

**Stow Conservation Commission
Minutes
September 18, 2018**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on September 18, 2018 at 7:30 in the evening.

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

Absent: Cortni Frecha, Vice-Chair

 comprising a quorum of the Commission

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

Minutes: *Serena Furman made a motion to approve the minutes of September 5, 2018 as amended. Andy Snow seconded the motion and it was passed unanimously.*

Request for Certificate of Compliance – 575 Great Road – Order of Conditions #299-434 – Sferra provided an as-built plan for 575 Great Road and noted that the Order was for a septic replacement. Sferra provided photos from the site visit and described the resource areas. Sferra recommended issuance. *Ingeborg Hegemann Clark made a motion to issue a Certificate of Compliance for 575 Great Road. Serena Furman seconded and it was passed unanimously.*

Sandra Grund arrived at 7:35 PM.

Appointment – Andrew Makarovskiy – 551 Sudbury Road – Property Owner Andrew Makarovskiy was present to request minor modifications to the approved plan for Order of Conditions 299-613. Makarovskiy requested to change the location of the proposed deck and install a different style and size of removable dock than proposed. Makarovskiy stated that he would like to move the proposed deck to the other side of the house because the proposed location is lower than expected and would require steps and in an area surrounded by pines that produce a lot of sap. The area will be planted with lawn or lilacs or left natural with pine needles. The Commission confirmed the deck will be the same construction as approved, farther from Lake Boon, and smaller than proposed. Makarovskiy also noted that he researched wheeled docks and was not able to find one that will not sink in the sandy lake bottom. Makarovskiy requested that he could install four, four by eight removable panels which will extend four feet beyond the approved dock. Makarovskiy confirmed that the water level will be too shallow with only three panels for the dock. Sferra noted that she conducted a site visit and recommended approval of the modifications. *Serena Furman made a motion to approve the minor changes to the approved plan for 551 Sudbury as requested. Sandra Grund seconded and it was passed unanimously.*

Notice of Intent – 99 Pine Point – Homeowner Dan Barstow was present and reviewed the project which includes improvements to a path, landscaping, fencing, and dock along Lake Boon. Barstow provided the Commission a detailed plan and noted that the work will occur on the eight foot wide strip of land to the lake opposite his house at 99 Pine Point which he purchased in 2014. Barstow noted that the path has been surveyed and there are two and a half feet from the path to the Nixon's cottage at 98 Pine Point. Barstow displayed photos of the existing path and noted there is street runoff and erosion into the lake during heavy rain events. Barstow proposes to improve the path with a three foot wide gravel pathway and native plantings which will be completed by Landscape Architect Steve Schmidt. Barstow stated that the existing dock on the Nixon property was installed in 1972 on the path and

was moved in 2009 onto the Nixon's property. Barstow stated that the Nixons allow them to use the dock but he would like to install a new four foot wide removable dock with a safer stable base. A 6' fence with kayak rack will be installed one foot back from the property line and three and half feet from the Nixon's cottage with removable panels to allow access to the cottage. Barstow also confirmed that one dead tree at the street is proposed to be removed.

Andy Snow conducted a site visit and noted that the existing fence along the pathway belongs to the Hills and does not have clearance underneath for wildlife passage. Snow added that personal items including a snow mobile and trash barrels will be removed from the path. Snow confirmed the presence of invasives along the shoreline that are proposed to be removed including purple loosestrife, buckthorn and bittersweet as well as nuisance poison ivy. Barstow confirmed that he would be willing to install a CULTEC chamber for additional runoff flow control. Snow noted that the 35' no disturb buffer has been previously disturbed and Barstow confirmed the proposed fence will end within four feet of the bank. The Commission discussed the proposal to install a CULTEC chamber and the required maintenance and recommended Barstow install a french drain. The Commission also discussed having four inches of clearance under the fence for wildlife passage.

Gary Nixon, 98 Pine Point, noted that he is in support of the path improvements however expressed concern about the location of the proposed dock and the proximity to his existing dock. Nixon also expressed concerns about the ownership of the access strip. Barstow confirmed he is the owner and noted that the dock on the Nixon property may extend onto his land. The Commission clarified their jurisdiction and noted that the proposed work meets the performance standards of the Wetland Protection Act and recommended that Nixon and Barstow work with the Lake Boon Commission regarding the docks. *Ingeborg Hegemann Clark made a motion to close the public hearing for 99 Pine Point Road. Nicki McGachey seconded and it was passed unanimously.*

Notice of Intent – 68 Pine Point – Steve Poole, Lakeview Engineering, was present to review the proposed work which includes repairs to a portion of the concrete retaining wall along Lake Boon, tree removal and landscaping. The wall repair will include facing the wall using rebar and 4-6" of concrete in front of the existing retaining wall. Poole noted that the rest of the wall will be inspected during drawdown and he will file if additional repairs are needed. Poole reviewed the erosion controls and confirmed up to 9 pine trees are proposed for removal. Serena Furman displayed photos from the site visit and noted that the portion of the retaining wall near the existing gazebo is in very poor condition. Poole stated that the wall must be faced because machinery cannot access the lake to remove it. Furman noted that the wall is in such poor condition it could be removed by hand. The wall is proposed to be repaired by hand using concrete forms and a cement truck to pump grout down to the wall. Poole noted that a bobcat may be able to work on the site. The Commission discussed the previous requests to face retaining walls on the lake and the precedent that has been set regarding wall repairs and replacements.

Tim Hill, 94 Pine Point Road, stated that the Commission did not allow him to reface his retaining wall and he has not rebuilt the wall due to cost. The Commission discussed wave action, equipment access, and the regulations regarding filling of floodplain. Poole stated that he did not know where the floodplain elevation is on the site and that the wall is proposed to match the neighboring wall which is five inches further into the lake with a total area of 80 cubic feet of fill. Poole also confirmed that the wall would need to be faced with a minimum of four inches of grout but he would prefer to have six inches. The Commission discussed the precedent of facing existing retaining walls and will take the comments under advisement and may review their policy for retaining wall repairs on Lake Boon. Ron Ham, 168 Barton Road, stated that four to six inches of refacing would be the minimum needed to stand up against the wave action on the lake. Mimi DiMauro stated she lives on a waterfront property elsewhere and the Conservation Commission is concerned about stopping runoff and erosion and that moving the retaining walls out a few inches outweighs the risk for erosion.

The Commission also discussed the proposed juniper planting and mulch filter strip behind the retaining wall and requested that a planting plan including native plants be submitted. Poole confirmed a revised plan could be submitted next week to include a planting plan, floodplain elevation, retaining wall repair dimension notes, and all docks on the property. *Sandra Grund made a motion to continue the public hearing to October 2, 2018 on or after 7:30 PM. Serena Furman seconded and it was passed unanimously.*

Notice of Intent – 174 Barton Road – Property owners Dirk Hart and Pat Sorn and contractor Christian Dellogona reviewed the proposed retaining wall repair work. Hart displayed photos and stated that two upper timber walls and the concrete retaining wall along Lake Boon are deteriorating and need to be replaced. Dellogona stated that a double line of silt fence will be installed on the slope and the timber walls will be removed using a backhoe staged at the top timber wall. Dellogona stated that no equipment will be staged on the slope, the bucket will be extended below the slope to access the area and much of the work will be done by hand. A platform will be built using structural material at the top of the slope behind the upper timber wall once it is replaced to stage the backhoe. Materials will be stored by the driveway away from the slope. Dellogona described the hand sketch details for the construction of the walls and added that any exposed soil or stockpile could be covered with landscape fabric during rain events. Sferra noted that she provided the sketches to the Building Commissioner who requested that an engineered plan be submitted because the total height of each wall, including the portion below the ground surface, will be six feet. Dellogona stated that the height of the wall could be lowered. The Commission noted they will need final plans before issuing a permit for the work.

The Commission confirmed the design on the concrete retaining wall at the lake shoreline and Dellogona stated that the wall has been designed to move with the pressure from ice while controlling sedimentation to Lake Boon. Sandra Grund and Nicki McGachey conducted a site visit and noted that the slope to the lake is very steep and confirmed the three walls appear to be failing. No tree removal is proposed and two lines of erosion controls will be installed. The concrete retaining wall will be broken up by hand and debris will be temporarily staged using construction waste bags on the upper concrete wall which is not begin replaced. Sferra noted the DEP issued a file number but was missing pages from the application and Sorn confirmed she would submit the missing pages. The Commission confirmed that the hearing should be continued to determine the need for engineered plans. *Serena Furman made a motion to continue the public hearing to October 2, 2018 on or after 7:30 PM. Sandra Grund seconded and it was passed unanimously.*

Request for Determination of Applicability – 81 Barton Road – Homeowner Dan James was present and described the foundation work designed to prevent water from entering the basement. James stated that there is a slope to the house and no positive gradation from the house which causes water to flow towards the foundation and seep into the basement. The north side of the house has a newer foundation and will not be disturbed. James also noted that he would like to install a 1,000 gallon underground propane tank. Erosion controls will be installed during construction and the existing shrubs along the foundation will be replaced or transplanted. A two foot swale will be installed 20 feet from the house to direct water away from the foundation. James noted that the work is within the 100' buffer to Lake Boon and within the 200' Riverfront Area. Serena Furman reviewed photos from the site visit. James will do approximately eight feet of grading and will complete all of the work before the ground freezes. James confirmed he will bring in dirt fill and stone for around the foundation. *Andy Snow made a motion to close the public hearing for 81 Barton Road. Serena Furman seconded and it was passed unanimously.*

Notice of Intent – 170 North Shore Drive – Scott Hayes described the proposed work including replacement of an existing cesspool with a proposed tight tank. Hayes stated that the existing cesspool failed Title 5 and through the Board of Health (BOH) review process a tight tank system was designed for the property due to the proximity of the nearby wells. The tight tank will be located partially within the 35' no disturb buffer. The BOH approved a variance to allow the tight tank within six feet of the foundation and would not allow the tank to be moved any further from the 35' no disturb buffer because it could undermine the foundation. The existing cesspool will be abandoned as part of the work. Any stockpiles will be outside the 100' buffer. No tree removal is required to complete the work.

Jeff Saunders conducted a site visit and noted that the tank will be installed with sensors. Hayes added that a maintenance contract restriction will be placed on the deed requiring the tank to be pumped every 3 months and will have both high and low pump alarms. The Commission confirmed that if the tank was not pumped it would back up into the house. The low pump alarm would alert the homeowner if there was a leak. Hayes noted that the arborvitae may need to be cut back or replanted in order to access the area with equipment. Hayes confirmed the disturbed area could be seeded rather than mulched or wood chipped. Barry Price, 166 North Shore, confirmed with the Commission that sod could be used to stabilize the area. Lee Gwaltney, 168 North Shore, confirmed the stockpiling location and that the work should be completed within three to four days. Dave Siewierski, 178 Barton, expressed concern about requiring sod or seed on a shaded lot. Hayes added that the existing retaining wall will act as a dam

for any potential erosion. Saunders noted he observed erosion around the retaining wall. *Ingeborg Hegemann Clark made a motion to close the public hearing. Sandra Grund seconded and it was passed unanimously.*

Request for Certificate of Compliance – 166 North Shore Drive – Order of Conditions #299-503 – Saunders conducted a site visit and noted that the only change from the approved plan was a minor relocation of the stairs. Saunders recommended the COC be issued. *Andy Snow made a motion to issue a Certificate of Compliance for 166 North Shore Drive. Sandra Grund seconded and it was passed unanimously.*

Joanne Drive – Vote to Accept Open Space – Stephen Bjorkland – Stephen Bjorkland was present and informed the Commission that he has been retained by the Lundys to wrap up the Joanne Drive project. Bjorkland stated that the Lundys would like to deed the Open Space to the Town rather than having to complete a conservation restriction. Bjorkland requested the Commission take a consensus vote and draft a letter to the Planning Board indicating their willingness to accept the land. Bjorkland added that the Lundys are considering an option to complete trail work on the Open Space including a small landing for kayaks and removing trees that are blocking the river in lieu of contributing to the sidewalk fund and would like to work with the Commission on that. *Ingeborg Hegemann Clark made a motion to accept the Open Space contingent on satisfactory completion of all requirements. Serena Furman seconded and it was passed unanimously.*

Request for Certificate of Compliance – 6 Billadell Road – Order of Conditions #299-547 – Sferra confirmed that the property owner planted four blueberry shrubs within the 35' no disturb buffer in addition to an oak leaf hydrangea and viburnum planted in 2016. *Ingeborg Hegemann Clark made a motion to issue a Certificate of Compliance for 6 Billadell Road. Sandra Grund seconded and it was passed unanimously.*

Request for Certificate of Compliance – 277 Sudbury Road – Order of Conditions #299-609 – Sferra contacted the property owners of 277 Sudbury regarding the status of their project and the property owner confirmed the work was completed and requested a COC. Sferra noted that the Order included a patio and native plantings on the slope to Lake Boon. The Order also included a requirement to remove knotweed and monitor for three years. The property owner requested a COC previously after only one year of monitoring and was denied. Sferra noted that the knotweed has now been monitored for two years and the property owner stated that it has been eradicated with the exception of a sprig that may pop up occasionally and which they immediately deal with. Sferra recommended issuance of the COC. *Serena Furman made a motion to issue a Certificate of Compliance for 277 Sudbury Road. Sandra Grund seconded and it was passed unanimously.*

Enforcement Updates

Finn Road - Massachusetts Department of Conservation and Recreation – Sferra and Hegemann Clark met with Dan Mortell of the Department of Conservation and Recreation onsite and confirmed the site contractor has made progress on the project. The Commission reviewed a letter in their packets with an update on the project. Sferra noted some of the work listed in the letter has been completed but the site needs to be loamed and seeded with a wetland seed mix. The slope has been loamed again and sprayed with a bonded fiber matrix. CDR Maguire has requested an extension to October 15th for the completion report with final seeding in the spring. Erosion controls will not be removed until the site is stable. *Ingeborg Hegemann Clark made a motion to extend the Enforcement Order deadline for the Finn Road culvert to October 15, 2018. Sandra Grund seconded and it was passed unanimously.*

Ron Ham – Sferra noted that the Enforcement Order (EO) deadline to submit a new Notice of Intent is September 19th. She has been informed that he expects to meet the deadline.

Bob Collings – Sferra informed the Commission that she received a Request for an extension to the EO deadline for Collings from Steve O'Connell. O'Connell stated that the delineation had been completed and they believe that only a small portion of the gravel pit is located within the 100' buffer and the Assabet River is 400 feet from the pit. O'Connell confirmed that a NOI will be filed and requested a one week extension. *Ingeborg Hegemann Clark made a motion to extend the Enforcement Order deadline for Bob Collings to September 26, 2018. Sandra Grund seconded and it was passed unanimously.* Sferra added that the Planning Board was not satisfied with the

information submitted in response to Sue Carter's comments regarding paving of the access road and are not willing to review changes to the plans until they have received a response regarding the gravel pit.

Regency at Stow – Sferra has been receiving updates from Toll Brothers and the site appears to be more stable.

Determination of Applicability – 81 Barton Road – The Commission recommended that a condition be included in the Determination that erosion controls are installed in accordance with the plan. *Ingeborg Hegemann Clark made a motion to issue a Negative 3 Determination for 81 Barton Road. Sandra Grund seconded and it was passed unanimously.*

Decision – 170 North Shore Drive – The Commission reviewed the draft decision and requested that the Order include that the applicant reviewed all alternatives to installing the tight tank within the 35' no disturb buffer and requested that three lines of erosion controls be installed if the site cannot be stabilized prior to requesting a COC. *Ingeborg Hegemann Clark made a motion to issue an Order of Conditions for 170 North Shore Drive as amended. Andy Snow seconded and it was passed unanimously.*

Decision – 99 Pine Point Road – The Commission reviewed the draft decision and requested that the Order include that the applicant may install a french drain to decrease runoff from the street to Lake Boon and a four inch gap at the bottom of the fence should be kept to allow for the passage of wildlife. *Ingeborg Hegemann Clark made a motion to issue an Order of Conditions for 99 Pine Point Road as amended. Serena Furman seconded and it was passed unanimously.*

Adjournment – *Serena Furman made a motion to adjourn the meeting at 10:20 PM. Sandra Grund seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during September 18, 2018 Conservation Commission Meeting:

575 Great Road as-built plan
551 Sudbury Road site plan
99 Pine Point Road site plan and photos
68 Pine Point Road site plan and photos
174 Barton Road site plan and photos
81 Barton Road site plan and photos
170 North Shore Drive site plan and photos
166 North Shore Drive photos
6 Billadell planting photos
277 Sudbury site photos
Finn Road culvert extension request letter