

**Stow Conservation Commission
Minutes
September 5, 2018**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on September 5, 2018 at 7:30 in the evening.

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

Absent: Serena Furman
 Nicki McGachey

comprising a quorum of the Commission

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

Minutes: *Andy Snow made a motion to approve the minutes of August 21, 2018 as amended. Cortni Frecha seconded the motion and it was passed unanimously.*

Request for Certificate of Compliance – 40 Walcott Street – Order of Conditions #299-434 – Sferra provided the Commission an as-built plan for 40 Walcott Street and noted that the homeowner has requested a Certificate of Compliance (COC) for a mounded septic replacement, concrete block retaining wall, and an infiltration trench for basement drainage. The Commission voted not to issue a COC in 2005 because the Order was not recorded and grass had not grown on the site. The new property owners are selling the house and the Order was found during a title search. Sferra conducted a site visit and confirmed the approved work was completed however identified a deck, floating deck, and shed not shown on the plan. Sferra reviewed photos from the visit and noted burn pit debris in the wetland which she requested the homeowner to remove. Sferra noted that the shed and decks do not meet the current Wetland Protection Act exemption for accessories to residential structures in lawn because they are not more than 50 feet from the wetland. The Commission reviewed the unpermitted work and requested that the property owner file a Request for Determination of Applicability for the unpermitted work. Sferra recommended issuance of a COC for the approved work. Gordon Smith, realtor for the homeowners of 40 Walcott Street, confirmed that the burn pit debris will be removed prior to the scheduled closing on September 28th and will send confirmation to Sferra. *Cortni Frecha made a motion to issue a Certificate of Compliance for 40 Walcott Street contingent on proof of the removal of the debris. Andy Snow seconded and it was passed unanimously.*

Cortni Frecha recused herself at 7:48 PM.

Notice of Intent – 113 Boxboro Road – Homeowner Don MacFarlane reviewed the proposed work for the replacement of a driveway culvert. The existing twelve inch culvert will be replaced with a twelve inch concrete culvert. MacFarlane noted that the existing culvert is failing and was set above the stream bed and acts as a dam. MacFarlane described the location of the intermittent stream on the property and its path to Heath Hen Meadow Brook. MacFarlane added that the stream is dry six months out of the year. The existing culvert is seventeen feet long and will be replaced with a 20 foot long culvert and is proposed to be lowered up to eight inches at the inlet. MacFarlane would also like to move the inlet approximately five feet to avoid tree roots. Any stockpiling will occur next to the driveway near the street with erosion controls on the stream side. MacFarlane proposed to complete the work during dry conditions and repave the ten foot wide driveway in the disturbed area. MacFarlane stated that he has not selected a contractor but will either complete the culvert replacement by November or wait until spring.

Ingeborg Hegemann Clark conducted a site visit and noted that DEP issued a file number with comments requesting that erosion controls be installed downgradient of the work area and wetland restoration be provided if wetland is impacted. Hegemann Clark provided photos from the site visit and confirmed that the intermittent stream comes from the upgradient side of Boxboro Road and the culvert discharges onto the 113 Boxboro Road property. Hegemann Clark also described the wetland associated with the stream and noted that she does not believe that there will be any alteration. She also confirmed that the stream channel is well defined where Central Massachusetts Mosquito Control has maintained it. The culvert replacement is proposed to be completed within one to two days. Hegemann Clark noted that the proposal to move the inlet over five feet may not be necessary if the contractor is able to lift out the existing culvert and place the new culvert in. She confirmed that the stream is lower than the inlet and that the culvert should be placed to allow stream flow. MacFarlane submitted a revised plan with stockpile locations and erosion controls and stated that he did not want to stockpile in the driveway because he would like to maintain access in and out of his property. MacFarlane also requested to use hay bales for erosion controls which he would be able to reuse. Hegemann Clark noted that the proposed work within the 35' no disturb buffer will provide public benefit by replacing the existing failing culvert to prevent flooding and allow for stream flow. The Commission discussed the request to lower the culvert eight inches and agreed that the culvert replacement should meet the stream bed and be sloped to convey flow. Ken Straney, 107 Boxboro Road, and Cortni Frecha, 203 Boxboro Road, were present and stated they are in favor of the project. Sferra provided the Commission a map of the stream system and confirmed the work is not within floodplain and that the intermittent stream on the property is a fairly minor tributary of Heath Hen Meadow Brook. *Ingeborg Hegemann Clark made a motion to close the public hearing for 113 Boxboro Road. Andy Snow seconded and it was passed unanimously.*

Cortni Frecha returned at 8:07 PM.

Notice of Intent – 114 Barton Road – Vicki Roussel, property owner of 114 Barton, was present and described the proposed work which includes installation of a cedar post and rail fence, crushed stone parking area, tree removal, stone walkway, revegetation of the slope, rock revetment, and replacement of stairs. Jeff Saunders conducted a site visit and provided photos. Saunders noted that the gravel parking area is proposed to provide additional parking because there is only one off street parking spot for the property. Saunders noted that the tree removal and a portion of the fence will be located within the 35' no disturb buffer. The proposed tree removal includes a dead birch on the bank and two oak trees that overhang the roof on either side of the house. Saunders discussed stump grinding with Roussel during the site visit and the need to leave the birch stump on the slope to prevent erosion. Saunders confirmed that the fence is proposed within lawn and the proposed erosion controls at the top of the bank should be sufficient for the fence installation. The existing stairs are proposed to be replaced in the same location. Roussel would like to extend the rock revetment wall from 116 Barton Road across her shoreline but noted that does not yet have a contractor or plans. Roussel added that the rock revetment stands up to the wave action on the lake very well. A tree on the shore had fallen into the lake and the previous owner removed the branches and left the trunk in three pieces against the shoreline. Roussel stated that the pieces of the trunk are hitting the bank with the wave action and eroding the shoreline. The proposed rock revetment and tree trunk removal will be completed during draw down. The tree will be cut into pieces and brought up the stairs by hand. Roussel also confirmed that she would like to replant the slope with native plants but does not have a specific landscape plan.

The Commission asked about wildlife passage with regard to the fence. Roussel stated that the fence will be a four foot cedar post and rail with black mesh to contain her dogs which she would like to plant a buffer between the fence and lake. Roussel explained constraints to relocating the fence. The Commission confirmed that both abutting properties have fencing within the 35' no disturb buffer. Sferra read a letter of support for the proposed work from Axel and Diana Dougan of 112 Barton Road. Sferra noted that DEP issued a file number and provided comments on the proposed work including that additional fees, erosion controls and a wildlife habitat evaluation were required for the rock revetment work. Sferra will contact DEP to discuss the fee issue which is not consistent with previous retaining wall work. Roussel confirmed that she will not likely do the retaining wall, stairs and slope work for at least two years and would be willing to withdraw that portion of the application and file later once she has more detailed plans for the work. Roussel also confirmed that the tree trunk in the lake will be cut up during draw down and brought up the slope rather than brought over to the dam by boat because it is so heavy and would require a crane to lift it out of the lake. The Commission discussed the birch tree removal within the 35' buffer and the requirement

for replanting. Roussel confirmed that she would like to replant a birch tree in its place and the Commission recommended that she protect any new tree from beavers. *Cortni Frecha made a motion to close the public hearing for 114 Barton Road. Sandra Grund seconded and it was passed unanimously.*

Request for Certificate of Compliance – 6 Billadell Road – Order of Conditions #299-547 – Gina Shea, property owner, was present. Sferra informed the Commission that the property owner received a permit to convert a straight driveway to a circular drive, removal of a barn and installation of a pool and patio. The driveway work was partially within the 35' buffer. The property owner completed the driveway work and barn removal but did not install the pool or patio. Sferra conducted a site visit and confirmed that a 2-3' buffer around the pond has not been mowed as required by the Order however the planting of shrubs included in the findings had not been completed. Sferra clarified that there was no condition in the Order requiring plantings and nothing was shown on the plan. The Commission discussed the shrub plantings and agreed that four native to the northeast shrubs should be planted during the appropriate planting season within the 35' buffer and a copy of plan is needed for the file. The Commission confirmed that once the shrubs are planted they could issue the COC within two weeks.

Proposed Paving of Collings Access Road – Discussion of Modification – Sferra informed the Commission that the Collings Museum is having issues with dust from the access road and would like to pave it. Sue Carter has provided Collings a list of information needed for the Planning Board and Conservation Commission including drainage calculations and confirmation that paving the roads will still meet the required stormwater standards. Sferra added that the OOCs for the museum includes a condition that no improvements or paving occur within 200 feet of the fire pond including the emergency access to Barton Road. Sferra noted that part of the museum access road is within 200 feet of the pond. Steve O'Connell, the project engineer, had requested clarification, and the Commission clarified that they meant only the emergency access road as stated in the Order could not be paved within 200' of the pond. They are comfortable with paving the access road, so long as Sue's comments are addressed to the satisfaction of the Planning Board.

Cortni Frecha recused herself at 8:50 PM.

Regency at Stow – Sferra informed the Commission that Toll Brothers is working on the erosion and sedimentation issues and Conservation and Planning staff visited the site and provided Toll Brother a list of items that needed to be addressed. Sferra added that the erosion and sedimentation controls are much improved with additional check dams, hydroseeding and sod. Sferra added that the Commission did not have a quorum during the last meeting to vote on the Extension of the Enforcement Order Deadline and still needed to do that. Sferra added that the silt has not been removed from the Isolated Wetland because the area is still too wet, the basin is full of silt and needs to be addressed. Brandon Ducharme of Ducharme & Dillis will be walking the perimeter of wetland to check for additional sedimentation issues. *Ingeborg Hegemann Clark made a motion to extend the Enforcement Order deadline until October 15, 2018. Sandra Grund seconded and it was passed unanimously.*

Cortni Frecha returned at 8:58 PM.

Enforcement Update – Sferra informed the Commission that she received a complaint about ET&L and brush cutting at the storage area at the front of the site on Great Road. Sferra spoke to a staff person at ET&L who stated that they had an employee trim back some of the invasives and they would not do any more brush cutting. Sferra noted that the area was an old road and they reopened the access point. They have stated they will not do any further work without contacting the Commission. The Commission discussed the expanding storage area by the pond and recommended a site visit. Sferra also noted that she visited the area of yard waste dumping on Walcott Street. Andy Snow will contact the residents and Sferra will follow up with a letter if it continues.

Preconstruction Certificate of Understanding – The Commission reviewed the draft preconstruction Certificate of Understanding form and cover letter and the Commission agreed to include both with permits to applicants. Sferra also reviewed the list of projects in construction for site visit tracking for staff.

MACC Fall Conference – Sferra informed the Commission that the Massachusetts Association of Conservation Commission's (MACC) Fall Conference will be held on October 20th.

Scheduling – The Commission agreed to reschedule the 11/6/18 meeting to November 7th due to elections.

Coordinator's Report

- **Steinberg Property Septic Upgrade:** Sferra noted that she is working with the Board of Health and DEP to review a septic system upgrade plan for Steve Steinberg's property in Lower Village and the impact it may have on the ability to have a shared well off Heritage Lane.
- **Joanne Drive:** Sferra noted that she was contacted by a developer regarding the project. Lundy may seek to give the Open Space to the Town and contribute to the sidewalk fund rather than build sidewalks.
- **Vandalism on Conservation Land:** Sferra noted that the Flagg Hill kiosk was vandalized recently and cleaned up by the Land Steward. There have also been several recent incidents of digging at Captain Sargent. The police have assisted and she has cleaned up the site. The Commission agreed that the regulations should be clarified to make clear that no collecting is permitted of any kind on Conservation land.
- **MSMCP training:** Sferra informed the Commission that she and Goring attended an erosion and sedimentation training and would like to organize a similar training for the Commission and Planning Board. Hegemann Clark noted that she would be interested in presenting the MACC course for both boards.
- **Coyote Presentation:** Sferra noted that she has been asked to do a presentation at the library. She will update the Commission when it is scheduled.
- **Town Forest Map Update:** Sferra distributed a draft of the revised Town Forest map with the Carver Hill Trail added. She asked the members to provide comments
- **New Projects:** There are four new projects for the next meeting. Sferra will distribute by email.

Decision – 114 Barton Road – The Commission reviewed the draft decision and requested that the Order include that the applicant withdrew the request for a rock revetment, slope work and stair replacement. The Commission also requested that the Order include a condition to plant one native to the northeast tree within the 35' buffer, and that tree trunk removal occur during drawn down. *Ingeborg Hegemann Clark made a motion to issue an Order of Conditions for 114 Barton Road as amended. Cortni Frecha seconded and it was passed unanimously.*

Cortni Frecha left the meeting at 9:50 PM.

Decision – 113 Boxboro Road – The Commission reviewed the draft decision and requested that the Order include that the inlet should be lowered only to meet the grade of the existing stream bed and that revised plans must be submitted if there are changes. The Commission also requested that a preconstruction conference be held to review the Order with the selected contractor and erosion controls must be removed immediately upon stabilization. *Andy Snow made a motion to issue an Order of Conditions for 113 Boxboro Road as amended. Sandra Grund seconded and it was passed unanimously.*

Adjournment – *Ingeborg Hegemann Clark made a motion to adjourn the meeting at 10:13 PM. Sandra Grund seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during September 5, 2018 Conservation Commission Meeting:

40 Walcott Street site visit photos and as-built plans
113 Boxboro Road site photos and plans
114 Barton Road site photos and plans
Letter of Support, Axel and Diana Dougan
6 Billadell site photos