

**Stow Conservation Commission  
Minutes  
March 19, 2019**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on March 19, 2019 at 7:30 in the evening.

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

comprising a quorum of the Commission

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

**Minutes:** *Cortni Frecha made a motion to approve the minutes of March 5, 2019 as amended. Nicki McGachey seconded the motion and it was passed unanimously.*

**Coordinator's Report**

- **Regency at Stow:** Sferra contacted Toll Brothers requesting an update on the wetland remediation and requested a copy of their most recent Stormwater Pollution Prevention Permit (SWPPP) report.
- **323 Great Road:** Sferra noted that staff met with the site contractor to sign the contract and review the proposed tree removal. Tree removal should begin within the next few weeks.
- **Search and Rescue Training:** Sferra informed the Commission that a canine search and rescue non-profit organization has requested to use Town Forest after hours for training. Sferra has informed Stow Police & Fire and the immediate neighbors.
- **Ultralight Flyovers:** Sferra was contacted by an ultralight company interested in flying in and out of Minute Man Air Field. The company noted that the conservation land regulations do not allow remote control aircraft. The company stated that they are looking for places that will not cause a disturbance to hover manned ultralights and could potentially hover over Marble Hill, Flagg Hill and Heath Hen. The Commission discussed the request and expressed concerns about the impacts on wildlife and visitors and noted that they do not have jurisdiction on aircraft over conservation land.
- **Minute Man Air Field Hanger Project:** Sferra noted that there may have been a modification to the hanger buildings and will contact Don McPherson to schedule a site visit.
- **Game Camera damage:** Sferra informed the Commission that one of the town's game cameras was vandalized. The Stow Police have been in contact with an individual believed to be involved.
- **Harvard Road Runoff Complaint:** Sferra informed the Commission of a complaint from residents on Harvard Road regarding runoff from Wedgewood golf course. Sferra provided photos from her site visit and noted that there do not appear to be any wetland related issues. The Planning Board will follow up.

**Notice of Intent – 16 Pine Point Road – Kevin Keenan –** Chris MacKenzie, Ducharme & Dillis, described the location of the property and noted that the septic system has failed inspection. A new system has been designed with the leach field across Pine Point Road located outside the 100 foot buffer. MacKenzie clarified that the only work within the 100' buffer includes removal of the existing septic system, installation of a new pump chamber, and a force main to cross under Pine Point Road. MacKenzie confirmed that some of the work necessary to remove the existing septic system will occur within an area of lawn inside the 35' no disturb buffer and will be temporary in nature. Plans for the septic system are being reviewed by Nashoba Boards of Health. Serena Furman visited the site and reviewed site photos with the Commission and noted that the majority of the work is outside the 100 foot

buffer. MacKenzie clarified that the catch basins in Pine Point Road shown on the plan are in their approximate location. Furman noted that she heard from neighbors that the hillside is incredibly wet and cattails grow on the slope. MacKenzie confirmed that the water table was encountered at 30 inches during testing and the soil condition is poor.

The Commission noted that care should be taken not to damage the drain line in Pine Point Road when installing the force main across the street. MacKenzie confirmed that the Highway Department will be contacted prior to construction in Pine Point Road. Sferra noted that a road opening permit may be required. The Commission reviewed the erosion control line and recommended that an additional line of erosion controls be installed on the other side of Pine Point Road to prevent silt washing down the slope and into the road. The Commission also discussed the catch basins in Pine Point Road and recommended using silt sacks to prevent discharge into the lake. David Gray, 12 Pine Point Road, confirmed that all of the trees located within the proposed leach field would be removed. MacKenzie noted the proposed leach field is outside the 100' buffer and was made 40 percent smaller than a conventional septic system by designing a Presby system. MacKenzie also confirmed that the proposed septic system will be a four bedroom system, the same as the existing septic. MacKenzie will submit a revised plan once the Board of Health approves the plan. *Andy Snow moved to close the hearing. Serena Furman seconded and the motion was approved unanimously.*

**Notice of Intent – 1-3 Rockbottom Road – Bruce Robinson –** Scott Hayes, Foresite Engineering, was present and described the property as 8,400 square foot property with a two family home located off Gleasondale Road near the bridge over the Assabet River. Hayes noted that the river bank is well defined and the mean annual high water mark was flagged in the field using the scour line. Hayes stated that the septic system failed inspection and it was a difficult design due to the size of the lot and shallow bedrock. Hayes reviewed how the septic system location was selected and noted that it was designed with additional treatment before reaching the leach field. No trees are proposed for removal. Hayes added that the Board of Health has not reviewed the application and requested that the hearing be left open in the event there are plan changes. Hayes reviewed the proposed nine inch straw wattle erosion control barriers and stated that the failed cesspool will be pumped then crushed in place. Poly barriers will be installed along the edge of the leach field closest to the river. Hayes showed the 35' no disturb buffer and noted that the leach field is partially within it and could not be moved farther away from the river due to shallow bedrock.

Nicki McGachey visited the site and confirmed that the lot is very small and the septic could not go elsewhere on the lot. Hayes noted that there will be no stockpiling onsite due to space constraints. Bill Byron, 469 Gleasondale Road, noted that there is a 20 foot right of way on the property to access the dam. Hayes confirmed that the work will not prohibit utility access and will be finished with lawn to match the existing condition. The Commission confirmed that the system could be driven over in the area of the easement if necessary. Hayes also confirmed that the soils are very compact and do not have a high erosion potential. Hayes stated that the work should take a week and he encouraged the property owner to wait to complete the work until May for better weather. The Commission discussed the grading around the tree in the area of the leach field and confirmed that the roots will be trimmed by hand. McGachey confirmed that there was brick and concrete debris on the bank and not trash. Hayes noted that there are also pieces of cast iron pipe and he would be agreeable to cleaning the bank by hand of visible debris. Hayes confirmed he would like to continue the hearing to April 2<sup>nd</sup>. *Andy Snow moved to continue the hearing to 4/2/19 at or after 7:30 PM. Cortni Frecha seconded and the motion was approved unanimously.*

**Request for Amendment – Order of Conditions 299-639 – 168 Barton Road – Portside Realty Trust –** Ron Ham Jr.; Dave Burke, wetland specialist; and Mimi DiMauro, real estate agent for the Hams; were present. Burke stated that the Hams have requested to amend Order of Conditions 299-639 after the attempt to keep the unpermitted structure was denied. Ham stated that the block wall will be removed by crane, additional straw wattle will be added, and the ¾ inch stone will be removed by vacuum. Burke noted that some of the ¾ inch stone may be used at the base of the new wall. The new shoreline protection will be installed by hand. Ham provided cross sections for the Commission and noted that it is relatively minor change to the plan. Burke added that the proposed wall will reduce impacts to the 35' no disturb buffer as well as the elimination of the switch back staircase and landing which will be replaced with a straight staircase. Burke stated that they will utilize the stones that are in the four baskets in the water, each basket with 24 stones for a total of about 85 to 90 stones. Burke added that the

stones are just heavy enough to be lifted by hand and would stabilize the shoreline with what is on the site. Burke also stated that smaller stones may be used to shim gaps between the stones to prevent washing out. Burke noted that in the area of the existing staircase and landing there is erosion and roots are exposed. Burke stated that stones will be hand placed in these areas and there should be enough stone in the baskets to cover the entire 64 feet of the bank. Burke stated that they think they have enough stones to make a permanent and effective wall which is also good for wildlife.

The Commission asked if they would need to bring in more stone. Burke stated that depending on how many stones they have there the wall may be a single row of stones or double in a few places. The Commission expressed concerns about the cross section provided by Ham at the hearing noting it shows a stacked wall using more than one to two stones. Burke stated that they will not use seven stones anywhere on the bank. Ham stated that they are not bringing in more material. The Commission noted that the cross section also shows a crushed stone base. Burke stated that John Grenier, J.M. Grenier Associates Inc., suggested that some of the ¾ inch stone be left onsite and used under the stones. Burke also stated that the existing filter fabric will be removed because it will interfere with the integration of the boulders into the bank. Burke noted that they will gently backfill behind the stones and will bring in loam in buckets and hand tamp it in. Burke added that the slope is virtually stable and should be permanently stable after another growing season. Burke also added that the concrete blocks will be removed from the site as soon as possible because there is no room to store them onsite. The Commission expressed concerns about not using filter fabric behind the new stone wall to prevent the soil from bleeding into the lake and causing slumping. Burke stated that he has not seen that occur in his experience and he would like to see the boulder amalgamate into the slope. Sferra confirmed that the Order required two trees and six shrubs to be planted and one additional tree was added as an amendment to the plan after the Hams requested to remove one additional tree in the 35' no disturb buffer. The slope should be allowed to naturalize over time.

Sferra noted that after the concrete blocks are removed there will be a six to eight inch hole in the sediment where the blocks were buried. Burke stated that the stairs will be installed using hand driven piles and no roots or vegetation will be removed. Matting or netting will be used until the area revegetates. Burke confirmed with the Commission that three trees and six shrubs must be planted. The Commission noted that they would like to include a condition in the Order that Commission members and/or staff see the site when the concrete structure is removed. Ham stated that the new stones will be placed between the iron rods that were set in the bank. Ham added that there are possible field modification that may be made during construction of the stone wall. Burke added that the Hams hope to get a Certificate of Compliance (COC) when the work is complete because all other work on the house is done. Ham confirmed a COC will be requested when the plantings are done. The Commission noted that the stair work should not be done during mud season. The Commission also asked if gravel will be placed behind the rocks and Burke stated that jute might be used. The Commission requested that any changes to the cross section that was provided be made and stamped by an engineer and the cross section should be updated showing the one to two stone wall, not the eight shown on the cross section. Burke stated that it may take four or five rocks in some places and noted that Ham discussed how field changes are to be expected. The Commission stated that the decision will specify the proposed amendments to the Order and any changes must be communicated to staff. Sferra added that an as-built will need to be submitted with the COC request. DiMauro noted that during construction they do not have time for the 72 hour wait period because there will be equipment onsite and a tight window to do the work. Sferra clarified that the 72 hour notice in the Order is in reference to an erosion control inspection and if the Hams give staff a date that the concrete blocks will be removed a site visit could be done on that day. DiMauro added that the Hams are trying to meet the deadline of April 15<sup>th</sup> and when the boards will be replaced in the dam. *Ingeborg Hegemann Clark moved to close the hearing. Sandra Grund seconded and the motion was approved unanimously.*

**Continued Notice of Intent – Hallocks Point Road Subdivision – Sarah Bailin** – Property owner Sarah Bailin, Jeff Brem, Meisner Brem Corporation, and Paul Alphen, Attorney for Robert Dawes LLC, were present. Alphen informed the Commission that the Planning Board had closed the public hearing. Brem confirmed that the Planning Board has not determined if they will require the utilities to be underground and if they will grant a waiver for single access to the subdivision. Brem added that Sue Carter provided a recommended list of tree species for the bioretention basin. Brem also noted that the proposed cistern was moved closer to Sudbury Road by request of the

Fire Chief but is outside the jurisdiction of the Commission. The Commission reviewed the covenant and discussed the four to six foot path requirement. Brem stated that the revised wetland flags have been included on the plan. Brem requested that the applicant receive a copy of the draft Order for review and agreed that the hearing could be closed and the decision issued at the next Commission meeting. *Cortni Frecha moved to close the hearing. Serena Furman seconded and the motion was approved unanimously.*

**Decision – 16 Pine Point Road** – The Commission reviewed a draft decision and recommended that a second line of silt fencing be placed around leach field and a silt sack be added to the catch basin in the road if recommended by the Highway Department. The Commission also requested that the 35' no disturb buffer be added to the plan. *Cortni Frecha moved to approve the Order of Conditions, Serena Furman seconded and the motion was approved unanimously.*

**Decision – 168 Barton Road Amendment** – The Commission reviewed a draft decision and requested that the cross section submitted at the hearing be revised to show a stone wall one to two rocks high and be stamped by an engineer. The Commission also requested that the Order include the requirement for a site inspection after the concrete blocks are removed and a requirement that the plantings survive for three years. *Serena Furman moved to approve the amended Order of Conditions, Cortni Frecha seconded and the motion was approved unanimously.*

**Hudson Wastewater Treatment Plant NPDES Permit** – Sferra noted that the draft permit has been issued and OARS has reviewed the permit and is discussing appeal. Sferra added that it is unknown if Hudson or other groups will appeal. Sferra also noted that OARS is concerned about the public notice requirements for an unauthorized discharge. The draft permits require that public notice be posted on a public website for 24 hours. OARS will request to also be notified as well as the Stow Board of Health and Board of Selectmen.

**Decision – Hallocks Point Subdivision** – The Commission discussed the draft decision and requested that the restrictive covenant be required to be recorded before any site work, including vegetation removal, begins. The Commission also requested that any work within the 100' buffer not shown on the plan must be approved and a perpetual condition prohibiting the use of phosphorus fertilizers be added to the Order. The Commission will vote on the decision at the 4/2/19 hearing.

**Adjournment** – *Ingeborg Hegemann Clark made a motion to adjourn the meeting at 10:07 PM. Serena Furman seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacque Goring  
Conservation Assistant

**Materials Used during March 19, 2019 Conservation Commission Meeting:**

16 Pine Point Road – site visit photos and application/supporting materials  
1-3 Rockbottom Road – site visit photos and application/supporting materials  
168 Barton Road – site visit photos and application/supporting materials, cross section submitted by Ron Ham  
Hallocks Point – site visit photos and application/supporting materials  
Hudson Wastewater Treatment Plant NPDES Permit  
Draft 3/5/19 Minutes