

**Stow Conservation Commission
Minutes
October 2, 2018**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on October 2, 2018 at 7:30 in the evening.

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

Absent: Serena Furman
 Sandra Grund

 comprising a quorum of the Commission

Also present: Kathy Sferra, Conservation Coordinator

Minutes: *Andy Snow made a motion to approve the minutes of September 18, 2018 as drafted. Nicki McGachey seconded the motion and it was passed unanimously.*

Cortni Frecha arrived

Planning Board Request for Comments - Hallocks Point Subdivision

The Commission reviewed the subdivision plans that have been submitted to the Planning Board with a request for comments. Issues identified for comment including a concern about the potential for shoreline development of individual lots and work within the 35' buffer and the desirability of a shared dock and waterfront area for the development instead, the need to reinforce the 35' buffer requirement, identification of an area for snow storage, the desirability of maintaining a vegetated buffer along Sudbury Rd as was done at Wildlife Woods, and the interest in conveyance of Lot X to the Conservation Commission. *Andy Snow moved to ask Sferra to submit a letter regarding these issues on behalf of the Commission, Cortni Frecha seconded, and the motion was approved unanimously.*

Public Hearing - Notice of Intent – 84 Pine Point – Judy McMahon

McMahon was present to describe the work that was done at 84 Pine Point, including the repair of a crack in the retaining wall with strapping and grout, the filling in of a sinkhole behind the retaining wall, and the removal of an existing bluestone patio that was sinking, and replacement with a new patio with a firepit. The patio is on approximately the same footprint within the 35' buffer. Nicki McGachey conducted a site visit and confirmed the site conditions described by McMahon. All of the work was done on the yard side of the wall. McMahon confirmed that no other work is planned. There were no comments from the public. Sferra noted that DEP has not yet issued a file number, but given that the work was already completed and is minimal in nature, she recommend that that the Commission could close and hold the Order until the file number is received. The Commission also discussed with McMahon the need to close out her old expired permit. Staff will assist her with the paperwork. *Cortni Frecha moved to close the public hearing, Andy Snow seconded and the vote was unanimous.*

The Commission discussed the Order of Conditions and asked that it be issued with the standard conditions, including erosion controls, no dumping within the 35' buffer and no concrete disposal in the buffer. *Ingeborg Hegemann Clark moved to issue the Order, Andy Snow seconded and the motion was approved unanimously.*

Coordinator's Report

Kathy Sferra, Conservation Coordinator, updated the Commission on some recent projects:

- The MS4 Notice of Intent required by EPA has been completed and submitted by a team that includes Planning, Conservation and Highway.
- The 25% design plans for the Box Mill Road bridge were received today for review and comment
- New applications have been received for 20 Eliot and Collings gravel removal. An application is expected for the Hallocks Point Subdivision.
- Sferra noted that she still needs to get in touch with ET&L about their storage area.

Public Hearing - Request for Determination of Applicability – 40 Walcott – Ian Maclean

Attorney Joshua Lee Smith and Ian Maclean were present on behalf of the applicant. Also attending was Gordon Smith, realtor. Attorney Smith explained the work that was done by the property owner and showed photographs of the deck, floating deck, shed, and wetland. He said that the deck was constructed in 2005 and the shed and floating deck were installed in 2010. The deck and floating deck are each about 140 sq. feet. The floating deck does not have a foundation. The shed is approximately 40 sq. ft and is moveable, and sitting on pallets. The owner was not aware that permits were required for construction in proximity to the wetland and this was discovered when a Certificate of Compliance was recently requested for septic and drainage work in conjunction with the sale of the house. Kathy Sferra did the site visit and confirmed the site conditions and presented additional photographs of the site. The floating deck is approximately 26' from the wetland. Andy Snow said she was familiar with the property. The wetland has been well protected by the surrounding homeowners. It was also noted that there was no earth disturbance for the floating deck and shed, and minimal disturbance for the deck. The property is currently mowed to the edge of the wetland and the work area is maintained lawn. There were no comments from the public. *Andy Snow moved to close the hearing and issue a Negative 3 Determination of Applicability with no additional conditions. Cortni Frecha seconded the motion and it was approved unanimously.*

Continued Public Hearing - Notice of Intent – 68 Pine Point – Kay Ludeke

Steve Poole, engineer, and property owners Paul Jackson and Susan Fioravanti were present on behalf of the applicant. Jackson began by apologizing for the emails that he sent over the weekend about the project and said that he was unfamiliar with the Commission's regulations. He has talked further with their engineer and understands what needs to be done and supports the plans as revised. Steve Poole then explained the revised plans to the Commission. They have provided a planting plan both for the trees that will be removed and for the landward side of the retaining wall. The trees will be replaced with hemlock and eastern red cedars. The planting strip along the wall is proposed to contain creeping juniper. He noted that one of the owners may be interested in revising the plantings and the Commission encouraged this and suggested they look to the Vermont Lakeshore Landscaping Guide for ideas. Sferra noted that there is a link on the Commission's website. A revised plan would need to be submitted for review. It was noted that hemlocks can have aggressive roots and they may want to consider how close to the retaining wall they are planted. Poole said that the other issue was the lakeward extension of the wall and the raising of the height. They have revised the plan and will now be removing the concrete face of the wall and replacing it on the same footprint. The wall will be raised just two inches in height for the cap and they have provided compensatory flood storage behind the wall by lowering the grade in that area where the planting strip will be located. Steve said that he does not agree with the floodplain maps but will meet the performance standards in any case. They will be using rebar in concrete to tie the wall to the existing stones. They will use a bobcat on the site and a concrete pumper truck located closer to Pine Point Road. The work will be done during drawdown. The Commission asked how this area will drain and Poole responded that the soils are sandy. Poole added that the evaluation of the wall on the south side will be done and if additional work is required they will file a new Notice of Intent for that work. There were no comments from the public. *Ingeborg Hegemann Clark made a motion to close the public hearing. Cortni Frecha seconded and the motion was approved unanimously.*

Continued Public Hearing – Notice of Intent – 174 Barton Road – Dirk Hart and Pat Sorn

The applicant has requested a continuance to October 16th to give them time to work on plans. *Ingeborg Hegemann Clark moved to continue the hearing to 10/16/18 at or after 7:30 pm. Cortni Frecha seconded and the motion was approved unanimously.*

Cortni Frecha recused herself.

Discussion – Regency at Stow – Sediment and Erosion Control

Bill Keaton, Scott Miccile, and Sean Griffin were present from Toll Brothers to update the Commission on the status of discussions with the Planning and Conservation Department staff and Sue Carter on efforts to manage sediment and erosion on the site. They displayed a plan that depicts their schedule for the coming weeks, with different areas shown for hydroseeding, sodding and the installation of a trackpad. They said that S&M farms had installed additional erosion controls last week. They are planning to have Hydrograss Technologies spread a mix of seed, straw and tackifier within the next few days, depending on weather. Sodding will be done by October 15th. They are working with Fenton to complete the basins and have already de-silted Basin #1 and are working on completing the forebay and fixing the outlet to Basin #2. They are also planning to work with contractors to consolidate staging areas and stabilize areas no longer needed. They are installing the curb along the roadway Friday and lowering the catchbasin grates this week. They will address the issue with roof drain leaders by installing leader extensions to the bottom of the slope in the short term and then will provide a more permanent solution. They also understand that they need to address overall management of the site and SWPPP reporting and are currently working on a solution. They expect to be able to report in the next week on this and will be meeting with the Planning Board next week to update them as well. A site visit will be planned with staff in 3-4 weeks while there is still time to make adjustments before winter. Ingeborg Hegemann Clark suggested placing stone between the units to reduce erosion on the slopes. Keaton responded that it was their intent to eliminate vehicular access between the buildings insofar as possible given ongoing construction. Sferra mentioned that the monitoring report for the restoration area had been received from Brandon Ducharme and will send a copy to Hegemann Clark. Toll Brothers representatives indicated that his report on the wetland impacts is expected in the next week and will be provided to the Commission.

Cortni Frecha returned

Enforcement Order Update – 168 Barton Road – Ron Ham

Ron Ham was present with his attorney Robert Dionesi. Attorney Dionesi indicated that they are requesting a further two week extension of the deadline to submit a Notice of Intent. They recently received a plan from Scott Hayes and their wetland consultant, Dave Burke, has been engaged. They have been hampered by weather and scheduling issues. He offered to have Ham show the Commission photographs of the slope on the site. Ham did so and also confirmed that he had removed a garage on the site so as to maintain access to the top of the bank for heavy equipment. Sferra asked if they had determined what approach they were going to propose in the Notice of Intent and reminded them that the Commission asked for alternatives. Dionesi said that it would be premature to answer that. In response to a question from the Commission, Ham said that the shoreline stabilization work he had done extended about four feet into the Lake. He said he was confident he would be able to file within the two week extension period. *Ingeborg Hegemann Clark moved to extend the deadline in the Enforcement Order to October 17, 2018. Andy Snow seconded, and the motion was approved unanimously.*

Decision – 68 Pine Point - The Commission reviewed a draft Order of Conditions and asked that the permit include requirements to work during drawdown, to place a tarp or similar material on the Lake bottom to collect debris, to plant a tree for each tree removed within the 35' buffer, and encouragement to use the Vermont Landscape publication to redesign the planting bed. Also the gazebo should be replaced with one of identical size and footprint if a new one is being installed. *Andy Snow moved to approve the amended Order of Conditions, Cortni Frecha seconded and the motion was approved unanimously.*

Project Assignments and Site Visits – Ingeborg Hegeman Clark offered to take the Notice of Intent for 20 Eliot and Andy Snow offered to assist. They will do a site visit this coming Saturday at 9 am. Ingeborg also offered to take the Collings Gravel removal Notice of Intent. The Commission decided to do a group site visit to Collings, 168 Barton, Hallocks Point and other sites on October 13th at 9 am. Cortni Frecha offered to take the Certificate of Compliance request for 41 Hale.

Jeff and Nicki will not be at the meeting on October 16th.

The Commission suggested a discussion with the Lake Boon Commission on the increasing issues that are being posed by boat wakes and erosion. Ingeborg will follow up with Don Hawkes from the Lake Boon Commission.

Adjournment – *Ingeborg Hegemann Clark made a motion to adjourn the meeting at 9:50 PM. Andy Snow seconded the motion and it was passed unanimously.*

Respectfully submitted,

Kathy Sferra
Conservation Coordinator

Materials Used during October 2, 2018 Conservation Commission Meeting:

40 Walcott Street - site visit photos and application materials

68 Pine Point – Revised Plan

168 Barton – Request for Extension

174 Barton – Request for Extension

Hallocks Point Subdivision Plans and supporting materials

84 Pine Point – Application materials and photographs

Regency at Stow – Erosion and Sediment Control Phasing Plan, Letter from Planning and Conservation Depts

Draft 9/18/18 Minutes