

**Stow Conservation Commission
Minutes
April 16, 2019**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on April 16, 2019 at 7:30 in the evening.

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

Absent: Cortni Frecha, Vice-Chair

 comprising a quorum of the Commission

Also present: Kathy Sferra, Conservation Coordinator
 Jacquie Goring, Conservation Assistant
 Nick Tepper, Associate Member

Site Visit Discussion and Follow Up – Harvard Acres Open Space – Members of the Commission visited the Harvard Acres Open Space which has been offered to the Commission by the homeowners association. Sferra showed the property location on a map and noted the location of an abutting parcel the Town had interest in acquiring in the past. The Commission discussed the property and noted that it has a beautiful marsh and interesting stone walls and agreed that they would be interested in the property. Sferra will follow up.

Appointment – Dylan Gross – Eagle Scout Project – Boy Scout Dylan Gross was present and reviewed his proposed Eagle Scout project to construct a deer enclosure on conservation land. The proposed deer enclosure will be 60 by 60 feet and constructed using ten foot tall fencing which will be buried two feet to prevent animals from digging under the fence. Posts will be used every fifteen feet and a door will be built to access the enclosure that can be locked. Gross reviewed the handout and noted that a location of the enclosure would be selected by the Commission and a small kiosk with information about the enclosure would be included. Gross plans to complete the project in July and confirmed he would complete the initial survey of the vegetation in the enclosure. Nick Tepper recommended that the enclosure be monitored on an annual basis. The Commission discussed the proposed deer enclosure and the benefits of learning more about the deer population on conservation land in Stow. *Andy Snow moved to approve the proposed Eagle Scout project by Dylan Gross with the location to be determined. Serena Furman seconded and the motion was approved unanimously.*

Appointment – Steve Poole – 68 Pine Point Road – Steve Poole was present to review the permit compliance issues with 68 Pine Point Road. Sferra provided site visit photos and Poole provided the Commission with a memo addressing issues identified during the site visit. Sferra informed the Commission that the retaining wall work was completed without notice or an erosion control inspection and the work that was done does not match what was shown on the plan. Poole stated that he was not notified that the work was starting and it was done while he and his clients were away on vacation. Poole added that he should have informed the property owner and contractor that he would be away and not to begin the work. Poole reviewed his memo and confirmed that the work was done without notification or an erosion control inspection and a floatation device was used during the wall work to keep water out of the work area. Concrete was chipped off the surface of the existing wall and a concrete form was used to face the wall. Poole noted that he did not observe signs of siltation or debris in the lake and the water level of the lake was not drawn down enough to do the work in dry conditions this winter. Poole clarified that the concrete in the water shown in the site visit photos was an existing condition from a portion of the wall that had sheared off into the lake. Poole also clarified that the pile of concrete identified during the site visit was concrete chips removed from the wall and could be removed.

The Commission noted that the retaining wall appears to be eight to twelve inches higher in some area than proposed. Poole confirmed that the retaining wall is roughly twelve inches higher in the area where the ground has collapsed behind the wall. Poole also noted that the gazebo on the shoreline was previously on a concrete pad which the contractor replaced and is higher. Poole added that the contractor has done other retaining walls on the lake and thinks independently. Poole also noted that he was not available to provide oversight of the contractor. Poole reviewed the flood plain data from OLIVER and FEMA. Sferra noted that the Commission required compensatory flood storage for the impact to the flood plain as part of the Order and encouraged the applicant to provide diverse native plantings behind the wall, beyond what was proposed. Poole agreed that the impacts to flood plain are greater due to the increased height of the wall and he could propose more compensatory flood storage. Sferra noted that the Commission recently reviewed the issue of flood plain on Lake Boon in relation to the height of the dam and agreed to provide that information to Poole. Poole noted that the area on either side of the repaired retaining wall is open and water could come into the property from each direction.

The Commission expressed their disappointment that the project was not done according to the plan and noted that they have been put in difficult position. They discussed fines and removal of the concrete work. Sferra noted that the applicant was one of the first to sign the newly implemented Certificate of Understanding. The Commission requested that Poole provide calculations for any additional flood plain and land under water impacts. The Commission also requested that the dock locations and dimensions be shown on the plan. Poole noted that he roughly calculated 200 cubic feet of additional floodplain alteration and suggested that the area behind the wall could be dropped lower and more plantings could be done. The Commission continued to discuss fines and Sferra clarified that fines would be required to be deposited into the general fund and use of the fine money for boat ramp improvements or other projects would require Town Meeting vote. Poole suggested that a voluntary donation could be made to the Conservation Fund. Sferra suggested that the preexisting pieces of concrete could be removed from in front of the wall as partial mitigation. The Commission requested the Poole ask the applicant to provide additional mitigation recommendations. Poole confirmed he would have the calculations and recommended mitigation for the next Commission meeting.

Decision – Collings Gravel Removal/Restoration – The Commission reviewed a draft decision and requested that the Order require that nine clusters of plantings with at least three each located at the base of the slope, 20' into the pit and 40' into the pit, and be planted in a staggered fashion. The Commission also requested that a note be added to the Order that the Riverfront Area line is shown incorrectly on the plan and has not been approved by the Commission as shown. *Andy Snow moved to approve the Order of Conditions as amended, Serena Furman seconded and the motion was approved unanimously.*

Sandra Grund left the meeting at 8:45 PM.

Site Visit Discussion and Follow Up – Mistletoe Farm – Sferra noted that members of the Commission met with Mark Harnett to review the proposed restoration work and defined the wetland area on the site using stumps. Harnett would like to smooth out the deep ruts left in the wetland and Sferra noted that the ruts could be feathered to make them less severe. Sferra noted that the line of stumps will serve as a limit of where equipment can be allowed. The Commission discussed the restoration and agreed that a restoration plan should be submitted under the Enforcement Order (EO) as required. The Commission noted that feathering the rutted soil in the wetland is a corrective action preventing water from flowing in a channelized form. The Commission recommended that a preconstruction meeting be held with the site contractor prior to work starting. Sferra also noted that Harnett would like to remove the stump pile left in the buffer. The Commission suggested that changes to the stump pile be included in the restoration plan.

Site Visit Discussion and Follow Up – 168 Barton Road – Sferra provided photos from the site visit and noted that the replacement wall is generally one to two stones high and one to two stones wide as required in the Order.

Resignation Acceptance/Associate Member Appointment – Nickole McGachey – Sferra informed the Commission that Nicki McGachey has accepted a position with Bolton TV and will not be able to attend Conservation Commission meetings but would like to stay on the Commission as an associate member. *Serena Furman moved to accept the resignation of Nickole McGachey. Andy Snow seconded and the motion was approved*

unanimously. Ingeborg Hegemann Clark moved to appoint Nickole McGachey as an associate member of the Conservation Commission. Andy Snow seconded and the motion was approved unanimously.

Conservation Land Issues

- **Captain Sargent Parking Lot Reconstruction:** The Highway Department will be providing an estimate for materials to address the drainage and reconfiguration needs at the Captain Sargent Conservation Area parking lot. The work will be done this spring.
- **Community Garden Land and Road Maintenance:** Highway will also be making repairs to the Community Garden road. Goring has been contacting local farmers and contractors to get estimates for plowing and harrowing the annual Community Garden plots.
- **Mass Canine Search:** Mass Canine Research contacted Sferra requested to use Town Forest for training one to two times a month after the first event went well. Sferra expressed concerns about frequent nighttime activity and the impact on the abutters and impacts on wildlife. The Commission recommended that the group use Town Forest no more than every other month.

Enforcement Follow Up – 561 Great Road – Sferra provided the Commission the restoration plan submitted by Steve Hartwell. The Commission noted that Hartwell appears to be building a retaining wall in the buffer. Sferra will contact Hartwell and request that he stop work.

Coordinator's Report

- **Town Center Park:** Sferra noted that the park project is going well and excavation has just begun and that the site has held up well during the recent heavy rain storms.
- **Regency at Stow:** Sferra noted that the silt removal at Regency is nearly done and that the site has also held up well during the recent heavy rain storms.
- **Jillian's Lane Detention Basin:** Sferra informed the Commission that the detention basin at Jillian's Lane failed and was not constructed properly. There were siltation issues again from a heavy rainstorm. Sferra added that the Order required inspections by an engineer at specific stages of construction which appear not to have been done. The Commission discussed the failure and issuance of fines until the basin is repair. The Commission also requested that an EO be issued requiring a corrective action plan to be submitted within 30 days and repairs be completed within six weeks of an approved design. The Commission also requested that fines be implemented if the deadlines set in the EO are not met. *Ingeborg Hegemann Clark moved to approve to issue an Enforcement Order to Jillian's Lane, Serena Furman seconded and the motion was approved unanimously.*
- **83 West Acton Road:** Sferra informed the Commission that a septic system replacement was being completed at 83 West Acton Road within the 100' buffer. The property owner stated that they had approval from the Board of Health. Sferra requested that straw wattle be installed immediately between the work area and the wetland and requested the property owner file for an after the fact permit. Sferra noted that there has been an ongoing communication issue between the office and Nashoba Associated Boards of Health and the Commission recommended drafting a letter to the Board requesting a communication plan going forward. The septic work will also need a variance from the Board of Health.
- **Article 97:** Sferra updated the Commission on the Article 97 bill which will codify a current policy into law requiring a process to be followed to convert conservation land into another use. Sferra noted that the Commission went through the process and worked with the Executive Office of Energy and Environmental Affairs to find replacement land.
- **Meeting Schedule:** Sferra noted that the first meeting in May is scheduled on May 7th, the night after Town Meeting, and recommended the meeting be cancelled in the event Town Meeting goes into a second night.
- **New Projects:** Serena Furman agreed to take a Notice of Intent for a single family house raze and rebuild at 8 Shore Avenue.
- **Carver Hill Trail:** Sferra met with Matt Lord to discuss the trail location at Carver Hill. Sferra described the location of the proposed trail which will follow along the orchard between the stone wall and orchard fence. Sferra noted that she is meeting with Stow Conservation Trust to review the relocation.

Special Event Policy Discussion – The Commission reviewed the draft special event policy outline and agreed with the requirements for a security deposit and agreed to discuss a reasonable fee amount. Sferra noted that licensees are exempt from needing to file for a special event permit. Sferra will draft the policy and bring it back to the Commission for review at an upcoming Commission meeting.

Adjournment – *Ingeborg Hegemann Clark made a motion to adjourn the meeting at 10:15 PM. Serena Furman seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacque Goring
Conservation Assistant

Materials Used during April 16, 2019 Conservation Commission Meeting:

Eagle Scout project hand out provided by Dylan Gross
68 Pine Point Road – site visit photos and application/supporting materials, memo submitted by Steve Poole
Collings – draft decision
561 Great Road restoration plan submitted by Steve Hartwell
Draft special event policy outline
Harvard Acres photograph and maps
Article 97 Fact Sheet
Carver Hill Trail Relocation Sketch