

**Stow Conservation Commission
Minutes
February 6, 2018**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on February 6, 2018 at 7:30 in the evening.

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

Absent: Andy Snow, Chair
 Sandra Grund

 comprising a quorum of the Commission

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

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

Minutes: *Cortni Frecha made a motion to approve the minutes of January 30, 2017 as amended. Nicki McGachey seconded the motion and it was passed unanimously.*

Review/Approve Annual Report: The Commission reviewed the draft Annual Report included in their packets. *Cortni Frecha made a motion to approve the draft 2017 Annual Report as amended. Jeff Saunders seconded the motion and it was passed unanimously.*

Request for Comments – Planning Board – Special Permit Application – Athens Lane – The Commission reviewed draft comments to the Planning Board regarding the Special Permit application for proposed construction equipment storage on the “Quirk” property. Sferra noted that the proposal is unclear and Planning and Conservation staff have informed the applicant that they must file with the Commission. Sferra added that the 2005 wetland delineation is no longer valid and was never reviewed or approved by the Commission. The proposed work will likely require improvements to the stream crossing. The special permit application states that the Athens Lane stream crossing is not wide enough to cross with their equipment. The Commission discussed the draft and confirmed with Sferra that the property is under agreement contingent on Planning Board approval. The Commission suggested that the draft clarify that the area of the proposed storage must be defined. *Cortni Frecha made a motion to approve the draft comment letter to the Planning Board as amended. Nicki McGachey seconded the motion and it was passed unanimously.*

Coordinator’s Report

- **323 Great Road Zoning Board of Appeals (ZBA) Hearing:** Sferra informed the Commission that the ZBA hearing for 323 Great Road has been scheduled for March 5, 2018 and that site visit will likely be scheduled for March 8, 2018.

Emergency Permit – Town Building Well Repairs – Sferra informed the Commission that the Building Commissioner requested an emergency permit for repairs to the well servicing Town Building, the library and several residences. Sferra reviewed the land transfer and confirmed it includes an easement for well repair and maintenance. Sferra issued an emergency permit and requested that straw bales be used to prevent any runoff or erosion to the pond. The Commission discussed the well repairs and did not require additional conditions.

Decision – Town of Stow Recreation/Conservation Departments – 323 Great Road – The Commission discussed the draft decision included in their packets and requested that a condition be added to pitch the trail to minimize erosion toward the pond and use check dams or other best management practices as appropriate. *Cortni Frecha made a motion to issue an Order of Conditions for 323 Great Road as amended. Jeff Saunders seconded and it was passed unanimously.*

Request for Determination of Applicability (RDA) – Alan DiPietro – Maple Street – Alan DiPietro was present and provided a copy of the USGS locus map and described the location of the property and the two streams shown as perennial on the USGS map. DiPietro also provided the drought status maps for July and August 2017, a photo point location map and photos. DiPietro stated that the presumption that the two streams located on the Stow portion of his property are perennial is overcome by the photos taken over four consecutive days showing no flow. DiPietro reviewed his field notes provided in the RDA application and stated that the Bolton Conservation Commission determined that the streams on the Bolton portion of the property are intermittent and they would be signing the Determination that evening. DiPietro added that the Bolton Conservation Commission Chair and Conservation Administrator visited the site on September 26, 2017 at which point the streams were dry. DiPietro also noted that the streams remained dry through October and at some points during November. DiPietro stated that a downstream portion of the stream was recently determined by the Stow Conservation Commission to be intermittent and implied that the stream on his property therefore could not be perennial. Sferra clarified that DiPietro was referring to the recent Stow Acres filing. The Commission added that streams can flow perennially in some portions and intermittently in others and that geology and groundwater impact the flow of streams.

Cortni Frecha and Jeff Saunders conducted a site visit. Frecha noted that during the site visit the streams had flow. Saunders added that the east and west streams both had flow and described the east stream as a wet meadow and the west stream as more channelized. DiPietro added that the eastern stream is not connected to the pond and appears to collect the drainage from the slope off the eastern corner of the property. Frecha described the western stream as a red maple swamp. Saunders stated that their observations were consistent with the USGS map and that they did not go into the property beyond the pond and confirmed there was no flow restriction device on the outlet of the pond. Saunders noted that the pond appears to be a dug pond with a stone culvert under the road. Frecha added that they discussed during the site visit the culverts backing up and the flooding of Maple Street. Saunders noted that the culverts would back up easily and spread out over Maple Street. Sferra provided a photo of flooding on Maple Street and noted that the culvert is likely undersized. DiPietro added that the culverts are easily blocked by sticks and debris. The Commission discussed the perennial stream designation. Saunders confirmed the surficial soils of the site appear to be till and bedrock. Sferra reviewed the Stream Stats data and confirmed that the stratified drift per stream length was given a value of zero and the drainage area value was listed as 0.36 indicating that the stream has a very small watershed. The Commission also noted that the stream above the pond is not shown on the USGS map therefore is designated as intermittent. The Commission added that the Determination is specific to the stream designation and does not include any other resource areas on the site.

Rick Fadden, 189 Maple, stated that he suspects the streams are intermittent because the water level is very weather related. Fadden noted that he has lived there for 22 years and there were vernal pools on the property near the road and he expressed concerns about changes with the wetlands he has seen but understands that the other resource areas on the property are not part of the RDA. Fadden added that he presumes the changes in the wetlands he has observed are a result of land clearing causing them to dry out faster. *Cortni Frecha made a motion to close the public hearing for Maple Street. Nicki McGachey seconded the motion and it was passed unanimously.*

Determination – Alan DiPietro – Maple Street – The Commission noted that they appreciate the invasive species removal that DiPietro has done and hope to continue to work with him to bring the work on the site into compliance with the Act and bylaws. The Commission noted the court order that requires DiPietro to file a Notice of Intent by mid March 2018 and added that some of the invasive work that he has done could be included in the filing as a benefit. The Commission discussed the draft Determination and agreed that the streams on the Stow portion of the property are intermittent however the boundaries have not been delineated. The Commission added that the boundaries and location of all resources on the site have not been confirmed. *Cortni Frecha made a motion to issue the Determination as written. Nicki McGachey seconded and it was passed unanimously.*

Bruce Trefry arrived at 8:00 PM.

Review/Amend Conservation Land Alteration Policy – Sferra briefed the Commission about the history of this policy. In 2000 the Commission had a work project scheduled which the Town Administrator requested be suspended until a policy was put into place with regard to the use of volunteers. The Commission, including Bruce Trefry, worked with the Town Administrator and the Town's insurance company to create a policy and forms to submit for work projects including a summary sheet, proposal and volunteer roster. Sferra added that the policy was developed in 2000 and has been reviewed and amended once since then. Sferra, Trefry and Goring reviewed the existing policy and met with Town Administrator to discuss the proposed changes. The Commission reviewed the proposed changes and discussed the use of power equipment on Conservation land. Trefry informed the Commission about an incident and litigation involving volunteers that led to the development of the policy. Trefry added that the Land Steward position was created later and is designated to use power equipment on Conservation land. Sferra added that the form for work projects requires information about what equipment will be used and what safety equipment will be needed. The Commission approved the changes and confirmed that the policy and forms will be given to those interested in completing work projects. Staff will review the forms and examples to make sure they are still up to date. *Ingeborg Hegemann Clark made a motion to approve the revisions to the Conservation Land Alteration Policy. Cortni Frecha seconded the motion and it was passed unanimously.*

Massachusetts Association of Conservation Commissions (MACC) Annual Conference Awards – Ingeborg Hegemann Clark informed the Commission that their nomination of Sferra for Conservation Administrator of the Year at the MACC Annual Conference was not chosen due to several retirements being recognized this year. Hegemann Clark added that they had received many letters of recommendation including a letter from Representative Kate Hogan. Sferra expressed surprise, and thanked the Commission.

Adjournment – *Cortni Frecha made a motion to recess to the Finance Committee meeting at 8:25 PM and to adjourn thereafter. Jeff Saunders seconded the motion and it was passed unanimously.*

Meeting with Finance Committee re: FY 19 Budget – Sferra reviewed a power point presentation for the Finance Committee and highlighted the major projects and accomplishments of the Commission during 2017. Sferra also reviewed the FY 2019 budget which is in line with the Town Administrator's request for level funding with the exception of a \$100 increase for a pesticide license fee. Sferra added that the request for \$10,000 for the conservation fund was reduced to \$5,000 at the request of the Town Administrator. The Finance Committee had questions for the Commission regarding the budget and made comparisons between the Commission's budget and other surrounding Towns. Sferra and the Commission discussed the questions regarding the budget and provided examples of the extent and quality of work provided by the Commission and staff. Sferra also provided an update on the Kunelius property acquisition at the request of the Finance Committee.

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during February 6, 2018 Conservation Commission Meeting:

Comment letter - Planning Board Special Permit Application Athens Lane draft
Maple Street site photos
2/6/18 Agenda
Draft Conservation Land Alteration Policy
Presentation to Finance Committee
Draft 323 Great Road Decision
Draft DiPietro Decision
Draft 1/30/18 minutes