

**Stow Conservation Commission  
Minutes  
September 5, 2017**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on September 5, 2017 at 7:30 in the evening.

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

Absent:                   Sandra Grund  
                              Nicki McGachey

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 August 15, 2017 as amended. Serena Furman seconded the motion and it was passed unanimously.*

**Ratify Enforcement Order – Regency at Stow, Buxboro Road** – Sferra provided the Commission the access and phasing plan from Ducharme & Dillis and provided an update and photos on the silt removal. Sferra noted that the work is being done by hand using shovels, rakes and buckets and provided a sketch of the area that has been completed. Sferra, Ducharme & Dillis and Toll Brothers will all be periodically checking in on the cleanup. The Commission reviewed the Enforcement Order. *Cortni Frecha made a motion to ratify the Enforcement Order for Regency at Stow. Ingeborg Hegemann Clark seconded the motion and it was passed unanimously.*

**Request for Certificate of Compliance – 68/70 Pine Point Road** – Sferra conducted a site visit and noted that all of the work was completed according to the approved plan from the 1993 septic system replacement. *Ingeborg Hegemann Clark made a motion to issue a Certificate of Compliance for 68/70 Pine Point Road. Cortni Frecha seconded and it was passed unanimously.*

**Request for Certificate of Compliance – Villages at Stow Water Treatment Facility #299-605** – Sferra noted that a Request for Certificate of Compliance (COC) was submitted previously but not issued by the Commission due to outstanding items including the requirement for a sign regarding snow storage, dumped construction material, and an unknown PVC pipe found during the site visit. George Gallagher sent a second request for a COC and confirmed the sign was up and the pipe was for electrical wiring for the pond fountain. Jeff Saunders conducted a site visit and confirmed that the sign is up and the material has been removed. Saunders added that the well appeared to be accessed from the other side of the building farthest from the wetland. Sferra added that a continuing condition was included with the COC regarding snow storage and the use of deicing materials. *Serena Furman made a motion to issue a COC. Cortni Frecha seconded and it was passed unanimously.*

**Order of Conditions – J. Melone & Sons – 77 White Pond Road** – Property owner John Melone was present. The Commission reviewed the draft Order and confirmed that recycled asphalt product will be used for the roads and requested that no concrete washout occur within the 35' no disturb buffer. *Cortni Frecha made a motion to issue the Order for 77 White Pond Rd as amended. Jeff Saunders seconded and it was passed unanimously.*

**Zoning Board of Appeals (ZBA) Request for Comment – Plantation 2 40B** – Sferra is recused. The Commission reviewed draft comments by Jacquie Goring. Goring noted that the Plantation 2 project will require a Notice of Intent filing. *Cortni Frecha made a motion to approve the draft ZBA comments for Plantation 2 as written. Jeff Saunders seconded the motion and it was passed unanimously.*

**Zoning Board of Appeals Request for Comment – Pine Point 40B** – The Commission reviewed draft comments prepared by Sferra. The project will not be filed with the Commission as the work is outside of its jurisdiction. The letter noted concerns about erosion from the steep slope and the need for extensive erosion controls. Sferra recommended in her comments that the location of the outfall for the catch basin at the corner of Sudbury and Pine Point is unknown and should be protected with a silt sack during construction. *Andy Snow made a motion to approve the draft ZBA comments as written. Serena Furman seconded the motion and it was passed unanimously.*

**Chapter 61B Withdrawal – Alice Cushing, Walcott Street** – Sferra informed the Commission that the Chapter 61B Withdrawal notice was received for a portion of Penny Cushing's land on Walcott Street. Sferra noted that the purchase price is \$760,000 which the Town has an opportunity to match. The property known as Spring Hill abuts Hale/Corzine conservation area owned by the Stow Conservation Trust (SCT). The Commission reviewed the map for the property, discussed which parcels are for sale, and inquired if SCT or the Open Space Committee has interest in the property. Sferra noted the Town has 120 days to act and will provide more information for the Commission at the September 19, 2017 meeting.

#### **Pending Enforcement/Compliance Issues - Updates**

- **265 Gleasondale Road:** Sferra informed the Commission that Bob Bradway has said he will seed this week.
- **11 Pine Ridge Road:** Sferra conducted a site visit to review the yard work potentially in the buffer. Sferra met with contractor and walked the site and could not locate the wetland shown on the DEP data layer. Sferra did note that there is a ditch with a pipe that may carry water but would likely not be jurisdictional due to the pipe.
- **66 Pine Point Road:** Sferra met with tenant of 66 Pine Point regarding the tree removed without a permit by New England Tree Masters. Sferra confirmed the tree was split during a recent storm and the homeowner and tenant thought it was an emergency. Sferra added that the tree was located within the 35' no disturb buffer and the owner will replant a tree in its place.

#### **Coordinator's Report**

- **Part-time Temporary Conservation Commission Secretary Position:** Sferra informed the Commission that Karen Kelleher has been hired as part-time temporary Conservation Commission secretary.
- **New Projects:** Andy Snow will be the lead for the permit modification for 62 South Acton Road.

**Notice of Intent (NOI) – Frank Lundy – Off Forest and Sudbury Roads** – Property owners Frank and Rich Lundy and Sonja and Dan Starmer were present as well as their representative Richard Harrington of Stamski and McNary. Harrington displayed plans for the property and noted that a waiver request for work within the 35' no disturb buffer and a Riverfront Area (RFA) alternative analysis have also been submitted to the Commission. Harrington clarified that the filing includes only the proposed work for the roadway and culvert crossings and proposed work on the lots will be filed separately. Harrington added that he plans to request a continuance until September 19, 2017 to allow for feedback from the Planning Board hearing on September 12. Harrington noted that the property has frontage on both Sudbury Road and the end of Forest Road. Harrington described the location of the property along the Assabet River and noted that an additional parcel located on the river is not part of the proposed project. Harrington displayed the proof plans required for a Planned Conservation Development (PCD) which include seven proposed lots. Harrington also displayed plans for the proposed PCD with seven lots and proposed Open Land and reviewed the resource areas on the property which include the Assabet River, Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, RFA, 100' buffer and 35' no disturb buffer. Harrington stated that it is not possible to avoid work within the 35' buffer for the roads and added that the PCD plan will alter 7.9% of RFA. Work within the 35' no disturb buffer includes a proposed intermittent stream crossing, grading for culverts, roadway and roadway shoulder work. Harrington added that the Planning Board allowed a smaller roadway shoulder in multiple areas to avoid grading in wetlands. Harrington described the existing stream crossing as a defined channel with a fifteen inch culvert. The proposed stream crossing will be a 20 foot open box culvert

which Harrington stated may be reduced if allowed by the Planning Board. Harrington also stated that wetlands will not be filled to construct the crossing so any impacts are temporary. Harrington added that six linear feet of temporary wetland alteration will occur to remove the existing pipe and create bank. Harrington also noted that the proposed cul-de-sac and circular stormwater basin within it are proposed within the 100' buffer to floodplain under the Stow wetland bylaw.

Harrington described the location of the proposed Open Land and noted that no work is proposed in the area with the exception of a roof run off dry well for Lot 7 which Harrington stated is required by the Planning Board regulation to control runoff in all directions. He reviewed the alternative analysis for the stream crossing stating that the two abutting properties are in the Chapter 61 program and cannot be used to access the property. Harrington added that the Planning Board has required the two access points to the property but will allow a 20 foot roadway. Harrington described the proposed erosion control plan for the property which will include stone tracking pad areas and temporary sediment basins to collect and slow stormwater runoff during construction. Harrington noted that trees and vegetation are proposed to remain on Lot 1. Harrington also noted that soil stockpiling will occur outside buffer zones and the limit of work will be flagged on the back of each lot. Harrington stated that each lot will be 40,000 square feet which will allow a four bedroom house with well and septic system based on Title 5 requirements. Harrington added that the two back lots were reduced in size and one lot includes a portion of the floodplain. Harrington noted that the Open Land is 26.2 acres and is larger than required by the PCD bylaw. Harrington described the existing drainage conditions and the proposed stormwater system which will include a series of catch basins, headwalls and infiltration basins. Rip rap will be used to prevent scouring and erosion at each headwall. Harrington also reviewed the pre and post development drainage catchment areas.

Furman asked about the proposed snow removal for the subdivision and confirmed that the catch basins will be maintained according to the O&M Plan. She requested that Harrington review the proposed grade changes for the roadway. Harrington confirmed that the grade will be raised for the roadway and the driveways for the lots on the north side of the roadway will be sloped upwards. The Commission discussed the proposed drain line which will discharge from the headwall on Lot 1 into a pipe. The Commission noted that the NOI filing before them is only for the roadway and drainage work, yet clearing is proposed on all the lots and the locations of houses, etc. may change. Harrington stated that a separate NOI will be filed for each lot. Sferra added that Harrington has stated information about the lots including roof drainage and vegetation to remain which may change based on each homeowners preference and recommended that either the lot plans be filed now, or the amount of work on each lot minimized until the filings are done. Harrington noted that wells and septic systems building setbacks will have to be met. Hegemann Clark added that tree easements could be created similar to the easements created around the basins to ensure no additional tree cutting could take place. Harrington reviewed the drainage for proposed lots including a forebay and basin on lot 5 and swale on lot 4. The Commission noted that the plans did not include species for the proposed trees which Harrington stated would follow the subdivision rules set by the Planning Board. Harrington also confirmed that there is a Total Maximum Daily Load (TMDL) set for phosphorus in the Assabet River and he could provide the proposed restrictive language regarding the use of phosphorous on lawns for the Commission to review. The Commission discussed the location of concrete wash water outside the 200' RFA. The Commission also requested a construction sequence be provided for the proposed work and expressed concerns about clearing the entire site at once. Harrington noted that tree clearing all at once is efficient and the trees may be grubbed or stumped on the site. He then noted areas where clearing might be minimized, for example on Lots 2 and 7.

Harrington described the proposed clearing of the lots for stockpiling of material and confirmed fill would be brought into the site. Harrington also confirmed that the catch basins will be maintained by the owner before the roadway is conveyed to the Town. Harrington stated that the Open Land is proposed to remain with the homeowners association. Sferra noted that a permanent conservation restriction would be required and asked if they had determined what entity would hold it. Harrington said they had not. Harrington confirmed that the RFA calculations included the disturbance for the stormwater basins and the proof plan RFA disturbance was calculated to be 9.1%, less than the 10% allowed under the Riverfront regulations and more than the 7.9% calculated for the PCD plan. Harrington also confirmed that no additional uses will be proposed for the Open Land such as a club house or trail which would increase the RFA disturbance. Sferra noted that DEP issued a file number for the project and included

a comment that the footprint of the culvert is considered permanent alteration of wetlands due to shading. Harrington stated that if wetland replication is required it would be on the downhill side of the culvert and would be approximately 300 square feet. Harrington also confirmed that the proposed plans generally included the Planning Board's preliminary decision comments dated June 21, 2017 and that trees over eighteen inches were not shown on the plans which he will discuss with the Planning Board. Sferra added that the approximate area of alteration to the 35' no disturb buffer should be provided and that the Commission may require one for one planting of trees within the 35' no disturb buffer.

Barbara Jones, 61 Sudbury Road, confirmed with Harrington that the houses on lots 3, 4 and 5 will be 25 feet from the nearest lot line. Jones also requested that her lot line be surveyed and expressed concerns about trees that were planted along her property line for screening. She would like these retained. Harrington reviewed the property lines and stated that additional monuments could be added along Jones' property line. Jones also confirmed with Harrington that structures greater than four bedrooms could be built on the lots through Board of Health permits using an advanced septic system. Jones confirmed with Harrington that the road construction would take a few months once approved and the lots would take a year or more to complete.

Scott Bracci, 48 Forest Road, expressed concerns about the drainage and grade changes on lot 1. Harrington reviewed the proposed drainage improvements to lot 1 including increasing the size of an existing fifteen inch pipe to eighteen inches. Bracci stated that water on the lot after substantial rain flows from north to south and will not be captured by the pipe. Harrington noted that all trees within 20 feet of the Bracci property line will remain and grading will start 25 feet from the stone wall. Harrington also noted that the driveway was moved from the preliminary plans to create a swale on the lot, shorten the span of the pipe required to redirect water, and reduce tree clearing. Bracci stated that he has submitted pictures of lot 1 after heavy rain and is very concerned about the drainage. Harrington reviewed the proposed drainage for the lot and stated that all runoff from lot 1 will be controlled and confirmed the elevation of the lot will increase by about three feet.

The Commission noted that a NOI will be required for lot 1 and confirmed with Harrington that the eighteen inch pipe may need a plunge pool or perforated pipe to slow the flow of water and prevent scouring in addition to the proposed level spreader. Bracci noted that the proposed location of the house on lot 1 is not preferable to him and would like the house more in line with the others on Forest Road. Harrington noted the location of the proposed house was selected so it could not be viewed from Bracci's home. Harrington added that the proposed house on lot 1 could not be moved and still meet the 100 foot setback to the existing homes as required by the Zoning Bylaw. Bracci asked if the requirement could be waived if preferred by the neighboring property. The Commission recommended the issue be brought to the attention of the Planning Board.

The Commission discussed the continuance date for the hearing. The Commission noted they would like to review Sue Carter's comments and requested that Harrington provide a replication plan based on DEP's comments regarding shading. The Commission also discussed the need for a site visit before the next hearing. Jones requested that abutters be allowed to attend the site visit which the Commission confirmed is up to the landowner. Sferra will schedule by email. *Ingeborg Hegemann Clark made a motion to continue the public hearing for Joanne Drive to September 19, 2017 on or after 7:30 PM. Cortni Frecha seconded and it was passed unanimously.*

#### **Planning Board Request for Comment – Joanne Drive**

The Commission discussed comments to be submitted to the Planning Board for the Joanne Drive hearing next week. They asked that the comment letter ask that clearing on the lots be minimized, large trees be flagged, all drainage structures be located within easements, any street trees be native to the Northeast, lawns be limited to reduce phosphorus, stormwater basins be designed to function as meadows insofar as feasible and not fenced, concrete washout be kept outside the riverfront area, the open land be conveyed to a conservation organization rather than kept in a homeowners association, and that any silt removal from wetlands require consultation with the Conservation Commission.

#### **Coordinator's Report (continued)**

- **Eversource** – Hegemann Clark is recused. Sferra shared a request by residents of Gleasondale for the Commission to conduct a site visit along the proposed Eversource right of way. Members stated that they would go out when the project is filed and that it is too soon to do a site visit. When the project is filed there would be more detail on wetland boundaries, proposed clearing limits, etc.
- **Collings Museum** – The Commission noted the recent report from Dave Crossman on the wetland replication and determined that they would like to conduct a site visit. It was suggested that this be done the same day as the Lundy Site Visit.
- **Use of ATV** – Sferra gave the Commission a heads up that Julianne North had come to the office to express concern about the Land Steward's use of an ATV at Marble Hill due to rutting and the width of the trail. The Commission discussed briefly and asked that Sferra remind the Steward to use boards or rake out ruts if he is required to do work out there during wet periods.

**Adjournment** – *Hegemann Clark made a motion to adjourn the meeting at 10:25 PM. Frecha seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring  
Conservation Assistant

**Materials Used during September 5, 2017 Conservation Commission Meeting:**

Regency at Stow site visit photos 9/5/17  
Draft Order of Conditions – 77 White Pond Road  
Regency at Stow Enforcement Order with attachments  
Draft Plantation Apartments 2 ZBA Comments and project narrative/site plan  
Letter to abutter Greg Reynolds from Stow Elderly Housing Corporation, dated July 2, 2017  
Draft Pine Point 40B ZBA Comments and site plan  
Notice of Intent to Sell Land Subject to MGL Chapter 61B(9) – Rollins, Rollins and Fox, dated 8/24/17  
Email from Margaret Costello dated August 29, 2017 re Eversource Site Visit  
Packet of Application Materials for Conservation Commission and Planning Board on Joanne Drive subdivision  
9/5/17 Agenda  
9/5/17 Meeting and Coordinator's Report  
Draft 8/15/17 minutes  
68/70 Pine Point Photographs  
Joanne Drive Definitive Subdivision Plan