

Stow Conservation Commission  
Minutes  
November 21, 2017

A meeting of the Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on November 21, 2017 at 7:30 in the evening.

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

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 October 17, 2017 meeting as amended.  
The motion was seconded by Sandra Grund and carried by a unanimous vote.***

**Finance Committee Liaison Update**

Finance Committee Member Atli Thorarensen met with the Commission. He asked that budget worksheets be provided in electronic format. The Finance Committee's goal is to keep an eye on the budget. They are in the process of licensing ClearGov software which will allow them to do a more in-depth analysis of the budget.

The Commission asked what he needs in order to advocate for the Commission's budget. Mr. Thorarensen said he understands the Commission's role, especially with regard to wetland protection and conservation in general. He understands the Commission is a significant department of the Town with strong public support. He doesn't think it is his role to advocate for the budget. The Commission has already justified the work they are doing. His role, as liaison is to make the budget process as painless as possible. The Commission asked if there is anything they can do or provide to make the Finance Committee's review of the budget easier. Mr. Thorarensen said he recalls the meeting last year and doesn't believe the Conservation Commission needs to do anything more.

The Commission explained that they are working on some initiatives that require additional expenses. Mr. Thorarensen said those projects are funded with Community Preservation funds, outside the operating budget. The Commission said those initiatives also warrant staff time. Mr. Thorarensen said that comes to the overall size of the budget.

The Commission asked if they can have access to the same level of ClearGov data as the Finance Committee. He said he does not know if that is possible, but agrees it would be a fair thing to share.

### **Public Hearing - 168 Barton Road R.T. - 168 Barton Road – Notice of Intent**

The Chair called the Public Hearing to order. Scott Hayes, of Foresite Engineering, representing the Applicant reviewed the plan and described the project.

- The Plan shows an existing dwelling and garage built in the 1940s on a ½-acre lot off of Barton Road.
- There is a well-defined bank from the lake with a steep slope coming up to a level yard area.
- The existing house, garage and two large oak trees are proposed to be removed.
- A proposed 2-story house is to be constructed in the same general location as the existing house, as shown on the plans.
- They propose to place erosion controls around the deck and, as discussed at the site meeting, at the top of the bank by the stairs. They will revisit the design and location of the stairs at a continued hearing. They will also propose a plan to stabilize an existing unstable area along the bank.

Sandra Grund and Jeff Saunders reported on the site visit. The location where they want to build stairs is very steep. They talked about taking a look at other properties that were permitted around the lake that had similar conditions to see how they minimized impact. They also talked about adding stone to the wall and removing the pump house which is not supporting anything and is falling into lake.

It was noted that it looks like a deck was built in the 35' wetland buffer without an Order of Conditions or Building Permit. The Commission said this should be documented and they need to decide if there should be any mitigation.

The trees to be removed are outside the 35' wetland buffer but within the 100' wetland buffer. The Commission may require that they be replaced, not necessarily in the same location, but within the 100' wetland buffer.

The Applicant noted that work on the slope will be done by hand as the area is not workable for equipment.

It was noted that they are introducing another set of stairs. The existing stairs were built by a neighbor and shared at one time. Sferra agreed to see if there was a permit. There is also a removable dock along shore that belongs to people across the street, which should go through the permit process. The Applicant also proposes a dock.

An updated plan will include detail on the proposed stairs, dock, wall repair and removal of the pump house. The Applicant noted that they plan to file a new application with the Zoning Board of Appeals (ZBA) and requested that this hearing be continued until after the ZBA hearing.

Abutter Comments – None

***Cortni Frecha moved to continue the Public Hearing to January 16, 2018 at or after 7:30 pm. The Motion was seconded by Sandra Grund and carried by a unanimous vote.***

### **Public Hearing – Stow Holdings, LLC – Randall Road (Stow Acres Country Club Driving Range) Abbreviated Notice of Resource Area Delineation**

The Chair called the hearing to order. Present were Chuck Caron of Caron Consulting Group, Scott Hayes of Foresight Engineering, and Peter Brown, representing Stow Holdings. Caron explained that he did the wetland delineation. This filing is to have the extent of the resource area confirmed by the Commission.

Scott Hayes reviewed the plan describing the driving range on Randall Road noting the south course across the street. The filing is only for the driving range section of the golf course, described as 10 acres.

Chuck Caron described the area as an island of upland surrounded by resource areas. He reviewed the wetland delineation plan. It is basically a large wooded swamp which drains through a small channel that cuts across the driving range. There is a fairly narrow fringe of bordering vegetated wetland that widens out on the western side with an existing break with cart road and culvert on the east side which then continues into a stream. Along the eastern edge of the property, there is a manmade ditch, which is not much more than a vegetated wetland. The northwest edge looks like an elongated pond that he assumes, due to its shape, is man-made, however it does look fairly natural. It is very still standing water with no evidence of flow. There are a few places where the wetlands go into the driving range which is mowed. Caron noted that both streams are mapped as perennial on the USGS maps.

The Commission discussed the channel areas where there is no observable flow. The old topo maps of that area show that there was always a stream, but it was in different places depending on which year map is consulted. The Commission noted the application contained an affidavit of observation of the stream not flowing and asked if there was more supporting information. Scott Hayes responded it was just his observation. The Commission said the affidavit should include photographs and dates, as required by the regulations.

The Commission asked if there was any investigation of the upgradient area, noting beaver activity has been observed in that area. Chuck Caron responded that he has not done this and noted, in his experience with beaver pond impoundment, they actually create flow.

The Commission agreed to make a site visit on December 9<sup>th</sup> at 10:00 am. It was noted that there is erosion in the area of the cart path.

Abutter Comments - None

***Serena Furman moved to continue the public hearing to December 19, 2017 on or after 7:30 pm. The motion was seconded by Sandra Grund and carried by unanimous vote.***

#### **Public Hearing (continuation) – Frank Lundy – Joanne Drive – Notice of Intent**

The Commission is in receipt of a request to continue the public hearing without testimony to 12/19/17.

***Cortni Frecha moved to continue the public hearing to December 19, 2017 on or after 7:30 pm. The motion was seconded by Sandra Grund and carried by a unanimous vote.***

#### **Appointment – RJ Farrell – 42 White Pond Road - Request for Minor Modification - #299-536**

Kathy Sferra explained that this appointment is about the property on White Pond Road where a house was recently built. The Commission received a request for Certificate of Compliance which was denied because there was a fence defining the 35-foot wetland buffer that was required in the Order and not

installed. Kathy was in touch with the owner about that, and separately from the issue of the fence, he noted he has several dead black locust trees that he wants to remove.

RJ Farrell presented photographs of the dead locust trees that are on the side of his house. The closest being about 28 feet from the house and 60' tall. He is concerned about safety. There are a total of 6 or 7 trees but he is mostly concerned about 4 that he feels are a hazard.

The Commission said they have no objection to the trees being removed because they are invasive and dead and a hazard to the dwelling. The Commission encouraged him to leave some of the dead trees that are not a hazard because they are good for habitat such as woodpeckers and other birds.

RJ Farrell updated the Commission on the status of the fence. He presented the builder with the indemnity agreement to encourage him to install the fence as required. He said the contractor wants to do it cheap and suggested the wetland buffer be marked with posts and placards but RJ doesn't think that would look good. The Commission said it doesn't have to be a continuous fence and suggested bluebird boxes, or fence segments spaced 20 feet apart.

***Ingeborg Hegemann Clark moved to amend the Order of Conditions to allow removal of the dead black locust trees in the vicinity of the house. The motion was seconded by Nicki McGachey and carried by a unanimous vote.***

#### **Appointment – Kent Seith- Hale Road Cove - Request to Approve Maintenance Dredging - #299-536**

Kent Seith met with the Commission. He was originally going to seek permission to dredge a small amount of sand from the cove opening to allow removal of his boat for the winter, but was actually able to get the boat out last week. He would like the ability to do small-scale maintenance by removing up to five cubic yards, on an annual basis. He would like to scoop the sand out with a machine and remove it from the site to another portion of his property, outside the 100' wetland buffer.

Kathy Sferra said the Order included a condition for perpetual maintenance, which speaks more to a bigger dredge and requires monitoring and measuring depths every 4 to 5 years. The Commission agreed to allow perpetual maintenance of up to 5 cubic yards provided that the Commission is notified in advance, a description of how the work will be done is provided, and that before and after photographs are provided. A written confirmation will be provided to Kent Seith.

#### **Certificates of Compliance - 210 Barton Road #299-607 and 214 Barton Road #299-608**

Andy Snow reported on a site visit to 210 and 214 Barton Road. Everything in the Order of Conditions was done. The only question she had is with regard to the plantings. Kathy Sferra noted that the Applicant did not want to do the plantings and came into the office twice noting that they didn't do part of the project (the beach) and therefore questioned why they have to hire a landscape architect and do the plantings. The requirement was that they were to cover 150 square feet of lawn area with plantings, which Kathy thought was meant to be a contiguous area, but they planted in several smaller sections to make up the 150 square feet. The Commission agreed that they are in compliance because the Order did not specifically state it should be a contiguous area and they did plant the required number.

***Cortni Frecha moved to issue the Certificate of Compliance for 210 and 214 Barton Road. The motion was seconded by Nicki McGachey and carried by a unanimous vote.***

***Certificate of Compliance - 12 Pine Point Road #299-599***

Serena reported on the site visit and provided photographs. She questioned the area on the other side of the wall on the property where a switchback trail was installed and the deck was changed providing a step off, none of which as was requested in the application or authorized in the Order. They also left a lot of dirt on top of the vegetation and plan to install railroad ties.

The Commission agreed to defer issuance of the Order of Conditions and request that the owners come in to discuss the unpermitted work.

**Coordinator's Report**

Kathy Sferra updated the Commission on ongoing activities in the Conservation Department.

- The Owl Prowl was a success. They will definitely do it again. There is also interest in a bat walk.
- 323 Great Road: Kathy met with Recreation Director Laura Greenough and the Consultant and they will be starting the permitting for the park.
- The comment period for the Eversource Draft Environmental Notification Form is open.
- Police are assisting with issues at the Captain Sargent parking lot. Kathy also encountered someone cutting up firewood. The Commission agreed that the work done by the Police on this issue was sufficient and no further follow up was required.
- At the Stow Conservation Trust Annual Meeting it was announced that the fundraising effort for small farm is complete. They are now doing a push for Carver Hill.
- There have been a number of hits of TCE contamination of water supplies on Barton Road. DEP continues to test more wells and is trying to identify the source.

**Adjournment**

***Ingeborg Hegemann moved to adjourn at 10:04 pm. The motion was seconded by Sandra Grund and carried by a unanimous vote.***

Respectfully Submitted,

Karen Kelleher