

**Stow Conservation Commission  
Minutes  
August 1, 2017**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on August 1, 2017 at 7:30 in the evening.

There were present:     Andy Snow, Chair  
                              Serena Furman, Vice-Chair  
                              Cortni Frecha  
                              Ingeborg Hegemann Clark  
                              Sandra Grund  
                              Nicki McGachey (not voting)

Absent:                   Jeff Saunders

                              comprising a quorum of the Commission

Also present:           Kathy Sferra, Conservation Coordinator  
                              Jacquelyn Goring, Conservation Assistant

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

**Minutes:** *Cortni Frecha made a motion to approve the minutes of July 18, 2017 as amended. Serena Furman seconded the motion and it was passed unanimously.*

**Request for Extension of Order of Conditions #299-572 – 68 Pompositticut Street** – Sferra informed the Commission that the new owner of 68 Pompositticut Street has requested an extension for her Order of Conditions. Sferra noted that the owner is in contact with a professional to remove invasive species on the property as required by the Order although no invasive species removal work has been done to date. The Order requires that three years of invasive species removal be completed. The Commission requested that the first year of invasive species work be completed this fall and a report be provided. *Cortni Frecha made a motion to extend Order of Conditions #299-572 for three years until August 4, 2020. Serena Furman seconded and it was passed unanimously.*

**Chapter 61B Withdrawal – Cross Street – Map R11/Lot 25B-8** – The Commission reviewed the information regarding the Cross Street property. Sferra described the location of the property which abuts Stow Acres golf course at Randall Road and Cross Street. Sferra added that the property is not adjacent to conservation land and does not contain any significant resource areas. *Serena Furman made a motion to take no action regarding the Chapter 61B Withdrawal of the Cross Street Property. Cortni Frecha seconded and it was passed unanimously.*

**Request for Determination of Applicability – 33 Hale Road** – Property owner Redmond Aylward was present and reviewed the proposed work which includes the removal of seven trees on his property, five of which are located within the 35' no disturb buffer. Aylward informed the Commission that several of the white pines on his property are dead or dying and expressed concerns about the wind direction off Lake Boon and the trees leaning over the house. Aylward added that he would like to remove the trees for safety but would also like to replant because trees provide a buffer from the wind and sun. The Commission reviewed the proposed plan and photos. Aylward stated that the trees proposed for removal are all within 20' of the house and about 70 feet tall and will be removed using a crane staged in the driveway. Cortni Frecha conducted a site visit and confirmed that the trees are dead or dying and stated that Aylward may try to save the seventh tree which is smaller and located on the shoreline. Aylward added that an arborist reviewed the health of the trees and noted that some of them showed signs of lightning strikes. Aylward also noted his concerns about flush cutting the stumps and the need to replant with roots still in place. Frecha stated that removing the stumps could cause erosion in the area where wave action is undercutting the bank. Frecha also noted that there is invasive buckthorn on the property and discussed with

Aylward how to properly cut and paint the stumps with herbicide. Frecha also discussed using wire fencing to prevent beaver damage on the newly planted trees. Aylward confirmed he would be willing to replant native trees but had not submitted a planting plan. The Commission discussed requiring that one tree native to the northeast be planted for every one tree removed from the 35' no disturb buffer. Sferra added that she would provide Aylward information regarding buckthorn removal. *Cortni Frecha made a motion to close the public hearing for 33 Hale Road. Sandra Grund seconded and it was passed unanimously.*

**Dennis Murphy – 184 Barton Road** – Property owner Dennis Murphy was present. Sferra informed the Commission that she contacted Murphy after the deadline for planting two trees had passed. Murphy's landscaping contractor Todd Stout confirmed that the two red maples required to be planted within the 35' no disturb buffer had not yet been planted. Murphy later followed up with Sferra after the trees were planted and provided photos. The Commission reviewed the photos and reminded Murphy that the trees must be established for two years prior to a Certificate of Compliance being issued. Murphy stated that he had no excuse for missing the deadline and welcomed the Commission to visit the property at any time.

**Notice of Intent – 222 Barton Road – Linda Cornell** – Steve Poole, Lakeside Engineering, was present and displayed revised site plans for the property. Poole noted that a permit was issued in 2011 for an enclosed pool, retaining wall and access to the beach. The pool was never constructed. The proposed work includes demolishing the existing house and rebuilding within the footprint of the proposed indoor pool addition from 2011. Poole noted that the proposed work will be within 40 feet of Lake Boon at its closest point. Erosion controls are proposed along the 35' no disturb buffer with a temporary bump out into the 35' no disturb buffer to allow space to work on the proposed retaining wall. Additional proposed work includes a new gravel driveway and the installation of two dry wells which were part of the proposed work for the 2011 permit but not completed. No work is proposed within the 35' no disturb buffer and no hardscaping is planned. Ron Gerhard, 222 Barton Road, was present and noted that some native plantings may be installed that won't require mowing. Jeff Saunders conducted a site visit and provided a written report for the Commission. The Commission reviewed the report and discussed his recommendation to bump out the erosion control line to allow space to construct the retaining wall and requested the change be included on the revised plan. Poole noted that the proposed side entrance to the house has been removed and will include the change on the revised plans. Poole also confirmed that no tree removal is proposed and no other vegetation will be removed as part of the proposed work. Poole will provide revised plans as well as a Request for Certificate of Compliance (COC) for the 2011 permit. The Commission also confirmed demolition debris will be removed from the work area and any necessary staging will occur across the street. Gerhard confirmed that the bittersweet had been removed from the property which was a condition of the 2011 permit. Poole also noted that a second floor 16' x 6' cantilever deck will be installed which he will also include in the revised plans. *Serena Furman made a motion to close the public hearing. Cortni Frecha seconded and it was passed unanimously.*

**Notice of Intent – J. Melone & Sons – 77 White Pond Road** – *Serena Furman made a motion to continue the public hearing for 77 White Pond Road to August 15, 2017 on or after 7:30 PM. Cortni Frecha seconded and it was passed unanimously.*

**Appointment – Chris Chisholm** – Chris Chisholm, Department of Food and Agriculture, was present to discuss the request for an informal determination on the scope of the Agricultural Exemption at the Honey Pot Hill Orchard property on Boon Road. Chisholm informed the Commission that they have been working on completing the Agricultural Preservation Restriction (APR) on the Boon Road property which must be completed by March 2018. Chisholm stated that as part of completing the APR, the Natural Resources Conservation Service (NRCS) completed an Agricultural Easement Plan which identified an area that was created as a parking lot to support overflow from the orchard sometime in the 1980s. NRCS has requested that the 0.28 acre area be covered with gravel over geo-textile fabric to prevent the area being used for crops which would be a violation of the Food Security Act. Sferra noted that the work is within the buffer zone and reviewed the Wetland Protection Act agricultural exemptions for normal maintenance and improvement of land in agriculture. The Commission discussed the required work and reviewed the exemptions and plans provided by Chisholm. The Commission confirmed that the existing culvert will be maintained and the area has been previously disturbed and is heavily used by the farm operation. *Ingeborg Hegemann Clark made a motion to consider the parking lot improvements shown on the*

*Minimal Exemption Effect Map draft, not to exceed 0.28 acres, to be normal maintenance and improvement of land in agriculture and exempt from the regulations. Cortni Frecha seconded and it was passed unanimously.*

**Appointment – Collings Museum – Steve O’Connell** – Sferra informed the Commission that she visited the site the prior week for an erosion control inspection at which time the site contractors were beginning work on the wetland crossing. The approved culvert design includes one central six foot culvert embedded eighteen inches below grade and two fifteen inch culverts set at grade designed to maintain hydraulic connection. Sue Carter conducted an inspection on July 28, 2017 and observed that the two fifteen inch pipes were not set at grade and unlikely to carry water. Sferra requested that either the pipes be lowered to grade or a modification be requested from the Commission. Steve O’Connell, Andrews Survey, attended the meeting to discuss the situation. Sferra and Goring also visited the site and reviewed the plans vs. the current location of the pipes. O’Connell stated that the site contractor set the fifteen inch pipes at elevation 184.1 as shown on the contractors plan set which did not include the note that the pipe should be set at 184.1 plus or minus subject to site conditions so that it would be at the existing elevation. O’Connell noted that from an engineering standpoint the current location of the pipes is not problematic but will not maintain hydraulic connection as intended by the Commission. O’Connell provided the Commission photos of the existing pipe locations and described the current elevations. The north pipe outlet is currently set approximately eighteen inches above the existing grade. O’Connell stated that if the north pipe was lowered to match the existing grade at the inlet, the outlet would be below grade and would require excavation and tree removal at the edge of the wetland. Sferra noted that the north pipe outlet is currently not set within the wetland and is on a slope. Sferra also noted that a broken eight inch clay pipe was under the previous cart path causing damming and water may have flowed over the cart path during heavy rain.

O’Connell stated that the existing south pipe outlet is currently set at the same elevation as the north pipe but can be lowered to match existing grade without burying either the inlet or outlet. O’Connell proposed that the south pipe be lowered to grade to match the plans. O’Connell also proposed leaving the north pipe as existing which would not function as designed but could provide wildlife passage. O’Connell and the Commission discussed various ways to accomplish this. Sferra also noted that Dave Crossman has been hired to complete the wetland mitigation area and an area between the six foot culvert and south culvert may require careful grading to allow water to be directed to the south culvert. The Commission discussed the ability to partially lower the north pipe without either end being below grade. O’Connell stated that if that was done the inlet would still be ten inches above finished grade rather than the existing eighteen inches and would still likely not flow. The Commission also confirmed with O’Connell that if the north pipe was reinstalled so that it was not perpendicular with the crossing it would still not likely connect either side of the wetland.

The Commission expressed concerns about the misplacement of the culverts by the contractor and requested that a licensed surveyor or Professional Engineer be onsite at key points in construction going forward. O’Connell stated that it was identified during the site visit that the contractor should not have proceeded with the culvert work once it was clear they would not carry water as designed. O’Connell stated that wetland restoration is already proposed up to the end of the culvert and could be done to allow wildlife access. Sferra suggested that a large log be placed at the end of the north culvert which the Commission added may be naturally occurring after a large storm deposited debris there. The Commission requested that they are able to review the inlet pipe access for wildlife once completed. The Commission reiterated that a licensed surveyor or Professional Engineer should be onsite during construction moving forward and expressed concerns about the proposed drainage basins being constructed to function as designed. The Commission asked that the contact information for the licensed surveyor or Professional Engineer be provided. Sferra noted that she received a very detailed construction schedule, but the site contractor appears to be far ahead of schedule, so an update has been requested. The Commission also asked that staff receive schedule updates throughout the project. O’Connell confirmed he would reiterate the Commission’s concerns via email to the site contractor and will request updated schedules for the Commission and a licensed surveyor or Professional Engineer is onsite going forward. *Ingeborg Hegemann Clark made a motion to approve the south culvert to be lowered to grade and the north culvert to remain in place with future modifications for wildlife passage. Serena Furman seconded and it was passed unanimously.*

### Coordinator's Report

- **265 Gleasondale Road:** Staff contacted Bob Bradway regarding the restoration work which he confirmed would not be completed by the deadline. Bradway request a one week extension which the Commission granted.
- **156 Barton:** Sferra received a complaint regarding a tree cutting violation at Lake Boon. Sferra visited the site and informed the owner they need to file for a permit. The homeowner would also like to have additional trees removed.
- **Lake Boon Drawdown Order:** Sferra reminded the Commission that the local by-law permit for the Lake Boon drawdown was extended but the superceding DEP Order of Conditions must also be extended. The Lake Boon Commission is following up with DEP.
- **Joanne Drive:** Sferra noted that the subdivision plan for Joanne Drive is expected to be filed soon.
- **New Project:** 62 Pine Point will be reviewed by Sandra Grund.
- **Senate Bill 94 Request to Submit Comments:** The Massachusetts Association of Conservation Commissions requested comments to be submitted on Senate Bill 94 which will limit the ability of Conservation Commission to adopt local bylaws amongst other provisions. The Commission requested Sferra to submit a comment letter on their behalf expressing opposition to the bill.

### Pending Enforcement/Compliance Issues - Updates

- **Jenkins – Wheeler Road:** Sferra informed the Commission that she sent Mr. Jenkins a letter after the last meeting. It appears that the work has been completed by the Mikoskis, including removal of logs, plastic and cutting of two channels. The Commission recommended that if the issue is brought up again the property owners should hire a professional surveyor. The Commission considered the matter closed.
- **Presti – Great Road:** Sferra reminded the Commission that last fall Rich Presti cut the bank on his property adjacent to town land and she had concerns about the slope eroding onto Town Forest and the potential for the establishment of invasive species. Sferra conducted a follow up site visit and confirmed the slope is now stable and Presti has hired Bransfield Tree Service to address the invasives. This matter was also closed.
- **Lacey – 44 Adams:** Goring conducted a site visit and confirmed that the required restoration plantings completed during the drought for cutting trees within the 35' no disturb buffer had survived and the cut trees were stump sprouting. The Commission was pleased that this had been resolved.
- **St. Isidore's:** Sferra followed up with St. Isidore's who has been in contact with John Sangermano for assistance with the clean up. Sferra contacted Sangermano requesting a plan for the removal and the location of a new composting area.
- **Fanning – 148 Hudson:** Goring conducted a site visit and found a breach in the erosion controls in the area of the driveway expansion. Goring informed the Fannings and the contractor repaired the breach the following day and provided photos.

**Determination of Applicability – 33 Hale Road –** The Commission discussed the RDA and agreed that five 1½" caliper trees native to the northeast must be planted in the 35' no disturb buffer, and that all trees to be removed must be flush cut. *Ingeborg Hegemann Clark made a motion to issue a Negative 3 Determination of Applicability for 33 Hale Road. Cortni Frecha seconded and it was passed unanimously.*

**Order of Conditions – 222 Barton Road –** The Commission reviewed the draft Order and requested that conditions be included requiring a revised plan including the 16'x6' cantilever deck and a secondary line of erosion controls between the Lake and the bump out of the erosion controls along the 35' no disturb buffer. *Cortni Frecha made a motion to issue the Order as amended. Sandra Grund seconded and it was passed unanimously.*

**DEP Reporter Chatham Conservation Commission case:** Sferra informed the Commission of a legal case included in the *DEP Reporter* involving the Chatham Conservation Commission where the COC did not include perpetual conditions found in the Order.

**Adjournment –** *Ingeborg Hegemann made a motion to adjourn the meeting at 9:55 PM. Serena Furman seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring  
Conservation Assistant

**Materials Used during August 1, 2017 Conservation Commission Meeting:**

222 Barton Road site plans  
Collings Museum photos  
148 Hudson erosion control breach photos  
8/1/17 Agenda  
8/1/17 Meeting and Coordinator's Report  
Draft 7/18/17 minutes  
33 Hale project description and site plans  
222 Barton site visit summary and site plans  
Request for continuation of public hearing for 77 White Pond Road by Shane Oates  
Cross Street Chapter 61B withdrawal correspondence and maps  
Email correspondence from MACC regarding Senate Bill 94  
Senate Bill 94  
Draft Order of Conditions for 222 Barton Road  
Email correspondence with Bob Bradway regarding restoration  
Email correspondence with Kristine Pelletier regarding Pompositticut invasive species work  
NRCS correspondence and maps regarding Boon Road APR  
Collings Foundation minutes from 4/7/15