Chapter 61B. Sferra described the location of the property which is under agreement for \$175,000. A discussion about the property will be added to a future agenda.
- **St. Isidore's:** Sferra received a complaint about yard waste dumping. Sferra visited the property and confirmed that grass clippings and branches were dumped within the 35' no disturb buffer to a pond located behind the property. Sferra is following up with the church and with a neighbor, who also appears to be dumping near the pond. The Commission discussed the dumping and requested that the church remove the bulk of the pile and to find a location outside the 35' no disturb buffer to compost for the future.

Appointment – Frank Jenkins/Linda & Gregg Mikoski – Work off Wheeler Road – Frank Jenkins and Linda and Gregg Mikoski were present to discuss a potential violation on Wheeler Road. Sferra informed the Commission that she had received complaints from the Mikoskis regarding ongoing work by Jenkins on a dam along the property line. Sferra described the location of the dam and resource areas and noted that it is unclear which property the dam is located on. Sferra and Goring conducted a site visit with Jenkins in December and did not see signs of recent work but the area was under deep leaf cover. Sferra informed Jenkins at that time that no work should occur in the area without a permit. Recently the Mikoskis contacted Sferra and provided photos showing work that had been done and expressed concerns about plastic in the dam and widening of the stream as a result of the dam.

Jenkins stated that when he purchased the property 50 years ago the dam was present and he was told it was used to access the far side of his property. Jenkins added that he and others have added rocks to the dam and that the stream is currently dry but still is able to flow through the dam. Linda Mikoski and Jenkins displayed recent photos of the stream. Jenkins stated that the stream dries up seasonally. Dan Sawyer, 253 Mossman Road Sudbury, stated that there are cut logs in the stream. The Commission clarified any work on the dam requires a permit.

Jenkins stated that the plastic in the dam was preexisting. Linda Mikoski stated that the stream getting wider and should be allowed to flow and not be blocked. Mikoski stated that she thought the dam is on her property and had previously provided photos with fresh dirt on the dam and signs of digging. The Commission acknowledged the differing opinions about when the dam was constructed and clarified that the dam should no longer be maintained. If a more formal pedestrian crossing is needed a permit application should be filed. Sferra noted that the stream is within the floodplain to a larger brook and the Commission added that the dam could block the floodplain. Jenkins stated that the Mikoskis are concerned about a right of way and the Commission noted that was not within the Commission's jurisdiction and recommended the Historical Commission be contacted regarding evidence that the dam is preexisting. The Commission also recommended that property line disputes could be solved with a property survey and reiterated that no further work should occur on the dam without a permit. Jenkins and the Mikoskis continued to disagree on whether work had been done on the dam and the ability of water to flow through the dam. The Commission discussed the plastic and cut logs visible in the photos and requested any man made material, including the cut log and plastic, be removed from the dam when the stream is not flowing and be taken away from the resource area. Jenkins confirmed with the Commission that installing a culvert in the dam would require a permit. Jenkins stated he would remove the plastic and cut logs the next day and will bring photos to the office.

Continued Public Hearing – Notice of Intent (NOI) – 37 Bradley Lane – Steve Poole of Lakeview Engineering was present on behalf of the property owner Joe Quinn. Poole displayed a plan which included the revised wetland flag locations and revised locations of the proposed house and septic system. Sferra visited the site and reviewed the revised wetland flags and compared the flag locations to the wetland delineation completed in 2000. Sferra noted that the delineations were not identical however the revised flag locations were much closer to the 2000 delineation and she thought they were satisfactory. Sferra also noted that the corners of the house were not staked in the field as requested and recommended that if a



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at 11:56 AM



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permit was issued a condition should be included requiring the staking to be done for the erosion control inspection. Sferra also identified a large patch of Japanese stiltgrass on the property within the buffer zone and recommended it be removed prior to construction to avoid spreading the plant. The Commission noted that if the grass has gone to seed prior to removal the plants should be bagged and not left on the ground. Sferra also recommended that a condition be included in the permit requiring that the house be built as shown on the plan. Poole confirmed that the driveway will remain gravel and will not be paved and the cut tree trunks along the driveway will likely be cut and split and stored away from the wetland. *Cortni Frecha made a motion to close the public hearing for 37 Bradley Lane. Serena Furman seconded and it was passed unanimously.*

Notice of Intent – J. Melone & Sons – 77 White Pond Road – Property owners John and Peter Melone, Attorney George Hailer, and Shane Oates of Conoco Engineering were present. Sferra confirmed that DEP issued a file number and comments for the project. Hailer introduced those who were present and noted that he could answer any questions regarding the documents sent to the Commission from the Conservation Law Foundation. Oates displayed site plans for the property and described the 27 acre concrete plant facility and resource areas which include bordering vegetated wetland (BVW) and Riverfront Area (RFA) associated with Elizabeth Brook. Oates also identified the 200' RFA buffer, 100' wetland buffer, 35' no disturb buffer and bank. Oates noted that the site does not currently have stormwater measures and that two sediment ponds are used for discharges from the concrete processing. The sediment ponds are excavated periodically. The site is currently a compacted gravel surface with some asphalt paving in areas of the site. The proposed work includes finishing the existing roadways with impervious recycled asphalt and installation of six inch curb along the eastern portion of the site. Oates noted that the grade changes over 25 feet on the eastern portion of the site grading down to Elizabeth Brook. Oates stated that the proposed drainage work includes directing stormwater from the western portion of the site to the existing sediment ponds which will be reconstructed as infiltration basins to DEP specifications. The reconstruction of the existing sediment ponds will include excavating the ponds, seeding, installation of a forebay, emergency spillway and outlet control structure on the existing outfall pipe to Elizabeth Brook. The proposed forebay will meet the required recharge requirements and the outlet control structure will be used to control the rates of runoff to meet DEP requirements for all major storm events. Stormwater from the eastern portion of the site will be directed to a proposed forebay and infiltration basin with emergency overflow to the recycled asphalt driveway. The remaining stormwater from the site will be directed to a proposed deep sump catch basin and stormceptor which will meet the required recharge and Total Suspended Solid (TSS) rates. Minimal grading will be required to fill in existing low spots prior to paving and will not exceed six inches of grade change.

Oates described the pump house used obtain water from Elizabeth Brook for the concrete processing wash cycle. The wash cycle will continue to occur after the proposed drainage work is complete. Oates noted that testing was completed to confirm particulate size from the process water. Eighteen underground baffle chambers will be installed to store wash water, where it will settle and overflow into the western infiltration basin. The chambers will be cleaned out every 3-4 weeks. Ingeborg Hegemann Clark, Andy Snow and Goring attended a site visit to review the proposed plans. Hegemann Clark noted that the filing referenced the RFA requirements for redevelopment but the performance standards were not documented. Oates confirmed that a written statement addressing the performance standards has not been completed but test pits were done the previous day to confirm the groundwater level. Groundwater was detected at six and a half to seven feet which Oates confirmed will provide the required four feet of separation between groundwater and the bottom of the infiltration basin. Oates noted that for redevelopment the work must meet standards to the maximum extent practicable and he is concerned that if the infiltration basin is moved outside the 35' no disturb buffer it will not meet the recharge requirements. Oates also noted that a ten foot wide access berm is required by DEP around the infiltration basin and that the proposed changes to the existing sediment ponds will not encroach further into the 35' no disturb buffer. Hegemann Clark added that in her experience there is a 50 foot setback for infiltration basins required by DEP. Oates thought this was just for surface waters, but agreed to follow up with DEP as to how they interpreted this. Oates also clarified a question from the site visit that the stormwater report submitted with the filing references the Stormwater Pollution Prevention Plan (SWPPP) in the appendix for the Long Term Pollution Prevention Plan.

Hegemann Clark also stated that the stormwater report indicated that the infiltration basins were designed to have freeboard above the maximum water level to accommodate the 100 year storm which Oates confirmed. Oates also confirmed that the proposed elevations of both the infiltration basins were designed above the existing elevations which would result in less discharge from the proposed stormwater management system. Oates reviewed the recharge rates for the proposed infiltration basins. Oates also clarified that infiltration basin #2 on the eastern side of the property will have an emergency overflow that will be directed to the roadway and described the proposed deep sump catch basin and stormceptor to meet the required TSS rates. Oates confirmed that the proposed six inch curb was designed to collect stormwater from areas that won't directly discharge to an infiltration basin. The Commission requested calculations to confirm that the height of the proposed berm would be sufficient. Sferra noted that infiltration basin #1 on the western side of the property is located within the 100 year flood plain to Elizabeth Brook. Oates stated that he believed the basin is located within the 500 year flood plain of the brook. The Commission reviewed and discussed the floodplain map and requested that Oates review the map again. Sferra will also provide Oates floodplain information from Town GIS maps for the area. Oates stated that the existing sedimentation ponds are within the same floodplain and Bordering Land Subject to Flooding (BLSF) could not be filled unless flood storage is provided elsewhere on the site.

The Commission also requested that the RFA performance standards checklist be filled out and clarified with Oates the Operation and Maintenance (O&M) plans recommend quarterly maintenance sweeping and vacuuming. John Melone stated that they are currently sweeping and vacuuming weekly and the Commission recommended that the O&M plan give them credit for that. Oates also confirmed that the SWPPP report meets the requirements for the Multi-Sector General Permit and has been confirmed by DEP. Sferra also noted that DEP had commented regarding the additional fee required for work within RFA which Oates stated he would contact DEP to clarify. Oates also clarified that the buried settlement tank will discharge to the infiltration basin and the existing discharge pipe will be fitted with an outlet control structure. The Commission summarized the additional information needed from Conoco including showing compliance with the RFA performance standards including the alternatives analysis, to confirm the RFA redevelopment standards are fully compliant, to confirm the appropriate floodplain for Elizabeth Brook and address how that impacts the calculations for the infiltration basins, and to provide a more detailed FEMA map of the site. Sferra noted that soil logs for the test pits and an updated O&M plan reflecting the existing sweeping and vacuuming practice for the site should also be submitted. Sferra added that Oates should provide confirmation from DEP regarding the 50 foot setback to BVW for infiltration basins, clarification on the additional filing fee, and to review the feasibility of moving any of the stormwater improvements outside the 35' no disturb buffer. Sferra also informed Oates that the Planning Board will be discussing the application at their meeting and may require an Erosion Control Special Permit. *Serena Furman made a motion to continue the public hearing for 77 White Pond Road to August 1, 2017 on or after 7:30 PM. Cortni Frecha seconded and it was passed unanimously.*

The Commission recessed at 9:00 PM and returned at 9:05 PM

Execute 3 Year Land Steward Contract – Bruce Trefry – Sferra noted that that the position was posted per town requirements, and that Mr. Trefry was the only applicant. *Cortni Frecha made a motion to execute a 3 year contract for Bruce Trefry beginning August 1, 2017. Ingeborg Hegemann Clark seconded and it was passed unanimously.*

Vacancy Recommendation to Selectmen – Sferra informed the Commission that the office received one application for the vacant Commission position from Associate member Nicki McGachey. The Selectmen requested the Commission's recommendation. *Cortni Frecha made a motion to recommend Nicki McGachey for the vacant Commission member seat to the Board of Selectmen. Serena Furman seconded and it was passed unanimously.*

Request for Certificate of Compliance – 63 Crescent Street – Goring conducted a site visit and reviewed the as-built plan and confirmed that the project was completed according to the approved plan. *Ingeborg Hegemann Clark made a motion to issue a Certificate of Compliance for 63 Crescent Street. Cortni Frecha seconded and it was passed unanimously.*

Requests for Certificate of Compliance – 128 Barton Road – #299-541 – Sferra conducted a site visit for 128 Barton Road to review the Request for Certificate of Compliance (COC) for Order #299-541 for construction of the single family house. Sferra recommended a COC be issued. *Andy Snow made a motion to issue a Certificate of Compliance for permit #299-541 at 128 Barton Road. Cortni Frecha seconded and it was passed unanimously.*

Requests for Certificate of Compliance – 128 Barton Road – #299-578 – Sferra inspected 128 Barton to review the Request for COC for Order #299-578 for a proposed patio, walkways, deck, retaining wall and landscaping. The permit required that Japanese knotweed be removed from the property. Sferra noted that the patio was not built and the plantings were not completed however were not a requirement of the OOC. The property owner confirmed that she had hired someone to remove the knotweed and that it was gone however Sferra found a few remaining small plants. Sferra discussed the knotweed issue with the property owner who provided a letter to the Commission requesting that a COC be issued despite the remaining knotweed. The Commission reviewed the letter and discussed the request. *Cortni Frecha made a motion to issue a Certificate of Compliance for permit #299-578 at 128 Barton Road including an ongoing condition that Japanese knotweed located in the northeast corner of the property shall continue to be treated and removed. Serena Furman seconded and it was passed unanimously.*

Request for Certificate of Compliance – 136 Hudson – Serena Furman conducted a follow up site visit to confirm that the grass had grown sufficiently following the septic system replacement. Furman reviewed photos from the site visit and confirmed that the grass was established.

Furman noted that there is a large pile of sticks and a tire within the 35' no disturb buffer. Furman also noted that the erosion controls have disintegrated. *Cortni Frecha made a motion to issue a Certificate of Compliance for 136 Hudson including an ongoing condition that no yard waste dumping occur within the 35' no disturb buffer. Serena Furman seconded and it was passed unanimously.*

Order of Conditions – 37 Bradley Lane – The Commission reviewed the draft Order and requested that conditions be included requiring that the house be staked in the field prior to the erosion control inspection, the infiltration basin be protected during construction and cleaned out at the conclusion of construction, and the area of Japanese stiltgrass be removed and disposed of properly. *Serena Furman made a motion to issue the Order for 37 Bradley Lane as amended. Cortni Frecha seconded and it was passed unanimously.*

Adjournment – *Ingeborg Hegemann made a motion to adjourn the meeting at 9:50 PM. Cortni Frecha seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during July 18, 2017 Conservation Commission Meeting:

Wheeler Road dam photos
37 Bradley Site Plans dated 7/12/17
136 Hudson Road Site Visit Photos
37 Bradley Lane draft Order of Conditions
7/18/17 Agenda
7/18/17 Meeting and Coordinator's Report
Draft 6/20/17 minutes
37 Bradley Lane site plans
77 White Pond Road Notice of Intent summary
Letter of Interest regarding the Commission vacancy sent by Nicki McGachey
Land Steward job posting
Letter of Interest regarding the Land Steward Position sent by Bruce Trefry
Draft Land Steward agreement
Email correspondence from Laurel Reynolds regarding 128 Barton Road Certificate of Compliance

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