

**Stow Conservation Commission  
Minutes  
August 7, 2018**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on August 7, 2018 at 7:00 in the evening.

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

comprising a quorum of the Commission

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

The Conservation Commission held a joint Planning Board and Conservation Commission meeting to participate in the Municipal Vulnerability Project public listening session beginning at 7:00 PM. Staff presented an overview of the project and highlights of the recommendations. Overall public comment supported the recommendations in the report and the project team answered questions, which primarily related to water supply and drought.

The Conservation Commission meeting was called to order at 7:48 PM.

**Minutes:** *Cortni Frecha made a motion to approve the minutes of July 17, 2018 as amended. Sandra Grund seconded the motion and it was passed unanimously.*

**Request for Determination of Applicability – Taranto – 212 Taylor Road** – Kirby Taranto, property owner, was present and reviewed the tree removal work that was completed. Taranto stated that he unknowingly removed trees within the buffer zone and was notified by Conservation staff that a permit was required. Taranto noted that he had the trees removed because they were overgrown and not allowing the house to dry out between storms. Taranto stated that he had concerns about some of the trees leaning towards the house and damaging the power lines during the recent winter storms. Nine trees were removed within the 100' buffer, none of which were located within the 35' no disturb buffer. Taranto added that the Commission members who visited the property identified a lot of invasive species which he would like to eradicate. Andy Snow, Cortni Frecha and Ingeborg Hegemann Clark completed the site visit. Frecha noted that of the nine trees removed four were white pine, three were maples and two were oaks. Hegemann Clark located the wetland and noted that all nine trees were within 90 to 100 feet of the wetland. The Commission members identified the invasive plants during the site visit including bittersweet, multiflora rose and barberry and the method of removal. Hegemann Clark added that there is slope at the back of the property that Taranto would like to brush mow periodically to keep the area open and free of invasives. The Commission discussed the brush mowing within the 35' no disturb buffer and the need to access the well. The Commission also discussed replanting and the potential for the trees that were cut to stump sprout. Taranto requested two years to complete any required plantings because the tree removal project has depleted their budget. *Andy Snow made a motion to close the public hearing for 212 Taylor Road. Cortni Frecha seconded and it was passed unanimously.*

**Notice of Intent – St. Denis – 34 Davis Road** – Tom DiPersio, Jr., Thomas DiPersio, Jr. & Associates, Inc. was present and reviewed the proposed raze and rebuild of the existing house at 34 Davis Road. DiPersio stated that the property is a non-conforming lot almost entirely within the 100' buffer to Lake Boon. The proposed two-story house will be built on the same foundation as the existing house with the exception of a proposed entry addition constructed on pier footings located 40.5 feet from the Lake. DiPersio stated that there will be no site work,

landscaping, or driveway expansion and all work will be limited to wood framing above the existing foundation. DiPersio identified the 35' no disturb buffer and the location of the existing deck which will be rebuilt as a screened porch using the existing steel column piers. DiPersio reviewed the proposed erosion controls and stated that the only earth disturbance will be the installation of three sonotube footings for the proposed entry addition. Nicki McGachey and Jeff Saunders completed a site visit. McGachey noted that there are large tree limbs from trees on the neighboring property and confirmed with DiPersio no tree removal is proposed and limbs will be removed if they interfere with the house project. Saunders confirmed with DiPersio that the demolition will occur from the driveway and debris will be live loaded.

The Commission discussed the existing erosion on the property and recommended two rows of erosion controls be used on the steep slope to protect the lake. DiPersio confirmed that gutters have not been designed for roof drainage and roof runoff mitigation could be added. Jeff Hill, resident of 34 Davis Road, stated that rain barrels could be installed and confirmed no work will be done on the existing septic system. DiPersio confirmed there are no plans to pave the existing gravel driveway. DiPersio also confirmed that the proposed entry addition will sit on top of a deck and the screen room cannot be an interior room as permitted in the Zoning Board of Appeals (ZBA) decision. The Commission discussed mitigation for the run off issue and keeping the 35' no disturb buffer as natural as possible. Hill stated that the area behind the deck could be overseeded and confirmed a landscape plan could be submitted. DiPersio confirmed there is no room for stockpiling on the site and all demolition materials would be put directly into a dumpster. Hill noted that they plan to start in September and should take four to five months. The Commission also requested additional erosion controls be onsite for emergencies in addition to the two rows on the slope. *Serena Furman made a motion to close the public hearing for 34 Davis Road. Sandra Grund seconded and it was passed unanimously.*

Cortni Frecha recused herself at 8:23PM

**Request for Determination of Applicability – Frecha – 203 Boxboro Road** – Property owner Cortni Frecha was present and provided a map of the pond. Frecha noted that she first noticed water chestnut in the pond in 2002 or 2003 and has since done limited hand pulling but the plant has spread exponentially. Frecha described the location of the pond on the property and where the water chestnut was first identified and where it is currently across approximately 2/3 of the pond. Frecha described the proposed removal which includes hand pulling from boats and piling the plants on the shore to desiccate. Frecha noted that she may use volunteers including the Stow Conservation Trust (SCT) Stew Crew once or twice a year to provide additional people power. Sandra Grund completed a site visit and confirmed that Frecha has not proposed to alter more than 50 feet of bank. The Commission agreed that walking across the bank to access a boat would be a de minimis alteration to the bank. Frecha confirmed that water chestnut likely came into the pond from water fowl. Grund noted that there is one main entrance to the water for boats and the plants will be piled outside the 35' buffer to desiccate. Frecha added that she will be composting the desiccated plants and will likely create multiple smaller piles. Hegemann Clark noted that water chestnut nutlets can be viable for up to eight years and hand pulling can be an effective method of removal. Frecha confirmed she will generally pull the plants before the seeds drop in early August. Sferra confirmed the permit will be good for three years and noted that she provided Frecha the OARS water chestnut guidance. The Commission agreed to include a condition that the Department of Conservation and Recreation standard operating procedures should be followed as applicable. Margie Lynch, SCT Board member, was present and stated that SCT co-holds a Conservation Restriction on the property and is in support of the water chestnut removal and is willing to offer assistance with volunteers. *Andy Snow made a motion to close the public hearing for 203 Boxboro Road. Serena Furman seconded and it was passed unanimously.*

Cortni Frecha returned at 8:35PM.

**Plan Revision/Clarification – Basty – 10 Dawes** – Sferra reminded the Commission that they approved the project in June which has since been reviewed by the ZBA during which time Sferra was notified that the existing house will be demolished to the foundation. Sferra noted that the permit was written to address an addition to the existing structure and not a raze and rebuild of the structure. Sferra requested homeowner Nicola Basty attend the meeting and clarify the plan. Basty was present and stated that the existing foundation will remain with the

exception of cut outs at the rear of the structure to allow access to the area under the addition for a utility room. Basti added that the subfloor and floor will remain intact and the existing 2x4 walls will either be sistered with 2x6 lumber or removed and replaced to meet the existing energy code and support a second floor. Basti stated that any removal and replacement will be done by hand. The Commission confirmed the repair or replacement would occur on both interior and exterior walls. Basti clarified that a portion of the existing driveway will be used for a dumpster or stockpile location for demolition material. The Commission discussed the existing permit and requested that extra erosion controls be kept onsite for emergencies.

**Collings Gravel Enforcement Order** – Bob and Rob Collings were present to provide the Commission an update on the gravel removal and the August 22<sup>nd</sup> filing deadline as required by the Enforcement Order. Bob Collings stated that they have honored the cease and desist on the gravel operations and reviewed various items identified during the site visit including the open catch basins, dust, and stormwater pollution prevention plan (SWPPP) reports. Collings confirmed that the tree that blew over in the replication area should be removed because it will impact the hydrology of the replication area. Sferra added that a rip rap swale to the fire pond was identified during the site visit which is not on the approved plans and within the 100' buffer to the pond. Bob Collings stated that the swale was installed because of the wash out from the downspouts on the building which is now directed into a collection pipe to the swales on the south side of the property. The Commission clarified that they requested Colling's meet with them to review alternative options for directing the roof drainage. Collings confirmed the rip rap swale could be removed once the slope near the building and road have been hydroseeded in the fall and are stable, likely by the first part of November. Sferra noted that the Enforcement Order requires a Notice of Intent be filed by August 22<sup>nd</sup> unless the Commission agrees on a later date.

Sferra provided the Commission an overlay plan of the earth removal and Riverfront Area (RFA) associated with the perennial stream and Assabet River which was scaled off the old subdivision plans. The overlay Sferra provided shows the gravel excavation located closer to the river than what was originally proposed as part of earth removal permit application, extending the alteration of the RFA. Bob Collings stated that he is unsure of where the RFA is there and that the RFA ends at the top of the steep slope. Sferra clarified that it appears that the RFA is at the bottom of the slope and a portion of the actual excavation area is in the RFA. Bob Collings stated that he encourages the Commission to do a site visit and see the steep slope and the same line for the tree and brush clearing was used for the gravel removal and that no trees were removed. Sferra clarified that the Commission will complete a site visit once a filing has been received. Bob Collings added that they tried to make a definite effort to stay back from the 200' buffer which is how they selected the area for gravel removal and noted the stream is currently dry. Bob Collings confirmed he will hire a wetland consultant and that he had a permit to cut brush in the spring and the RFA line was delineated.

**Decision/Order of Condition – Walcott Street/Jillian's Lane** – The Commission reviewed and discussed the draft Order of Conditions. The Commission reviewed the plans and confirmed that the catch basin work along Walcott Street, the last item on the construction sequence, is within the 35' no disturb buffer. Sferra confirmed that the construction sequence and Greg Roy's recommendation to have all materials onsite prior to starting the basin reconstruction was included in the conditions and that the work should not begin until the applicants erosion control specialist certifies that the site is stable. Sferra also noted the condition that an engineer be retained by the applicant to oversee the basin reconstruction and that an as-built be provided confirming the basin has been constructed with sufficient stage storage. The Commission reviewed MaryAnn DiPinto's email dated July 31, 2018 and confirmed the basin will be staked out by Ducharme & Dillis. The Commission agreed with the perpetual condition regarding stormwater maintenance and requested that a condition be added requiring extra erosion controls be onsite for emergencies. *Cortni Frecha made a motion to issue the Order of Conditions for Walcott Street/Jillian's Lane as amended. Nicki McGachey seconded and it was passed unanimously.*

Attorney Robert Dionisi confirmed with the Commission that the original Order would be provided to the applicant and copies could be sent by email.

**Regency at Stow Remediation** – The Commission reviewed the update in their packets and supplemental packets. Sferra noted that Toll Brother's contractors have not been able to remove the silt from the isolated wetland because the area has been too wet. In the interim they have been reinforcing the erosion control barriers.

**84 Pine Point** – Sferra informed the Commission that she was made aware of retaining wall repairs and patio reconstruction within the 35' no disturb buffer at 84 Pine Point. The homeowner will be filing for a permit.

**Bike for the Woods Conservation Land Permit** – The Commission reviewed the Bike in the Woods Conservation Land Permit application for August 26<sup>th</sup> submitted by Margie Lynch on behalf of Stow Conservation Trust and the comments provided by staff. The Commission discussed the proposal and the fundraising components and precedent involved in charging a fee for use of conservation land. The Commission noted they would like more information including the total distance of each ride, the location of water stations, emergency plan for lost riders or breakdowns, and age limits. The Commission noted that the owl prowl event held at Town Forest was the first large scale event held by the Commission and that challenges were encountered including a family that was lost despite trail markings and guides. The Commission noted that they believe that a similar event would be feasible at some scale and most felt that having a pilot event would be a good way to test out an event like this. The Commission also noted the liability the Town would be subject to with the proposed event and that they would like an event associated with the Town to be positive, successful and well organized. The Commission discussed the three proposed routes. Lynch was present and clarified the route distances including the five mile beginner ride, eight mile advanced beginner ride, and fourteen mile intermediate/advanced ride and described the routes.

The Commission noted that the management plans for each property included in the route should be reviewed to be sure the event would align with the management goals. Hegemann Clark stated that the emerald necklace walk event avoided Flagg Hill and Heath Hen which have been managed with a priority toward natural resources. Frecha added that Heath Hen trails are often wet and not suitable for biking. The Commission discussed doing a pilot ride on the wider trails in Town Forest and Marble Hill or just allowing the beginner and advanced beginner routes. Sferra noted that the Commission does not have a policy for large scale events and contacted other Towns regarding similar events, none of which have permitted similar events. Sferra suggested the Commission consider a non-fee or donation based event. Lynch noted that she talked with staff about limiting the ride to Town Forest and expressed concerns about having separate starting point at the Library which would require cyclists to ride on road. She feels an event limited to Town Forest would be short and not appealing. Chris Spear, Bike for the Woods organizer, stated that he would suggest an event that would not collect any fees and have an age minimum of 10 years old. The Commission continued to discuss event details such as participation numbers, yielding to horses and pedestrians, notification of other trail users, and emergency plans. The Commission agreed that there is not enough time prior to the event to address their concerns and encouraged the planning for a separate cosponsored event at a future date as well as creating a large event policy. Lynch stated she would like to withdraw her application and resubmit an application for a cosponsored event in the future.

**Meeting Reschedule** – The Commission agreed to reschedule the September 4<sup>th</sup> meeting to September 5<sup>th</sup> due to primary election day and will reschedule the November 6<sup>th</sup> meeting at their next meeting.

**Captain Sargent Green Trail Relocation Update** – Sferra informed the Commission that the green trail work has been completed and recommended the Commission visit the new trail.

**Dog Signage and Brochure** – The Commission reviewed the proposed dog waste signage and brochure. Sferra noted that the sign will be posted at Town Forest at the entrance close to Elizabeth Brook and the dog brochures could be included with dog licenses.

**Decision – Order of Conditions – 34 Davis** – The Commission reviewed the draft Order for 34 Davis and requested that a landscape plan be submitted, gutters be installed and roof discharge be mitigated, and a second row of erosion controls be required. The Commission also requested that no demolition material be stockpiled onsite. *Serena Furman made a motion to issue the Order of Conditions for 34 Davis Road as amended. Nicki McGachey seconded and it was passed unanimously.*

**Decision – Determination of Applicability – 212 Taylor –** The Commission requested that a condition be included in the Determination that up to six native to the northeast shrubs be planted within two years as mitigation for the tree removal. The Commission also noted that the applicant may have the right to mow annually and manage invasive plants in accordance with best management practices. *Cortni Frecha made a motion to issue a Negative 3 Determination for 212 Taylor Road. Andy Snow seconded and it was passed unanimously.*

Cortni Frecha recused herself at 10:25PM

**Decision – Determination of Applicability – 203 Boxboro Road –** The Commission requested that a condition be included in the Determination that the applicant shall limit bank disturbance to the boat launch and water chestnut shall be stockpiled outside the 35' buffer. *Sandra Grund made a motion to issue a Negative 3 Determination for 203 Boxboro Road. Andy Snow seconded and it was passed unanimously.*

**Adjournment –** *Ingeborg Hegemann Clark made a motion to adjourn the meeting at 10:31 PM. Sandra Grund seconded and the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring  
Conservation Assistant

**Materials Used during August 7, 2018 Conservation Commission Meeting:**

212 Taylor Road site visit photos and plan  
34 Davis Road site visit photos and plan  
203 Boxboro Road site visit photos and plan  
Colling's Gravel Enforcement Order overlay plan  
Bike in the Woods Permit Application and supporting materials and staff report  
8/7/18 Agenda  
8/7/18 Meeting and Coordinator's Report  
Draft 7/17/18 minutes