

Stow Conservation Commission  
Minutes  
October 3, 2017

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

Absent:                     Jeff Saunders  
                                  Sandra Grund

Comprising a quorum of the Commission

Also Present:             Kathy Sferra, Conservation Coordinator

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

**Minutes:**

***Cortni Frecha moved to approve the minutes of the September 5, 2017 meeting as amended.  
The motion was seconded by Serena Furman and carried by a unanimous vote.***

**Coordinator's Report**

Kathy Sferra provided an update on ongoing activities in the Conservation Department.

- She distributed MACC Membership Cards and information about the Fall Conference and asked that members let her know if they would like to attend.
- She distributed copies of the new Captain Sargent Map showing properties that have been added and some trails that have been re-routed. This map format will be used as a template for other properties.
- She reported that the owner of 265 Gleasondale Road said that he completed the work required by the Commission. Kathy will do a site visit to check for compliance.
- New Projects: Nicki McGachey will be the lead for the 156 Barton Road a new Notice of Intent filing; Kathy Sferra will visit 63 Robert Road in response to a request for Certificate of Compliance.

**Request for Modification to Order of Conditions (299-519) – Maria Giovino, 62 South Acton Road**

Maria Giovino (the Applicant) met with the Commission to request a modification to the Order of Conditions issued for an addition for her house at 62 South Acton Road.

- The existing Plan shows two driveways and gravel around the foundation. When the addition was done, a mound of excess gravel from the foundation was left on site. The Plan also showed gravel all around the foundation, but was only placed in front of the house. She would like to eliminate gravel around the house and instead install gutters to be directed into a planted area replacing the gravel.
- She would also like to remove one of the driveways (previously approved) and install a patio (with separate blocks) in front of sun porch with a short 3-4 foot fence in front of it.
- Prior to construction of the addition the grade was a smooth slope which is no longer because of the mound of gravel that was left on site. She would like to move the mound to bring the area back to a gradual slope.

The Commission noted that the grading must not go into the 35' wetland buffer.

Andy Snow reported that she met with the Applicant at the site.

- The location for the proposed patio is currently a partially paved driveway and lawn. Instead of installing gravel around the house, they propose to install gutters, which they discussed should be directed into the proposed planted area and not toward the wetland.
- Andy also presented photographs indicating debris has been placed in the 35' wetland buffer.
- She did not observe any wetland flags, but the wetland is pretty well delineated.
- The area she would like to clean up is dirt and rock.
- They discussed that there is no plan to bring in any fill. The gravel mound will be graded toward the driveway. They will need loam but will not push anything into the 35' wetland buffer.

The Commission stressed how important it is to stay away from the 35' wetland buffer and asked if it is anticipated that the gravel will be removed or if there will be any fill. The Applicant stated that they do not anticipate any fill, the gravel mound will be graded toward the driveway. They will need loam.

The Commission said they need to know how much loam will be brought in in order to understand the project. The Applicant said she needs to know from the Commission what areas she is authorized to work in before she can determine what area will be loamed.

The Commission said it would be a good idea to determine where the haybales are to be placed in advance. The Applicant said the work will not be done until the spring but they could stake where the haybales will be placed so the Commission can check them prior to starting work. Kathy said it would make sense for the Commission to make a quick inspection when they are put in. It was noted that the new haybales should be placed around the mound which is being removed - between the mound and the 35' wetland buffer.

The Commission said the only other thing that is important is that the fence will be in front of the patio and not behind where it would encroach in the 35' wetland buffer. The Applicant said they only plan to put it in front of the patio to shield the traffic. It will not wrap around. The Commission explained the regulation which says it needs to be installed in a manner to allow wildlife to pass. Maria said it will be open on either end. It was also noted that the patio will not go any further than the current driveway footprint.

The Commission asked if the Applicant knows where the 35' wetland buffer is. She responded that the wetland boundary is obvious at the site. Andy Snow agreed.

Kathy Sferra explained the process for a minor amendment like this. She will write a memo to the file and to the Applicant so it is on record when they request a Certificate of Compliance.

***Cortni Frecha moved to authorize a modification to the Order of Conditions finding that a patio and fence will be installed for privacy, gutters will be installed instead of the gravel trench around the house, and the gravel mound may be removed and loam added to restore to the original contours with the following conditions:***

- ***Debris shall be removed from the 35'buffer,***

- *There shall be no further dumping of debris in the 35'buffer.*
- *New haybales shall be installed and inspected prior to commencement of work.*
- *The patio shall be confined to no further than the driveway footprint.*
- *The fence shall be confined to the front of the patio.*

*The motion was seconded by Ingeborg Hegemann Clark and carried by a unanimous vote.*

#### **Notice of Intent Public Hearing (Cont'd) – Frank Lundy – Joanne Drive - Off Forest and Sudbury Roads**

The Chair opened the continued Public Hearing. Rich Harrington of Stamski and McNary, Inc., representing the Applicant, noted the Commission's site walk and correspondence to the Planning Board from Places & Associates and the Fire Chief, and an interoffice memorandum from the Town Planner.

- With regard to the Town Planner memo, the Applicant is in agreement to not clearing the individual lots and removing the stock piles. They did adjust the right of way in order to be away from the wetland and to preserve some mature trees.
- At the intersection of the subdivision road and Forest Road, there was a request to remove the cul-de-sac so it looks more like a continuation of the street.
- Places Associates suggested a wider width for access to the fire cistern and that area is in the buffer.
- DEP commented on shading at the wetland crossing and the requirement for replication. The applicant is willing to replicate above the headwall if the Commission believes they need to. They will remove the culvert that is underneath the cart path and expand it.
- They had a headwall coming into Lot One with a larger pipe. They will look into that being more of a drop inlet with perforated pipe and a beehive structure. This is outside the buffer.
- He noted receipt of a letter from Kathy Sferra to the owner concerning ownership of the open land. He is not sure what the status of that issue is right now and will continue that discussion with the Planning Board and the Commission.
- They will show an easement on the floodplain area of Lot 7 so the floodplain area will remain in its existing condition. Ingeborg Hegemann Clark asked if they have a design for the wetland replication area. Rich Harrington said they have just noted the general area at this point. Ingeborg questioned if the impact is to bank or bordering vegetated wetland. Rich noted it is a little of both. They are not altering bank. They are creating more bank.

Kathy Sferra asked about Places comment about floodplain elevation. Rich Harrington said the map itself rounds up to whole numbers so it shows elevation of 182 but there is an actual table that you go by. Table number 12 shows the cross sections along the area which gives the elevation at 181.5.

Kathy Sferra said there was some discussion about the TMDL (Phosphorus in the Assabet) and noted that Massachusetts has a statute that limits fertilizer containing phosphorus so it would be pretty hard to purchase.

Ingeborg Hegemann Clark asked if by widening the road they will be closer to the wetland. Rich said they would be further away. It will be on the north side.

Serena Furman noted they asked for a construction sequence. Rich said they will provide it once the plan is finalized.

Kathy Sferra said, at the site visit, they noted the extent of invasive species on Lot One in the buffer that is proposed to be maintained. She asked the applicant to look at that.

Scott Bracci, 48 Forest Road, asked about the Fire Chief's letter. Rich Harrington responded that that issue will be discussed in the Planning Board Public Hearing later this evening. Rich Harrington also noted that the Town's Consultant, Places Associates, has asked for more width to access the fire cistern. Basically, they reduced the width of the road and the fire chief is requesting widening the shoulder to access the cistern. Bracci asked for an explanation of the proposed headwall and drainage on Lot One. Rich Harrington said in response to a concern about leaf litter at the headwall, they are proposing to do catch basins with beehive grate and trap rock above the grate that will be flush to the ground similar to what they did on Sylvan Drive at Derby Woods (just above the common drive on the right side). The water will go through the trap rock then through the perforated pipe.

Chris Spear, 42 Forest Road, asked about swales being maintained and stormwater components in dedicated easements. Will there be anything in the deeds to prevent property owners from disturbing those areas? Rich Harrington noted that those easements will be deeded to the town. Spear said he also noted there is old equipment in the back section. Rich Harrington said that the equipment will be removed.

Scott Bracci asked about the elevation of the road, how much it will rise and how much the proposed septic system and house on lot 1 will rise to match the road level and groundwater. Rich Harrington said the septic system has to be 5' above groundwater. Rich Harrington said they will be coming back with a separate application for lot 1. Ingeborg doesn't think the whole lot will be elevated. There will still be positive flow off the Bracci property, into the wetland and down the swale. Scott Bracci said he has a lot of concern about how wet Lot 1 is and what might happen if that area is opened up. He doesn't think those concerns have been addressed. Ingeborg Hegemann asked that, when they come back they bring a cross section of that area or larger version of the plan for Lot 1.

Kathy Sferra said if they continue to October 17<sup>th</sup>, the time would be 8:15.

***Serena Furman moved to continue the Public Hearing to October 17, 2017 at or after 7:30 PM. The motion was seconded by Cortni Frecha and carried by a unanimous vote.***

#### **Request for Certificate of Compliance, 61 White Pond Road**

Kathy distributed photographs from the site walk. Ingeborg Hegemann Clark visited the site and said the water line was done well. The well was installed and the area is totally stable. There is no impact at all to the 35' wetland buffer. No erosion down the slope. The biggest encroachment on that lot is from the upgradient neighbor who has been dumping piles of wood. It appears the wood was dumped at a previous time.

Ingeborg Hegemann Clark noted that there were some grass clippings and wood chips in the buffer and said the Commission should let the residents know that they should not do this. She also noted several brush piles that are nice for wildlife. She also noted that the stairs were installed on the other side of the deck than what is shown on the plan, which she has no problem with. It was agreed that the Certificate of Compliance should be accompanied by a letter stating that there shall be no dumping of grass clippings and leaves in the 35' wetland buffer and the brush piles shall not be expanded.

***Ingeborg Hegemann Clark moved to issue the Certificate of Compliance. Kathy Sferra noted there was a condition that they install a split rail fence or similar marker along the 35' wetland buffer. Ingeborg***

***Hegemann Clark said the fence was not installed. Ingeborg Hegemann Clark withdrew her motion. Sferra will notify the applicant.***

#### **Draft Monitoring Plan - Regency at Stow**

Commissioners reviewed the draft monitoring plan prepared by Brandon Ducharme for Regency at Stow, as required by the Enforcement Order. Kathy Sferra said they called for an inspection when they thought they were done. At the site inspection it was observed that they removed all the silt. The Enforcement Order also required a monitoring plan. It was noted the area is seeded but the seed has not yet sprouted. The Commission agreed that they should make another site visit to see that the mix is established. It was agreed to require photographs of the plots. Two sets, one now and then one on completion. It appears there is typo on the dates that should be corrected.

***Ingeborg Clark moved to approve as amended (photographs of plot showing now and after completion and correct dates.) The motion was seconded by Serena Furman and carried by a unanimous vote.***

#### **Coordinator's Report – Continued**

- Meeting Dates - Members reviewed and agreed to the meeting schedule as proposed
- Collings Foundation site visit - Sferra reported on the site visit. She passed along the Commission's recommendations on the replication area to Dave Crossman.
- New web site –Sferra noted the town's new website. She asked Commissioners to take a look at the updated Commission pages and she would appreciate any feedback and ideas.
- Owl Prowl – The Owl Prowl is scheduled for November 4<sup>th</sup>.
- A complaint was received last week about a dirt bike track along the Assabet River on White Pond Road (last property before the bridge on the right). Kathy noted you can see a well-established network of roads and trails on aerial photos. The activity is in the Commission's jurisdiction. Commission members said they are sure there is a noise concern, which there is nothing they can do about. They could require the track be moved away from the wetland but that would not address the noise. It was agreed to send an educational letter to the owner advising that any activity in 35' buffer requires a filing.
- The Highway Department began work on a retaining wall at Town Building below the parking lot on land that is held by the Conservation Commission. Sferra contacted the Highway Superintendent and he explained to that the intent is to address stormwater runoff and safety issues. The plow gets stuck on the slope and there is a lot of stormwater. Kathy Sferra suggested the think about a modified project and is on the agenda for the next meeting.

#### **Executive Session**

Serena recused herself and left the meeting.

***Cortni Frecha moved to enter into executive session for purposes of discussing real estate negotiations and to adjourn the meeting at the conclusion of executive session. The motion was seconded by Sandra Grund and carried by a unanimous roll call vote (Andy Snow, Jeff Saunders, Cortni Frecha, Nicki McGachey, Sandra Grund and Ingeborg Hegemann Clark).***

Respectfully submitted,

Karen Kelleher