

**Stow Conservation Commission
Minutes
October 16, 2018**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on October 16, 2018 at 7:30 in the evening.

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

Absent: Jeff Saunders, Chair
Nicki McGachey

comprising a quorum of the Commission

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

Minutes: *Ingeborg Hegemann Clark made a motion to approve the minutes of October 2, 2018 as amended. Sandra Grund seconded the motion and it was passed unanimously.*

Andy Snow arrived at 7:35 PM.

Appointment – Edward Morgan – Edward Morgan was present to discuss mowing at Delaney Wildlife Management Area and his concerns about milkweed and monarch caterpillars. Morgan contacted the Division of Fisheries and Wildlife (DFW) expressing his concerns about monarch caterpillars last year after mowing had been done in early September. Morgan noted that in this region monarchs reproduce in two cycles with the second round of caterpillars hatching in mid-October. Morgan requested that the fields not be mowed until late October. Delaney is managed by DFW but owned by the Department of Conservation and Recreation (DCR). The fields were mowed again in early September this year and Morgan contacted DFW who stated that a Memorandum of Understanding regarding the timing of mowing at Delaney was not completed for this year. Morgan requested that the Commission send a letter to the State requesting that the fields not be mowed until mid to late October. The Commission reviewed information provided by staff regarding monarchs and discussed Morgan's request and agreed to send a letter to DFW and DCR. *Sandra Grund made a motion to send a letter to the Division of Fisheries and Wildlife and the Department of Conservation and Recreation regarding mowing at Delaney. Serena Furman seconded the motion and it was passed unanimously.*

Notice of Intent – Jason and Kerri Reesey – Jason and Kerri Reese, homeowners of 20 Eliot Drive, were present and provided a revised plan for a proposed eighteen by 32 foot in-ground pool and patio. Jason Reese stated that there is a spring that drains underneath the backyard through a pipe which was installed when the backyard was redone in 2012. Reese stated that the required fence for the pool will be within 25 feet of where the drainage pipe outlets. Andy Snow and Ingeborg Hegemann Clark visited the property and described the resource areas which include a series of potential vernal pools on the adjacent Town owned land which drain into a channel that meets the culvert and flows off the property to another wetland. The Commission reviewed photos of the proposed pool, patio and fencing location and noted that the area is previously disturbed lawn. Reese reviewed the proposed mitigation plantings and described the proposed saltwater pool discharge location. Reese also confirmed that the pool edge will be 35 feet from the wetland and landscaping debris will be disposed of outside the 35' no disturb buffer near the existing shed. The Commission discussed soil stockpiling, concrete wash water, erosion controls and the possibility that the pool location may need to be adjusted due to bedrock. Reese and Gary

McQuaide, pool contractor, confirmed that straw wattle will be installed at the 25' buffer and the pool location may be shifted five to eight feet further from the wetland. The Commission also clarified with Reese that he contacted the Commission office in 2012 and received verbal approval to clear the backyard. *Serena Furman moved to close the public hearing, Sandra Grund seconded and the vote was unanimous.*

Notice of Intent – Robert Collings – off Barton Road – Steve O'Connell of Andrews Survey & Engineering, Inc. and Bob and Rob Collings were present. O'Connell noted that the Notice of Intent (NOI) was filed in response to the Enforcement Order issued by the Commission for gravel removal on the 22 acre parcel owned by the Collings Foundation and located to the south of the museum. O'Connell stated that the Collings Foundation utilized the material for the museum building which was suitable for construction and backfilling and for existing paths and access areas. O'Connell clarified that Bob Collings was aware of the resource areas on the property and they believe the River Front Area (RFA) to the Assabet River does not extend onto the property and the work was only slightly within the 100' wetland buffer. The proposed restoration for the area includes utilizing the remaining material onsite to grade the excavated area from a southerly to northerly direction using fill from the edges of the bank. The existing loam will be spread and the area will be seeded with New England conservation mix. O'Connell noted that erosion controls are proposed at the bottom of the slope and will serve as a limit of work. O'Connell added that the Commission only approved the RFA to a certain extent for the museum project and reviewed the 2014 delineation and the updated delineation by David Crossman of B&C Associates. O'Connell displayed a 2014 aerial overlaid with a scaled site plan and noted the physical challenges of determining the RFA in this location. O'Connell added that a stream stats analysis was submitted for the stream which runs from east to west which shows that the stream is not perennial. O'Connell also noted that there is an existing Order of Conditions (OOC) for this property for vegetation management for the flight path.

Hegemann Clark noted that the wetland line from the existing OOC for the museum is still valid and shows a portion of the stream as perennial but does not show bank and was not confirmed by the Commission. Members of the Commission visited the site and reviewed the updated delineation and identified areas where the wetland flags needed to move upland by 5-6 feet. The Commission discussed the RFA delineation and Bob Collings read an email regarding defining RFA in shrub swamp communities from Heidi Davis, Northeast Regional DEP staff, who is recognized as an expert on the River Front Act. Hegemann Clark noted that she also contacted Davis regarding the delineation and noted that rivers with meanders, like the Assabet in this area, bank full may extend beyond the edge of vegetation to where the aquatic and terrestrial communities converge. Hegemann Clark added that there may be depositional features within the shrub swamp community and would need to be explored by boat. The Commission recommended that either a restoration plan be designed without defining bank or a thorough investigation be done to identify bank. Bob Collings confirmed that the Commission would be looking for a restoration plan for some percentage of the disturbed area. The Commission noted that if Collings filed for the gravel removal an alternative analysis would have been required and only up to ten percent of the RFA on the lot could have been altered. Bob Collings noted that they felt they were away from RFA based on an old delineation by Jerry Carr and the contractor regrettably went out further than intended. O'Connell clarified that flagging by Scott Goddard was used during the work. The Commission noted that the only valid delineations are the delineations for the open OOC for the museum and vegetation management and the proposed delineation included in the application for the gravel pit.

The Commission asked what the plant community was in the area before the gravel was removed. O'Connell stated that there were shrubs, Bob Collings stated there were woods and Rob Collings stated there was nothing. The Commission noted that in the 2014 aerial provided by O'Connell the area appeared vegetated. The Commission also noted that during the site visit the area between the river and the gravel pit is an aquatic community with wetland shrubs and standing water and the proposed restoration is to loam and seed the area of disturbance. O'Connell noted that Crossman does not believe the area is an aquatic community and if the RFA begins somewhere halfway in the shrub/scrub area the work was still not within 200 feet to the river. The Commission recommended that shrubs could be included in the restoration as a compromise that at least a portion of the work was within the 200' RFA to return the area to its previous condition. Rob Collings stated that they do not want additional grass that will need to be mowed.

Sferra expressed concerns that the berm between the pit and the existing runway is proposed to be removed to be used for grading which will essentially create a runway safety area which the Board of Selectmen denied an Earth Removal permit for in 2015. Bob and Rob Collings stated that the 2015 Earth Removal permit was substantially different and would have brought the grade substantially lower. Sferra clarified that by dropping the existing grade they accomplish the same idea. Bob Collings stated that gravel removal was not that sophisticated and the pit is a great recharge area, the protection around the area is greatly enhanced, and there is no runoff from the top of the hill. Sferra noted that the hill was very sandy and gravelly and would have drained well. The Collings expressed concerns about the steep slopes of the pit and the risk of someone falling or attracting dirt bikes. O'Connell stated that the intention is to soften the slopes and hand drew a cross section which would utilize only the top of the berm between the pit and museum to backfill the pit but still leave a berm. O'Connell added that when volume calculations were done for the grading using the berm was almost balanced opposed to trucking in material. O'Connell also noted that there is no plan for additional lawn and vegetation would be well established to avoid invasives. The Commission noted that invasive glossy buckthorn was observed during the site visit and could be mowed on a regular basis so it won't fruit.

Sferra noted that DEP has not issued a file number and the hearing would have to be continued and recommended that changes to the proposed grading, restoration, and invasive species management be reviewed for the continued hearing. The Commission recommended including shrubs in the restoration plan. Sferra also suggested the Natural Resources Conservation Service (NRCS) could be contacted for recommendations for restoration. The Commission discussed loam and hydroseeding in the spring with low risk of erosion through the winter.

Dirk Hart, 174 Barton Road, had questions regarding grade changes, how much material was taken offsite, how the land was acquired for the road, if the gravel removal was permitted, and if the intention was to extend the runway. Bob Collings stated that the gravel removal project was not intended to extend the runway and confirmed they would like to extend the runway. The Commission noted that the hearing process is to determine the Commission's jurisdiction on the gravel removal and that the other questions are outside the Commission's jurisdiction and recommended Hart bring his questions to the Planning Board Special Permit application hearing.

Serena Furman moved to continue the hearing to 11/20/18 at or after 7:30 pm. Sandra Grund seconded and the motion was approved unanimously.

Notice of Intent (Continued) – Dirk Hart and Pat Sorn – 174 Barton Road – Sferra informed the Commission that the Building Inspector met with Dirk Hart to review revised plans and confirmed that engineered drawings were not required. The Commission reviewed photos from the site visit and confirmed with Hart that the two upper walls will be replaced this year and the lake wall will be done later. Hart also confirmed that two lines of silt fence will be installed and the lower wall will be completed before the upper wall. *Andy Snow moved to close the public hearing, Sandra Grund seconded and the vote was unanimous.*

Request for Certificate of Compliance – 41 Hale Road – Cortni Frecha visited the site and confirmed that the required plantings and grass around the house are well established. Frecha also confirmed that the small curve on the end of the retaining wall was completed and the 35' no disturb buffer is only mowed three times a season as required by the Order. Frecha recommended the Commission issue. *Andy Snow moved to issue the Certificate of Compliance for 41 Hale Road, Ingeborg Hegemann Clark seconded and the vote was unanimous.*

Decision – 20 Eliot Drive – The Commission reviewed a draft Order of Conditions and asked that the permit include requirements that pool water discharge could not be drained in a manner as to enter the 35' no disturb buffer, no landscaping waste be disposed of in the 35' no disturb buffer, and that the pool be no closer than 35' to the wetland. The Commission also requested that stockpiles be covered to avoid erosion and if any changes occur to the plan during construction they be contacted. *Andy Snow moved to approve the amended Order of Conditions, Sandra Grund seconded and the motion was approved unanimously.*

Decision – 174 Barton Road – The Commission reviewed a draft Order of Conditions and asked that the permit include requirements that hay bales should be stockpiled onsite if additional erosion controls are needed, the lake

retaining wall must be completed during drawdown, and erosion controls must be in place for each phase of construction. *Sandra Grund moved to approve the amended Order of Conditions, Serena Furman seconded and the motion was approved unanimously.*

Cortni Frecha recused herself at 9:40 PM.

Regency at Stow Erosion and Sediment Control Update – The Commission reviewed the inspection report provided by Ducharme & Dillis for Regency at Stow which includes the identification of thirteen breaches of the erosion control of which twelve are onto the Town owned parcel. Four separate wetlands have been impacted one of which had been previously restored from the 2017 erosion and sedimentation event. The Commission will conduct a site visit to review the wetland impacts on the site.

Cortni Frecha returned at 9:45 PM.

Sandra Grund left the meeting at 9:45 PM.

Site Visit Scheduling – Sferra will schedule site visits for Hallocks Point and Regency at Stow with the Commission via email.

Planning Board – Request for Comments on Collings Special Permit Application – The Commission requested that Sferra draft comments to the Planning Board based on their discussion and request for restoration.

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

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during October 16, 2018 Conservation Commission Meeting:

20 Eliot Drive – site visit photos and application materials
Off Barton Road – site visit photos and application materials
174 Barton Road – Revised Plan
168 Barton – Request for Certificate of Compliance
Regency at Stow – Ducharme & Dillis inspection report
Draft 10/2/18 Minutes