

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

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

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

comprising a quorum of the Commission

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

Appointment – Nick Tepper – Nick Tepper was present to interview for the position of Associate Member of the Commission. Tepper stated that he recently graduated with a degree in wildlife biology from the University of Vermont and is working as an AmeriCorps member at Mass Audubon. Tepper grew up in Stow and has been a lifelong naturalist and is interested in sitting in on Commission meetings, contributing photos, and assisting in trail work. The Commission noted that they would be interested in Tepper's support certifying vernal pools and leading hikes, as well as participating in site visits and wetland delineation review. *Cortni Frecha made a motion to accept Nick Tepper as an associate member of the Conservation Commission. Andy Snow seconded the motion and it was passed unanimously.*

Notice of Intent Continuation – Hallocks Point Road – Sarah Bailin – Sferra informed the Commission that the applicant's representative requested a continuation to January 15, 2019. *Cortni Frecha moved to continue the hearing to 1/15/19 at or after 7:30 pm. Andy Snow seconded and the motion was approved unanimously.*

Notice of Intent – 23-25 Hale Road – Brett Sigworth – Greg Roy, Ducharme & Dillis, and Brett Sigworth were present. Roy reviewed the site plan and noted that the property is bounded by Lake Boon on two sides. Roy described the resource areas including Bank and Land Under Water and the 35' no disturb buffer. Roy noted that the project is also before the Zoning Board of Appeals (ZBA). The proposed work includes raze and rebuild of the existing house and septic system upgrade which will require Board of Health approval. Roy noted that the proposed house will be larger and located closer to the lake but expanded in an area within existing lawn and not within the 35' no disturb buffer. The existing gravel driveway will be reconstructed with a circular loop and drive under garage. A portion of the existing Hale Road right of way is located within the 35' no disturb buffer and will not be further extended due to a significant slope. Roy noted that prior to the Sigworth's owning the property a ZBA decision required the cottage be connected to the existing leaching pit in order to be occupied which was done. Roy added that the property is restricted to four total bedrooms on the lot including the one bedroom cottage and three bedroom house. Roy described the location of the proposed septic system upgrade and noted that the system has been sited between the 100' well offset for the property and abutting properties. The existing shoreline retaining wall will be replaced and existing beach is proposed to be expanded. Roy described the location of the 100 year flood plain and stated that the beach area will be lowered to increase the flood storage on the property. Roy also noted that a paver patio for the cottage, invasives removal, plantings and removal of an existing sidewalk and garden is proposed within the 35' no disturb buffer. Twenty trees are proposed for removal and two trees and 50 native plants are proposed as part of the landscaping plan. Roy noted that the majority of the trees are being removed in the area of the proposed septic replacement and one tree is located within the 35' no disturb buffer which is leaning toward the house.

Jeff Saunders visited the site and confirmed the area of invasives including bittersweet that is choking some of the trees proposed for removal. Roy confirmed that two fences will be installed, one along the southerly side of the driveway and the second along the walkway to the tenants' cottage. Sigworth stated that currently everyone parks on the lawn and the proposed additional parking will be for the tenants with a walkway and fencing for privacy. The Commission discussed the installation of fencing within the 35' no disturb buffer and requested that a six inch gap be left at the bottom of the fence to allow for wildlife passage. Saunders noted that cars are currently being parked in the 35' no disturb buffer. The Commission recommended that shrubs or boulders could be considered rather than fencing. Sigworth stated that they have and would like a fence to contain their dogs. Sferra noted the hearing would need to be continued because DEP had not issued a file number and ZBA may have changes to the plans. Sferra added that the waiver request did not include the patio for the cottage, the site plans should include a detail for the retaining wall work, and more detail on the invasive species removal including the target species should be submitted. Sferra also noted that the plan says that the house will be four bedrooms rather than three and requested clarification. Sferra also noted that in 1987 the ZBA required that the cottage only be used for occasional seasonal use. Sigworth stated that was because it was not connected to the septic system.

Sferra noted that the Commission would need clarification on the cottage use issue, confirmation that the proposed fencing will allow for wildlife passage, and clarification that a tree will be planted within the 35' no disturb buffer to replace the tree proposed for removal. Sferra also recommended that beaver fencing should be installed around the proposed tree plantings. Saunders confirmed that the beach area and retaining wall was discussed during the site visit and that the neighboring property has a similar beach area to what is proposed. Sigworth stated that they are concerned about safety and their children falling into the lake however he does understand that the Commission is concerned about erosion. Roy confirmed that he will provide a cross section of the proposed beach area as well as the square footage of the expansion of the beach. Saunders added that there is not as much wave action on the property due to its location and the regulations regarding speed and the distances from docks and shoreline. Sferra confirmed that the Commission has allowed property owners with beaches to replenish sand as long as it is not placed below the waterline or smothering vegetation. Sigworth clarified that he had not seen the plans in detail and would like to connect the fence back to the house and confirmed that invisible fence has not worked well for his pets. *Cortni Frecha moved to continue the hearing to 1/29/19 at or after 7:30 pm. Sandra Grund seconded and the motion was approved unanimously.*

Notice of Intent Continuation – 141 Whitman Street – Mark Hartnett – Hartnett confirmed that he has withdrawn all aspects of the Notice of Intent with the exception of the proposed fence around the pond. Sferra noted that DEP has not issued a file number. The Commission discussed the proposed fence and noted that they do not have issues with it provided that it allows for passage of wildlife. Hartnett clarified that the fence will be post and rail with sheep fencing or similar fencing with a six by six inch gap or greater. The Commission noted that the permit could not be issued until a file number is issued by DEP. Goring confirmed that Hartnett has been in compliance with the Enforcement Order and noted that the erosion controls have been installed. *Ingeborg Hegemann Clark moved to close the hearing. Sandra Grund seconded and the motion was approved unanimously.*

Decision – 141 Whitman Street – The Commission reviewed a draft Order of Conditions and asked that the permit include a requirement that sheep fencing or similar size fencing be used and confirmed the perpetual conditions include that no dumping of leaves, yard waste, dog waste, excessive snow and any other materials shall occur in the wetland or the 35' no disturb area. *Cortni Frecha moved to approve the amended Order of Conditions, Nicki McGachey seconded and the motion was approved unanimously.*

Minutes: *Ingeborg Hegemann Clark made a motion to approve the minutes of December 4, 2018 as amended. Andy Snow seconded the motion and it was passed unanimously.*

Coordinator's Report

- **Donation to Conservation Commission:** Sferra informed the Commission that a donation of \$1,336 was received from the George Morey Foundation which will be deposited into the Conservation Fund.
- **111 Kingland Road:** Sferra reviewed the proposed work for 111 Kingland Road which includes a second story addition with no ground level work. The Commission confirmed that the work is not between the house

and the lake and does not require any earth disturbance and agreed that the property owner does not need to file for a permit with the Commission. Sferra recommended that straw wattle be installed to serve as a limit of work during construction.

- **Derby Property:** Sferra informed the Commission of work at the former Derby Property now owned by the Cemetery Commission including filling of a ravine which may partially be within the 100' buffer to wetlands. Sferra is working with Cemetery Department staff to define the 100' buffer and determine if the work is within the Commission's jurisdiction.
- **Lake Boon Boat Ramp:** Sferra noted that she was notified of trash at the boat ramp on Sudbury Road. A clean up may need to be organized or could be included as part of an Eagle Scout project.

ZBA Request for Comments – 23-25 Hale Road – The Commission requested that Sferra provide the ZBA an update on the status of the project with the Commission and noted that they are in favor of the septic system upgrade and planting plan.

Jillian's Lane – Sferra informed the Commission that there has been no update on Jillian's Lane and she will reach out to Sue Carter for an update.

Proposed Revised Definition of Waters of the United States – EPA Comment Period – The Commission discussed the proposed revised definition of Waters of the United States and agreed they will work on drafting comments to the EPA.

Calendar 2019 Project Planning – The Commission reviewed and briefly discussed the proposed 2019 work plan and recommended that the boat ramp issue be added. The Commission also noted that new Associate Member Nick Tepper could assist in the deer management and deer exclosure projects. This will be on a future agenda for further discussion.

Stow Acres – Cortni Frecha informed the Commission that Stow Acres contacted the Community Preservation Committee regarding available funding. The Commission discussed the upcoming focus of the Planning Board and Open Space committees on golf courses. Sferra will also follow up on recent tree removal activities at Stow Acres.

Adjournment – *Ingeborg Hegemann Clark made a motion to adjourn the meeting at 9:40 PM. Sandra Grund seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during December 18, 2018 Conservation Commission Meeting:

23-25 Hale – site visit photos and application/supporting materials

141 Whitman Street – site visit photos and application/supporting materials

Draft 12/4/18 Minutes