

**Stow Conservation Commission  
Minutes  
April 17, 2018**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on April 17, 2018 at 7:30 in the evening.

There were present:     Andy Snow, Chair  
                              Serena Furman, Vice-Chair  
                              Jeff Saunders  
                              Nicki McGachey

Absent:                   Cortni Frecha  
                              Ingeborg Hegemann Clark  
                              Sandra Grund

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.

**Minutes:** *Serena Furman made a motion to approve the minutes of April 3, 2018 as amended. Nicki McGachey seconded the motion and it was passed unanimously.*

**Certificate of Compliance – 42 White Pond Road** – Jacquie Goring conducted a site visit and provided photos for the Commission. Goring confirmed that the required split rail fence was installed along the 35' no disturb buffer. Brush piles along the 35' no disturb buffer were observed during the site visit and removed by the homeowner prior to the meeting. Goring recommended the Certificate of Compliance be issued. *Nicki McGachey made a motion to issue a Certificate of Compliance for 42 White Pond Road. Serena Furman seconded and it was passed unanimously.*

**Appointment – Arbor Glen** – Residents Ann Deluty and Elaine Graves, members of the Arbor Glen Landscaping Committee, were present to discuss salt usage at Arbor Glen. Deluty informed the Commission that the Order of Conditions for the development included a perpetual condition that no road salt be used on paved surfaces and snow removal contracts stipulate that no road salt be used. Permanent signs were also required to be posted in prominent locations. Deluty added that Arbor Glen has 66 units and many residents are in their 70's and 80's and there are concerns about vehicle and pedestrian safety. The property management company put the snow removal out to bid and could not find snow removal contractors willing to bid on the work without using salt. Deluty provided information from the New Hampshire Department of Transportation regarding the failures of sand and magnesium chloride and added that several residents fell during the winter due to dangerous conditions. Deluty expressed concerns about the legal and financial liability and requested permission to use Green•Melt or Cutting Edge products which contain salt and other proprietary ingredients. The Commission recommended contacting two local snow removal contractors which use a lower ratio of salt to sand which Deluty stated both would not bid because the property is too small. Deluty researched other ice melt products and stated calcium, potassium and magnesium chloride do not degrade. Sferra confirmed that the roads within Arbor Glen are outside the 35' no disturb buffer with the exception of the wetland crossing and added that the use of sand is also potentially harmful to wetlands. The Commission discussed modifying the condition. Sferra will research how to procedurally lift the restriction and will update the Commission at their next meeting.

**Request for Determination of Applicability – Allen Warner – 105 Barton Road** – Goring conducted a site visit with Sandra Grund and reviewed the proposed work for applicant Allen Warner who was not able to attend the

hearing. Goring described the property which is across Barton Road from Lake Boon and surrounded by wetland. The 35' no disturb buffer covers the majority of the property with the exception of a small area in the center of the lot. Twelve trees are proposed to be removed including eleven in the 35' no disturb buffer. Goring reviewed the photos provided by the applicant showing trees on the house after Hurricane Sandy and the March 2018 nor'easters. Many of the trees have multiple leaders and are not healthy. Two of the trees proposed for removal are black locust, an invasive species included on the Massachusetts Prohibited Plant List. The Commission reviewed the photos and site plan depicting the tree removal and discussed the hazards to the house. Goring noted that Warner is willing to plant trees to replace the trees removed and would like suggestions on where to plant. *Serena Furman made a motion to close the public hearing for 105 Barton Road. Jeff Saunders seconded the motion and it was passed unanimously.*

**Determination of Applicability – Allen Warner – 105 Barton Road** – The Commission discussed the Determination and requested that one 1½" caliper tree native to the northeast or two one gallon shrubs native to the northeast be planted for each tree that is removed. The Commission also recommended that snags could be left as an alternative to mitigation plantings for 1-2 trees. Stump grinding would only be permitted on trees 1, 2, 3, 4, 9 and 12 and the existing stump as shown on the plan submitted with the Request. *Jeff Saunders made a motion to issue a Negative 3 Determination for 105 Barton Road. Serena Furman seconded and it was passed unanimously.*

**Appointment – MaryAnn DiPinto – Jillian's Lane Enforcement Order** – MaryAnn DiPinto, Three Oaks Environmental, updated the Commission on the Jillian's Lane Enforcement Order. DiPinto reviewed the restoration work completed to date including vacuuming the wet meadow located down Walcott Street and the drainage pipe which leads to the area. DiPinto noted that the drainage pipe was not able to be completely cleaned out for the entire length because the vacuum truck did not have enough hose and stated that the recent heavy rainfall washed the remaining 130 feet of the pipe into the wet meadow. DiPinto stated that the rain event during the previous day was estimated to be 2.75 inches. Additional erosion controls have been installed at the top of Jillian's Lane and the propane tank and water line work have not been completed. Additional stone and jute netting was also added to the side of the slope after additional erosion was found leaving the site. An area of silt fence failed below the soil piles during the heavy rain fall and water and silt entered the backyard and into a small manmade pond on the neighboring property. DiPinto noted that the soil piles will be removed offsite once the septic system is installed following Planning Board approval allowing further site work. Hudson Light & Power was not able to remove the utility pole in the area of the proposed sedimentation basin and allowed the site contractor to remove it. The Commission confirmed with DiPinto that the site contractor is working on a schedule which includes installing the waterline, propane tank, septic system, removing the soil piles, and finishing the detention basin. DiPinto added that the slopes on the site would be sprayed with bonded fiber matrix the next day. DiPinto also noted that more work will be done to clean out the wet meadow and stream, likely using buckets and shovels, after the most recent storm deposited additional silt. Vegetation has been growing in the wet meadow in the areas of silt and DiPinto stated could also be seeded. Sferra recommended that the Commission schedule a site visit and reminded DiPinto of the April 30<sup>th</sup> deadline for restoration. DiPinto noted that she provided copies of two SWPPP inspection reports and there are more available which she could also provide the Commission. Sferra will schedule the site visit via email.

**Certificate of Compliance – 105 Barton Road** – Jacquie Goring conducted a site visit and confirmed that the Japanese knotweed removal and plantings had been completed which were required as mitigation for the deck project. Goring recommended the Certificate of Compliance be issued. *Jeff Saunders made a motion to issue a Certificate of Compliance for 105 Barton Road. Serena Furman seconded and it was passed unanimously.*

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

- **Finance Committee Meeting Update:** Sferra informed the Commission that the Finance Committee submitted their recommendation for Town Meeting and recommended the Town Administrator's budget as proposed.
- **Town Center Park:** The Town Center Park Zoning Board of Appeals decision was not appealed. One of the abutters has asked to discuss the project further.
- **Owl Rescue:** A small great horned owl was entangled in fencing at the Community Gardens and rescued by the Animal Control Officer. The fencing has been removed by the gardener and the Animal Control

Officer will provide feedback on materials used for fencing at the gardens and potentially removing fencing during the winter. The owl is recovering at Tufts Animal Hospital and will likely be released.

- **Beaver Dam:** The Sudbury Valley Trustees, Stow Conservation Trust and Conservation Restriction land owners will be meeting to review the large beaver dam on Heath Hen Meadow Brook which is flooding the causeway which connects Captain Sargent and Flagg Hill Conservation Areas.
- **Town Forest Trails:** Allan Fierce contacted Sferra requesting an update on the Town Forest trail discussion. Sferra informed Fierce that the top priority for staff is completing the Conservation Restrictions on Carver Hill, small farm, and Minister's Pond by June, however, there will be the potential for additional biking opportunities when the red trail loop is completed to connect Carver Hill to Town Forest.
- **Gleasondale Kane Land:** Residents of Gleasondale are looking for assistance in drafting rules and regulations and potentially building a bridge or boardwalk for the trail proposed on the Kane Land. Ingeborg Hegemann Clark has volunteered to review the extent of the wetland in the area of the proposed trail.
- **Regency at Stow:** Sue Carter conducted a site inspection at Regency at Stow following the April 2<sup>nd</sup> storm and reported that there was tracking into Boxboro Road and there may have been additional erosion control breaches. Sferra will work with Carter and Toll Brothers and provide more information at the next meeting.
- **Hudson Waste Water Treatment Plant NPDES Permit:** Sferra informed the Commission that members of OARS will be updating Selectmen during their next meeting on the Hudson Waste Water Treatment Plant's draft National Pollutant Discharge Elimination System (NPDES) permit. Sferra noted that a number of years ago the Commission joined with OARS and the Board of Selectmen to file an appeal on a draft NPDES permit. Comments are due May 10<sup>th</sup>. OARS will draft comments which will likely be ready for the Commission's review for the May 1<sup>st</sup> meeting.

**Carver Hill/small farm/Kunelius Land Project Updates** – Merrill Associates has been selected for the survey for Carver Hill and Kunelius. Residents from Red Acre Road will be meeting on Saturday to discuss the Kunelius project and Sferra will be meeting with the Board of Selectmen to update them on the project. The Carver Hill grant has been fully executed and the project team will be reviewing comments on the Conservation Restrictions for Carver Hill and small farm.

**Planning Board Request for Comment on Zoning Changes** – The Commission reviewed the proposed changes to the Erosion Control Special Permit, Industrial District Uses Permitted by Special Permit and Recreational Marijuana Establishment Moratorium. The Commission did not have comments.

#### **Executive Session – Litigation Strategy**

At 9:13 PM Serena Furman made a motion to go into Executive Session pursuant to MGL Chapter 30A, section 21 A(3), for the purpose of discussing litigation strategy, and to adjourn thereafter. Nicki McGachey seconded the motion and it passed 4-0 on a roll call vote: Andy Snow, aye, Serena Furman, aye, Jeff Saunders, aye, Nicki McGachey, aye.

Respectfully submitted,

Jacquie Goring  
Conservation Assistant

#### **Materials Used during April 17, 2018 Conservation Commission Meeting:**

105 Barton Road photos and site plan  
4/17/18 Agenda  
4/17/18 Meeting and Coordinator's Report  
Draft 4/3/18 minutes