

**Stow Conservation Commission
Minutes
August 15, 2017**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on August 15, 2017 at 7:30 in the evening.

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

Absent: Andy Snow, Chair

 comprising a quorum of the Commission

Also present: Kathy Sferra, Conservation Coordinator
 Jacquelyn Goring, Conservation Assistant
 Bruce Trefry, Land Steward

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

Minutes: *Ingeborg Hegemann Clark made a motion to approve the minutes of August 1, 2017 as amended. Sandra Grund seconded the motion and it was passed unanimously.*

Appointment – Noah Travalent/Stow Conservation Trust – Eagle Scout candidate Noah Travalent, Stow Conservation Trust (SCT) Board members John Sangermano and Dick Perkins, and Land Steward Bruce Trefry were present to review and discuss the proposed bridge design for the second bridge crossing at Shepherd Memorial Woodlands. Travalent displayed a presentation including photos of the crossing area and design sketches. Travalent noted that his bridge design is based on the design used at Red Acre Woodlands but has been widened to four feet. Travalent added that decking screws are proposed to be used rather than nails for structural integrity and easier installation and in response to comments from Asst. Building Inspector Doug Hyde. Fifteen inch culverts will be used which Travalent stated would be sufficient for the water level which he had measured at seven inches during the spring and ten inches after the recent heavy rain storm. Travalent also noted that he misunderstood the permitting process and thought his project was approved by the Commission previously.

Sferra informed the Commission that Hyde reviewed the plans and recommended that the boards be attached to the culverts using bolts and nuts at two angles rather than decking screws because the bridge will cross over flowing water. Travalent confirmed that his bridge will be 48 feet long and will be constructed in eight foot sections with each section connected by a culvert. Sferra provided photos of Gross' completed bridge before and after the heavy rainstorm when water topped the bridge. The Commission recommended that SCT post signs requesting trail users to walk bikes over the bridge. Travalent added that Hyde recommended the bridge be built four feet wide rather than the proposed three feet to allow trail users to easily pass. Sferra noted that Gross's bridge has an edge which Travalent has not proposed. Travalent stated that his budget was not set to include the edge and estimated it would cost fifty dollars and agreed he would be willing to install an edge if he could get other funding. Sferra recommended that she meet with Travalent and Hyde one additional time to confirm the final design. Perkins expressed concerns about the Building Inspector setting a precedent asking trail crossings meet Americans with Disabilities Act (ADA) standards and the expense of doing so. Sferra clarified that the Building Inspector made recommendations that could allow the crossings to be retrofitted to be compliant in the event of a complaint, rather than have the crossing removed completely. Perkins stated that he spoke with Dan Stimson of Sudbury Valley Trustees who believes there is no requirement to meet ADA standards. Sferra stated that the topic will be discussed

at an upcoming Massachusetts Society of Municipal Conservation Professionals meeting, but her understanding is different with regard to compliance. The Commission added that the Open Space and Recreation Plan included a goal for the Town to make efforts towards meeting ADA compliance.

Travalent agreed that he would use bolts and nuts to attach the boards to the culverts. Sangermano confirmed with Travalent that the area of the crossing is mostly level and may require some hand digging to be sure the bridge is level. Travalent confirmed with the Commission that the bridge will be constructed in eight foot segments from bank to bank to avoid walking across the area continuously which could cause erosion and increase turbidity. Travalent also confirmed that the work must be completed by the end of August. Trefry stated that he also had similar concerns about how the boards would be attached to the culverts with more water movement than the other crossing which Hyde had addressed with his recommendation to use bolts and nuts. Travalent confirmed that ramps are not proposed at each end of the crossing but the boards will be level with the bank. Sferra requested that SCT make clear that there should be no bike traffic through the new Shepherd Memorial Woodlands trails until both crossings have been completed and the third wet area better addressed. *Cortni Frecha made a motion to approve Noah Travalent's bridge crossing as amended contingent on a final meeting with Building Inspector Doug Hyde. Sandra Grund seconded and it was passed unanimously.*

Request for Determination of Applicability – 62 Pine Point Road – Property owners Robert and Janet Gardner and site contractor Corey Plourde were present. Plourde reviewed the proposed work which includes a ten foot by ten foot two story addition onto the existing house. Plourde noted that the area has been previously disturbed and two rows of hay bales and silt fence are proposed at the end of the driveway for erosion control. Materials will be stockpiled across the street outside the 100' buffer. Sandra Grund conducted a site visit and noted that the addition will square off the front of the house and the work is outside the 35' no disturb buffer. The existing landscaping plants will be moved and the tree in front of the addition area is proposed to remain. Plourde confirmed that the proposed addition will have a poured concrete foundation and concrete washout will occur across the street outside the 100' buffer. Plourde also agreed to extend the erosion controls along the southwest property line. Grund added that the Gardners are working on removing the Japanese knotweed on their property outside the 100' buffer and Sferra stated she could provide more information to the Gardners on this. *Ingeborg Hegemann Clark made a motion to close the public hearing for 62 Pine Point Road. Cortni Frecha seconded and it was passed unanimously.*

Cortni Frecha recused herself at 8:20 PM.

Appointment – Toll Brothers/Ducharme & Dillis – Greg Roy of Ducharme & Dillis and Britton Bradford and Bill Keaton of Toll Brothers were present to review the proposed remediation activities at Regency at Stow. Roy noted that the recent heavy rain event caused multiple breaches of the erosion controls on the site. Sferra visited the site on the day of the rain event and met with Bradford to review the erosion controls. Ducharme & Dillis was contacted by Toll Brothers to review the erosion control breaches and create a remediation plan. Members of the Commission also visited the site on August 12, 2017. Roy noted that two large erosion control breaches resulted in silt entering the wetland at the back of the property as well as additional small erosion control breaches around the site that did not enter wetlands. Roy provided the Commission a memo of the observations from the site and recommendations for remediation. The memo addressed three areas where the buffer zone was impacted by silt which Roy described. Area one is located between the club house and silt fence where silt traveled approximately 60 to 70 feet into a wooded area. Roy stated that silt did not reach Heath Hen Meadow brook at that location. Roy described the second breach as a ten by twenty foot area just beyond the silt fence possibly within the buffer zone. Roy reviewed the dimensions of the third breach area located between wetland flags 55A and 57A and described the wetland as having deep pools and hummocks. Roy noted that silt traveled up to 140 feet into the wetland and ranged in depth from little to no silt to approximately three inches in some of the deep pools. Roy added that in areas with very little silt the vegetation remained intact.

Roy reviewed the proposed remediation for Area 3 which includes removal of silt by hand using rakes, shovels, and buckets. The area can no longer be accessed using vehicles or equipment because work has now begun on the detention basin there. Boards will be used across the hummocks to access the area while minimizing disturbance. The Commission confirmed that a vacuum truck would not be able to access the area to complete the removal. Roy

noted that the area has deep organic soil and the boards will be used to minimize impacts and the silt is proposed to be removed to a half inch or less. Roy added that areas with a half inch or less of silt will be left to reestablish which he felt would be successful based on previous experience and other areas on the site where silt deposited less than a half inch and did not crush vegetation. Roy recommended that Ducharme & Dillis be onsite to work with the selected contractor and conduct a preconstruction meeting and training session on how to complete the silt removal and what needs to be achieved. Roy also recommended that once the silt is removed the Commission could conduct a site visit to confirm the work was completed and a wetland seed mix would be spread to jump start revegetation. The Commission recommended that the area be monitored after seeding. Roy also described proposed measures to prevent future breaches including check dams in critical areas to slow the speed of water and temporary sedimentation basins and multiple hay bale rows in areas where erosion has already occurred.

The Commission discussed the proposed remediation plan and expressed concerns about the difficulty of removing the silt with hand tools and buckets. The Commission recommended that an access plan be created that would ensure a stable and safe access for laborers and to minimize the trampling of vegetation. Ingeborg Hegemann Clark added that the wetland seed mix that was selected is largely a sun mix and recommended that a shade mix be used and localized plantings of cinnamon and royal ferns be completed if necessary. The Commission discussed using monitoring plots outside the impacted area as a control to gauge the success of the restoration and recommended two years of monitoring. The Commission also discussed the potential for invasives to come into the restoration area and recommended that staff inspect the area before seeding. Hegemann Clark added that she collected a sample of the silt from the site visit which she is monitoring as it dries. The Commission discussed the fourth erosion control barrier breach which Roy did not include in his memo located in the area of wetland flags 19 and 20 where silt washed down the hill onto a neighboring property and into a stream. Sferra noted that a Restoration Order could be written which would include the requirement for a written access plan. Bradford confirmed that the restoration would begin as soon as the Commission provided guidance on the restoration plan. The Commission also recommended that the laborers selected to complete the remediation work should be trained. Bradford stated that they have discussed completing a remediation training and conducting spot checks throughout the work. Sferra noted that staff could be contacted to complete an inspection after an area of silt has been removed before moving to another area. Bradford added that the silt removal will take a minimum of several days.

The Commission discussed the prevention of further erosion control failures including updating the Stormwater Pollution Prevention Plan as the project progresses and maintaining the infiltration basins to prevent siltation to be sure they function properly. Sferra noted that the largest slope is at the back of site at Area 3 where the significant restoration effort will occur and expressed concerns about future breaches. Bradford confirmed that the newly constructed berm in that area will be either matted or seeded for stabilization. Sferra recommended that more detail be provided on how the flow of water will be slowed at Areas one through four. Sferra also noted concerns about the management of concrete wash-out and an area found at the top of the slope near Unit 53 during the Commission's site visit. Bradford confirmed the concrete wash-out area has been relocated and the Commission recommended that any future concrete spills be cleaned up right away. The Commission noted the ability to fine Toll Brothers up to \$300 per day under the bylaw. Sferra reviewed the bylaw and the Commission discussed fining Toll Brothers and their concern that some of the silt left the property and entered the brook with the potential for unknown impacts downstream. Roy requested that the Commission recognize that Toll Brothers has been proactive and is taking steps to remediate and ensure erosion control failures do not occur again. Roy also added that the weather event was extreme with an estimated four inches of rain falling within two hours. Cortni Frecha, 203 Boxboro Road, stated that some of the silt from Area 4 may have entered a pond and she has not checked the pond or culvert for silt but may require remediation. Sferra will follow up with Ducharme & Dillis and Toll Brothers regarding the Restoration Order.

Cortni Frecha returned at 9:08 PM.

Continued Public Hearing – Notice of Intent – J. Melone & Sons – 77 White Pond Road – Property owners John and Peter Melone and Shane Oates of Coneco Engineering were present. Oates provided a check with the remaining portion of the State filing fee required for work within Riverfront Area. Oates reviewed his comment letter submitted to the Commission on August 10, 2017. Oates stated that DEP was contacted regarding the required 50

foot setback to surface waters and they would not take an official position. Oates requested that the Commission permit the location of the basin within 50 feet of wetlands as the proposed work is being completed under the provisions of redevelopment and DEP would not object. Oates displayed revised stormwater plans for the site which included the 1966 Assabet River Flood Study digitized from screenshots of GIS information sent by Sferra. Oates noted that the closest elevation included in the Assabet River Flood study was located 0.4 miles from the site and was approximately 180.5 feet on the NGVD 29 datum which is approximately 179.7 feet on the NAVD 88 datum which was used for the project. Oates added that the site has long been raised above that elevation and stated that the floodplain delineation is no longer applicable and that the hydraulic connection will not change because the existing outlet pipe will remain in place. Oates confirmed that the existing basin is completely within the floodplain and the proposed basin will not extend further into the floodplain. Oates added that the removal of the berm between the two existing basins will increase the volume of the proposed basin and will meet the required stormwater flows. Oates confirmed the FEMA elevation was placed on the plans based on GIS imagery because elevations were not available from FEMA. Oates also confirmed that in order to avoid displacement of existing flood storage capacity the berms will remain at the same elevation within the floodplain. Oates added that the proposed infiltration basin will provide more flood storage volume.

Oates addressed the Commission's comment from the previous hearing regarding compliance with the redevelopment provisions stating that the narrative was completed and included in the revised Stormwater Management Report. Oates also noted that soil logs were completed and submitted to the Commission. Oates confirmed that the test pits were collected at surface elevation 185.5 which confirms that the groundwater level will meet the four foot separation requirement. Oates also confirmed that the Operation and Maintenance (O&M) Plan and the SWPPP were updated to reflect the weekly sweeping of the site. DEP also requested an alternatives analysis of the work within the RFA which Oates stated was also completed and provided to the Commission. The Commission confirmed with Oates that the existing basin will be over excavated to the appropriate depth and covered with a few feet of gravel to create infiltration basin #1. The Commission asked that a detail sheet for infiltration basin #1 be provided with the plans. The Commission also confirmed with Oates that the use of clam shell buckets which could potentially damage the proposed baffle chambers would be removed from the SWPPP.

Oates said that an Erosion Control and Earth Removal permit would be submitted to the Planning Board within the week as needed. Oates confirmed with the Commission that the proposed site work will achieve a reduction in peak run off by 40% during the 10 and 100 year storms by meeting the recharge requirements. The Commission noted that the O&M for the stormceptors will be critical for the basins to function as designed and asked that the forebay maintenance be included in the O&M plan. Oates reviewed the proposed stormwater improvements for the site at the Commission's request. The Commission discussed ongoing conditions for the Order including the O&M of the proposed forebays. The Commission also discussed the Planning Board permits which could require changes to the proposed work and discussed the potential to amend the Order. Sferra noted that a draft Order will be completed for the September 5, 2017 meeting and Oates signed a waiver form granting the Commission an extension beyond the 21 day decision requirement. *Cortni Frecha made a motion to close the public hearing for 77 White Pond Road. Sandra Grund seconded and it was passed unanimously.*

Coordinator's Report

- **New Projects:** Serena Furman will be the lead for the Notice of Intent for Joanne Drive. Sferra will provide draft comments to the Zoning Board of Appeals for the Pine Point 40B project. Goring will provide draft comments on the Plantation II project which Sferra has recused herself from.
- **Part-time Temporary Conservation Commission Secretary Position:** Sferra updated the Commission on search for a part-time temporary Conservation Commission secretary

Request for Certificate of Compliance – 222 Barton Road – Sferra conducted a site visit and noted that all of the work was completed according to the approved plan. Sferra added that there was a small amount of erosion at the end of the new driveway which will be addressed by the installation of an infiltration drain as part of the new proposed work approved by the Commission during the August 1, 2017 meeting. *Nicki McGachey made a motion to issue a Certificate of Compliance for 222 Barton Road. Jeff Saunders seconded and it was passed unanimously.*

Comment on EPA Rulemaking regarding Waters of the United States – Sferra noted that the Massachusetts Association of Conservation Commissions, the Mass Land Trust Coalition and others are requesting letters be sent to the EPA in opposition of federal efforts to redefine Waters of the United States. The Commission reviewed a draft letter and agreed to list Commission member's names on the letter. *Ingeborg Hegemann Clark made a motion to approve the draft comment letter as amended. Cortni Frecha seconded the motion and it was passed unanimously.*

Pending Enforcement/Compliance Issues - Updates

- **265 Gleasondale Road:** Sferra informed the Commission that Bob Bradway has not yet seeded and has confirmed he will be bringing in his seed mix this week for approval and will seed the following week.
- **11 Pine Ridge Road:** Sferra is following up with the landowner and contractor about yard work in the buffer.
- **54 and 66 Pine Point:** Goring encountered New England Tree Masters about to cut a tree at 54 Pine Point without a permit. They had also just removed a tree at 66 Pine Point without a permit. Goring stopped work at #54 and recommended that the homeowner include the removal of the tree in their upcoming permit application for a new deck. Sferra worked with David Gray, Lake Boon Association, to send out a reminder to Lake Boon residents regarding obtaining permits for tree cutting. The office has since been contacted by several lake residents regarding permits for work on their properties.

Carver Hill/small farm Grant Site Visits: Sferra updated the Commission on the Carver Hill and small farm grant site visits with Melissa Cryan of the Massachusetts Executive Office of Environmental Affairs.

Timeline for Town Forest Master Planning: Sferra reviewed the proposed timeline for the Town Forest Master Planning which includes field work by staff, staff recommendations to the Commission and public meeting to solicit recommendations from various users and groups. The Commission discussed the proposed timeline and agreed to the target of an October meeting discussion and revised Town Forest maps for June/July 2018 in time for the 50th Anniversary of Town Forest celebration.

50th Anniversary Celebration Schedule: The Commission reviewed the Town Forest 50th Anniversary celebration schedule which includes an Autumn Forest Fens-ploration on 10/1 and a Full Moon Owl Prowl on 11/4.

Determination of Applicability – 62 Pine Point Road – The Commission discussed the RDA and agreed that concrete wash-out water should not be discarded within the 100' buffer to Lake Boon, stockpiling should occur outside the 100' buffer to Lake Boon, and erosion controls should be extended along the southwest property line. *Nicki McGachey made a motion to issue a Negative 3 Determination of Applicability. Sandra Grund seconded and it was passed unanimously.*

Regency at Stow Fine Discussion: The Commission discussed fining Toll Brothers for the erosion control breaches and determined that they would not impose fines due to the active cooperation by Toll Brothers.

Adjournment – *Jeff Saunders made a motion to adjourn the meeting at 10:40 PM. Nicki McGachey seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during August 15, 2017 Conservation Commission Meeting:

Noah Travalent PowerPoint presentation
62 Pine Point revised site plans and site photos
8/14/17 memo Ducharme & Dillis re: Regency at Stow
77 White Pond Road site plans

8/15/17 Agenda
8/15/17 Meeting and Coordinator's Report
Draft 8/1/17 minutes
Email correspondence re: Regency at Stow
Email correspondence re: 77 White Pond Road
8/10/17 letter Coneco Engineers & Scientists re: 77 White Pond Road
Email correspondence re: Waters of United States rulemaking
Town Forest Trail Master Planning Next Steps/Proposed Process
Town Forest 50th Anniversary Celebration Schedule
Email correspondence re: Lake Boon tree cutting
Shepherd Memorial Woodlands Eagle Scout Bridge #2 Chronology, plans and photos