

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

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

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

 comprising a quorum of the Commission

Also present: Kathy Sferra, Conservation Coordinator
 Jacquie Goring, Conservation Assistant

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

Joint Meeting with Planning Board – Jillian’s Lane Enforcement Issues – The Commission met jointly with the Planning Board to review the Jillian’s Lane erosion control enforcement issue. Sue Carter reviewed observations made over a series of site visits at the property. Kathy Sferra and Andy Snow also provided updates on their site visits. Members of the Planning Board and Conservation Commission discussed the numerous erosion issues occurring on the site and determined that all outside work on the property should cease until the site is stable, a stormwater pollution prevention plan (SWPPP) is filed, and a cleanup and mitigation plan is submitted to address the erosion which occurred into the wetland.

Ingeborg Hegemann Clark and Jeff Saunders recused themselves at 7:50 PM.

Notice of Intent – NSTAR Electric Company d/b/a Eversource Energy – off Marlboro Road – Katie Kinsella, Vanasse Hangen Brustlin Inc., described the subsurface investigation work which is an exempt minor project under the Wetland Protection Act. Kinsella displayed plans for the proposed work which includes two geodetic borings located within the 100 foot buffer to bordering land subject to flooding and the 200 foot Riverfront Area. The borings will be installed to locate the depth of bedrock and will be completed to a depth of no more than twenty feet. The borings will be backfilled and any soil that cannot be reused will be containerized and disposed of offsite. Kinsella stated that each boring will take approximately three to four hours to complete and the work would be completed in one day. Kinsella added that no vegetation will be removed and the proposed work is for the underground design of the Sudbury to Hudson Transmission Reliability Project. The Commission reviewed photos taken by Snow and Sferra during the site visit. Snow noted that there is a significant drop in grade from Ferjulian’s Farm to the old rail bed. During the site visit a trench with flowing water was observed exiting the Ferjulian’s property. The trench appeared to be hand dug and was not found to connect to any wetland system. Sferra described the location of the borings and the area where silt has deposited at the end of the trench. Two downed trees will need to be removed along the rail bed to access the boring locations with equipment. Kinsella noted that straw wattle will be installed around each work area. There were no comments or questions from the audience. *Cortni Frecha made a motion to close the public hearing for off Marlboro Road. Sandra Grund seconded the motion and it was passed unanimously.*

Ingeborg Hegemann Clark and Jeff Saunders returned at 8:03 PM.

Notice of Intent – James Stefanis – 25 Maura Drive – Homeowner Jim Stefanis described the proposed work which includes removal of an existing deck, construction of a new screened porch and deck, and installation of a

greenhouse. Stefanis stated that the proposed deck and screen porch will not extend further into the 100' buffer than the existing deck. Stefanis added that the proposed greenhouse will be no more than 30 by 100 feet and the area will be graded and a gravel base will be added. No work will occur within the 35' no disturb buffer. Stefanis added that DEP had questions on the filing and clarified that the greenhouse will be for personal, not commercial use. Serena Furman conducted a site visit and showed photos of the property. Furman noted that she was not able to evaluate the wetland to see if it is a vernal pool last year because it was too late in the season. Furman described the location of the proposed work and noted that the distance between the house and the potential pool is very clear. Stefanis confirmed that no trees will be cut within the 35' no disturb buffer and described the tree removal along the stone wall between his property and the adjoining field.

Sferra noted that the deck project is an exempt minor activity in the buffer zone and does not actually require a permit. Furman reviewed the comments from DEP which included demarcating the limit of work, the need for erosion controls, clarification regarding tree removal and clarification regarding the work being a residential or commercial project. Stefanis confirmed erosion controls would be used as a limit of work and would be added to the plan. Sferra added that DEP also requested clarification on how the wetland was delineated. The Commission confirmed the delineation was topographically defined and confirmed in the field by the Commission. Stefanis confirmed that the well would be accessible after the greenhouse is constructed. Bob Malinowski, 225 Taylor Road, commented on the appearance of the structure. *Serena Furman made a motion to continue the public hearing for 25 Maura Drive to March 20, 2018 on or after 7:30PM. Cortni Frecha seconded the motion and it was passed unanimously.*

Notice of Intent – Lindsey McClelland – 126 Gleasondale Road – David Cowell, Hancock Associates, and homeowner Lindsey McClelland were present to review the proposed septic system upgrade. Cowell stated that the Notice of Intent (NOI) was filed under the local bylaw only because the area of isolated land subject to flooding, mapped as a potential vernal pool, located on the property is not subject to the state jurisdiction. Cowell noted that the property is under a Purchase and Sales agreement and currently has a cesspool which does not meet Title 5 requirements. Cowell added that the proposed septic system upgrades are constrained by drinking water wells on three neighboring properties and will be located within 60 feet of the potential vernal pool within an area that is currently lawn. The proposed septic system will be required to be mounded slightly due to the elevated water table. Ingeborg Hegemann Clark and Nicki McGachey conducted a site visit. Hegemann Clark noted that the potential vernal pool was likely a historically excavated area and was delineated in the winter but is a conservative delineation. Hegemann Clark added that fill was observed within the buffer and a significant amount of knotweed along the fence line located outside the buffer. Sferra confirmed the area of knotweed will not be disturbed during the septic system work. McClelland confirmed that the asphalt and cinderblock debris was left by a previous owner and a tree was felled by them within the buffer that was falling over. Sferra noted that typically the Commission requires grass to be established in order to issue a Certificate of Compliance (COC) and the homeowner will be eager to get a COC because the property is being sold. McClelland stated that the closing date has been pushed back and the septic work is scheduled for the week of March 19th and the buyers are very motivated and likely willing to establish grass after the sale. Hegemann Clark expressed concerns about the use of jute matting to stabilize the slope and gullyng underneath the matting. The Commission discussed stabilization of the slope and communication with the new homeowner about the Commission's jurisdiction. *Cortni Frecha made a motion to close the public hearing for 126 Gleasondale Road. Sandra Grund seconded the motion and it was passed unanimously.*

Notice of Intent – Massachusetts Department of Conservation and Recreation (DCR) – Finn Road – Jim Jackson, CDR Maguire, and Dan Mortell, DCR, were present to review the proposed Finn Road culvert replacement. Jackson stated that the eight foot culvert under Harvard and Finn Road is corroding and DCR is concerned it may fail. The culvert is proposed for replacement with an eight foot tall and seven foot wide concrete box culvert. Jackson added that the culvert controls flow from the upper pond to the lower pond to limit downstream impacts. Jackson displayed photos of the existing culvert and inlet control structure which maintains the water level on the upstream side of the culvert. Jackson reviewed the proposed construction sequence including installation of erosion controls, saw cutting and excavating pavement, installation of a cofferdam and dewatering, installation of the new culvert and rip rap at the outlet and inlet, and repaving. The existing turnout will be used for construction staging and up to twelve trees are proposed for removal. Jackson stated that the tree removal is necessary

because the roadway acts as a dam for the Delaney Wildlife Management Area and trees can cause seepage through the root system and cause damage to the dam. Mortell confirmed that brush will be removed around the construction staging area that had been previously removed approximately eight to ten years ago when the area was last used for construction staging. Jackson displayed a cross section of the proposed nine foot tall concrete precast box culvert which will be finished with one foot of stream bed material. Mortell stated that using a precast box culvert would shorten the project to 60 days from 120 days if pouring footings for a three sided precast culvert was proposed. Mortell added that the fifty year old culvert is being replaced out of concern for public safety and is not a restoration project although the proposed culvert replacement will benefit wildlife. Jackson described the beaver damage to the inlet control structure and the benefits of using a concrete structure to prevent beaver damage.

Jackson addressed the comment letter received from a resident concerning canoe and fishing access and stated that the proposed culvert replacement will improve canoe access and suggested that a staggered open guardrail could be used to improve access for fisherman. The Commission discussed pedestrian access for fisherman including a break in the guardrail and the steep bank on the downstream side of the culvert. Mortell stated that stabilizing the bank is the priority and gravel could not be used because it would wash into the water and using rip rap on the slope would make walking very difficult. Cortni Frecha and Hegemann Clark conducted a site visit. Frecha described the steep downstream slope and suggested that a boy scout construct something to allow safer access for fishing. Mortell stated that there is not a lot of area at the toe of the slope for a stairway and that fishing access is available at the boat launch and may not be appropriate in the area of the culvert. Frecha also noted that the pine trees proposed for removal have been heavily pruned to accommodate the power lines. Hegemann Clark confirmed with Jackson that the 15 inch oak shown on the plan for removal can remain and shrubs will be planted on both sides of the culvert replacement as mitigation for the tree removal. Mortell confirmed that the slopes will be stabilized with grass post construction but will not be mowed. Hegemann Clark identified one gully on the north slope and two on the south slope and recommended something be done to prevent further erosion.

The Commission confirmed that DEP had not issued a file number and requested changes to the plans including plans for stabilization of the three gullies, specifications on how the slope will be stabilized post construction and details on stone size. The Commission also noted that some of the trees proposed for removal may be street trees and require a public hearing. Hegemann Clark added that the proposed construction staging area is within the flood plain and a note should be added to the plan that equipment should be brought up to the road prior to storm events to prevent the release of oils and grease. Mortell confirmed that the emergency plan for the project will require that equipment be removed prior to an excessive rain event and erosion controls will be used around soil stockpiles. Bruce Fletcher, Tree Warden, was present and stated that any trees that are determined to be within the right-of-way will require a public hearing. Mortell stated that he could provide documentation from the Office of Dam Safety regarding the necessity to remove the trees. Fletcher clarified that if there is an objection to street tree removal the final decision is made by the Board of Selectmen. Fletcher will mark the trees and conduct the hearing. Jackson confirmed that plan will be revised to show the one oak to remain as discussed. Sferra noted that a partial fee waiver under the local bylaw was requested which is based on parcel size and would be calculated based on the overall size of Delaney rather than the smaller footprint of the work area. *Ingeborg Hegemann Clark made a motion to issue a partial local bylaw fee waiver based on the footprint of the work area. Cortni Frecha seconded the motion and it was passed unanimously. Cortni Frecha made a motion to close the public hearing for Finn Road. Nicki McGachey seconded the motion and it was passed unanimously.*

NOI continuation – Frank Lundy – Off Forest and Sudbury Roads – Rich Harrington, Stamski and McNary, Inc., was present and displayed plans which had been revised to include the Commission's comments and changes as a result of the Planning Board Decision. Harrington confirmed that 27 trees will be removed within the 35' no disturb buffer and reviewed the plan revisions. Harrington also clarified that the Riverfront Area shading on the plan represents the 10% allowable impacts to the RFA as part of the proof plan process. Sferra noted that the revised plans do not include sufficient detail on the wetland replication planting plan and the grades are difficult to read. Harrington stated that a wet mix is proposed for the wetland replication and no plantings are proposed but could be added at the Commission's request. Sferra added that there has not been great success on previous projects with small replication areas. The Commission discussed the replication area and requested a planting plan be submitted

following construction of the crossing. Sferra also noted that the limit of clearing was noted on the plan as anticipated clearing and suggested that the area of tree removal be marked in the field. Harrington confirmed that eleven trees are proposed to be planted within the 35' no disturb buffer and could be clustered. The Commission discussed the proposed removal of 27 trees within the 35' no disturb buffer and the proposed planting of eleven trees and suggested planting an additional sixteen shrubs within the 35' no disturb buffer as mitigation. The Commission also confirmed that fill will be required to be brought into the site.

Scott Bracci, 48 Forest Road, confirmed with Harrington the clearing and stockpile locations for Lot 1 and the sequence of clearing Lot 1 prior to construction of the drainage basin. Harrington also clarified that stockpiling and staging of material is needed on Lot 1 in order to construct the road. Bracci asked if the location of the house could be moved and the Commission noted that the construction of Lot 1 will be filed under a separate NOI. *Sandra Grund made a motion to close the public hearing for Joanne Drive. Serena Furman seconded and it was passed unanimously.*

Minutes: *Cortni Frecha made a motion to approve the minutes of February 20, 2018 as amended. Serena Furman 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 was closed and the special permit and variance will likely be granted.

168 Barton Amendment to Order of Conditions – Goring informed the Commission that the owner of 168 Barton Road contacted the office regarding a large portion of a tree which fell onto the shoreline of Lake Boon which was preventing the installation of the erosion controls for the approved retaining wall work. Goring conducted a site visit and approved the removal of the tree debris by hand. The owner requested that the damaged tree be removed and provided a previous site plan which showed the tree proposed for removal. Goring noted that the tree has been heavily damaged and is likely a hazard. Goring also noted that the tree is located within the 35' no disturb buffer and the owner is willing to plant a tree to replace it. *Cortni Frecha made a motion to approve the redline change to the approved plan for 168 Barton Road and allow one additional tree to be removed within the 35' no disturb buffer if replaced. Serena Furman seconded the motion and it was passed unanimously.*

Decision – Lindsey McClelland – 126 Gleasondale Road – The Commission discussed the draft decision and requested that the pile of asphalt within the 35' no disturb buffer be removed, three rows of coir logs be installed parallel to the slope for stabilization and the stock piles be ringed with erosion controls. *Cortni Frecha made a motion to issue an Order of Conditions for 126 Gleasondale Road as amended. Sandra Grund seconded and it was passed unanimously.*

Serena Furman recused herself at 10:07 PM.

Vote to Endorse CPA Application for Kunelius Acquisition – *Cortni Frecha made a motion to endorse the CPA application for Kunelius for \$215,875 from the CPA Open Space or Unreserved Funds at the 2018 Annual Town Meeting and \$5,000 from the CPA Administrative Funds prior to Town Meeting for the appraisal. Ingeborg Hegemann Clark seconded and it was passed unanimously.*

Review/Approve Invoice from Huggins and Witten – The Commission reviewed the invoice from Huggins and Witten for the legal work for the Purchase and Sales agreement for Kunelius. *Ingeborg Hegemann Clark made a motion to pay the \$1,125 invoice from Huggins and Witten from the Conservation Fund. Nicki McGachey seconded and it was passed unanimously.*

Serena Furman returned at 10:09 PM.

Ingeborg Hegemann Clark and Jeff Saunders left the meeting at 10:09 PM

Decision – NSTAR Electric Company d/b/a Eversource Energy – off Marlboro Road – The Commission discussed the draft decision and had no edits. *Cortni Frecha made a motion to issue an Order of Conditions for off Marlboro Road as written. Nicki McGachey seconded and it was passed unanimously.*

New Projects – Cortni Frecha will take the lead on 72 Boxboro Road and Sandra Grund and Goring will lead 105 Barton Road.

Adjournment – *Cortni Frecha made a motion to adjourn the meeting at 10:20 PM. Nicki McGachey seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during March 6, 2018 Conservation Commission Meeting:

Eversource site photos
Finn Road Culvert Replacement site plans
Joanne Drive site plans
3/6/18 Agenda
3/6/18 Meeting and Coordinator's Report
Draft 2/20/18 minutes