

**Stow Conservation Commission
Minutes
April 30, 2019**

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

There were present: Jeff Saunders, Chair
 Cortni Frecha, Vice-Chair
 Serena Furman
 Sandra Grund

Absent: Ingeborg Hegemann Clark
 Andy Snow

comprising a quorum of the Commission

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

Minutes: *Serena Furman made a motion to approve the minutes of March 19, 2019 as amended. Cortni Frecha seconded the motion and it was passed unanimously. Cortni Frecha made a motion to approve the minutes of April 2, 2019 as written. Sandra Grund seconded the motion and it was passed unanimously.*

Certificate of Compliance – 551 Sudbury Road – DEP 299-613 – Jeff Saunders visited the property and noted that the majority of the work is done but vegetation has not been established. Homeowner Andrew Makarovskiy was present and noted that he is not in a rush to get a Certificate of Compliance but would like to remove the hay bales and will be seeding this season. Saunders informed Makarovskiy during the site visit that the Commission would want the site stabilized and the plantings around the dog fence area in before issuing a COC and recommended that the hay bales be replaced in one area where there is a pile of debris from a fallen tree. Saunders noted that all other hay bales could be removed around the rest of the property where that site is stable. Makarovskiy confirmed that he would replace the hay bales in the one area identified by Saunders and would also like to remove one dead fallen tree that snapped 20 feet off the ground. Staff will write up a minor project approval allowing the dead tree to be removed and requiring the stump to remain in place.

Notice of Intent – Rodney Figueiredo – 8 Shore Avenue – Property owners Rodney Figueiredo and Stephanie Lynch were present and showed proposed plans including razing and rebuilding the existing single family home. Lynch identified the pond on the property which was delineated by wetland specialist Dave Burke and showed the 100' buffer and 35' no disturb buffer on the plan. Figueiredo noted that the only proposed work within the 35' no disturb buffer is the removal of two large pine trees. The proposed single family house will be located 50 feet from the pond and up to four additional trees will be removed within the 100' buffer. Sferra noted that the pond is located in Maynard but the majority of the work is in Stow and the Maynard Conservation Agent agreed to have the property owner file in Stow and apply the Stow Wetlands bylaw to the pond. Serena Furman visited the site and reviewed site photos. Furman noted that the pond appears to have been dug out and is lined with rocks and added that the area around the pond appears to be a wet meadow. Lynch confirmed that the pond drains to the Maynard stormwater system.

Lynch noted that the trees proposed for removal were recommended to be removed by a tree company but they do not want to take any trees down. The Commission recommended that they hire an arborist to look at the trees proposed for removal. Furman noted that she observed erosion on the road alongside the property and multiple dug holes around the property. Lynch noted that she was told that they are old wells. Furman also noted that there are areas in the yard that have standing water. The Commission confirmed that the property owners would like to

replant some of the existing foundation plants to be removed including a hemlock as mitigation for removal of two trees within the 35' no disturb buffer. The Commission also suggested willows and red maple may work well and they could also consult an arborist for suggestions. Lynch noted that the property has been getting more wet overtime and they have contacted Maynard and they may clean out the outlet pipe for the pond to allow it to drain properly. *Cortni Frecha moved to close the hearing, Sandra Grund seconded and the motion was approved unanimously.*

Appointment – Steve Poole – 68 Pine Point Road – Steve Poole and property owner Paul Jackson were present to review the permit compliance issues with 68 Pine Point Road. Poole confirmed that the property owner is willing to remove the concrete rubble in the lake and reviewed his email to Sferra dated April 25, 2019. Poole calculated 121 cubic feet of fill occurred in flood plain as a result of the unpermitted work based on the Weston and Sampson study flood plain elevation of 187.6. An additional 88 cubic feet of fill occurred within flood plain based on the FEMA elevation of 189. Poole recommended additional compensatory flood storage by creating a low point behind the wall where it meets the retaining wall at 66 Pine Point and adding additional plantings in addition to what was required in the Order. The Commission expressed concerns about the area behind the wall being used for compensatory flood storage being filled in by future property owners. Jackson stated they have no plans to sell the property and stated that he needs a grassy area to ramp up to the retaining wall to access the dock. The Commission noted that the wall could be cut down in that area. Jackson stated that grandchildren use the dock and he did not want to chisel into the new wall. The Commission requested again that both docks be added to the plan along with the dimensions. Poole suggested that a small ramp could be made with dirt and grass to access the dock and confirmed it could be added to the plan.

Sferra noted that the bylaw requires one and half times the compensatory flood storage. The Commission discussed the regulation requirement based on the FEMA flood plain elevation in comparison to the Weston and Sampson study. The Commission also expressed frustration with the contractor who did the work which was not approved in the Order. Jackson clarified that the gazebo was previously on a concrete pad but the new pad is higher. The Commission discussed how to memorialize the compensatory flood storage and Poole suggested that he could add the topo to the plan and reduce it and record it with the deed. The Commission also confirmed with Jackson that the tree removal is still proposed. Poole noted that the property owner is willing to make a \$300 donation to the Conservation Fund to be paid by the contractor in lieu of a fine. The Commission discussed the donation and agreed that they were not comfortable with accepting the donation from a precedent standpoint. Sferra noted that the Commission requested a revised plan with additional compensatory flood storage, a planting plan, topography, and the dock location and dimensions. Poole confirmed he would submit a plan for review at the May 21st Commission meeting.

Appointment – Mark Harnett – 141-149 Whitman – Mark Harnett was present to review the proposed wetland restoration plan. Sferra provided photos from the site visit and noted the Harnett would like to grade the ruts left behind by the equipment. Harnett agreed to keep equipment on the upgradient side of the wetland and smooth the areas by feathering the dirt with the excavator bucket. A preconstruction visit with the contractor will occur prior to the start of work. Harnett stated that he would like to spread the existing twelve foot high pile of stumps to make a six foot high pile. Sferra confirmed that all of the proposed plantings are native to the northeast. Sferra reviewed a comment letter from abutter Roger Burkley expressing concerns about work occurring in the southwest corner of the property including placement of stumps and tree planting. Burkley also expressed concern about noise which the Commission noted is outside their jurisdiction. Harnett confirmed that he will be planting tulip trees in the southwest corner of the property which will grow quickly and provide screening. Harnett added that the planting will be done by hand with the exception of three to four large trees that will need to be moved with a small tractor. The Commission discussed planting success rate and agreed that 80 to 90 percent survival should be met after two years.

Carver Hill – Trail Route Modification – Sferra reviewed the proposed trail route modification at Carver Hill. The existing trail easement in the Conservation Restriction (CR) is shown through the orchard. Sferra has been working with Matt Lord to select a trail location to address concerns about the need for gates, conflicts with spraying, and the risk of deer getting into the orchard. Sferra flagged a proposed trail route that exits off the AT&T trail and

connects to Carver Hill on an existing trail then runs between the stone wall and the orchard fence. Some trail work will be needed to complete the trail and the AT&T trail and existing portion of trail connecting to Carver Hill will need to be colored and marked. Sferra reviewed the trail location with the Stow Conservation Trust and they will discuss the location further at their board meeting. Sferra clarified that the trail will not access the rock feature at Carver Hill which was not included in the trail easement. The CR does allow for the trail location to be moved by mutual agreement. The Commission was supportive of the trail modification.

Request for Modification of Order of Conditions 299-635 – 77 White Pond Road – Sferra reviewed revised plans for a detention basin which was designed in an area of wetland that was missed during the delineation. The wetland has now been delineated and is shown on the revised plan along with the new location of the detention basin. The Commission reviewed the plan and requested that they do a site visit to review the wetland delineation and have the plan reviewed by Sue Carter. The Commission also requested that the Melones attend a Commission meeting to review the proposed changes as a modification.

Enforcement Follow Up

- **Regency at Stow:** The wetland restoration work has been completed and Toll Brothers has requested the Enforcement Order be lifted. Sferra visited the site and noted that an additional day of work was needed to complete the restoration and she will revisit the site once it is complete.
- **561 Great Road:** Ingeborg Hegemann Clark agreed to visit the site and delineate the wetland for the property owner.
- **Jillian's Lane:** Sferra contacted the property owners after the deadline had passed and confirmed that MaryAnn DiPinto would be working on the stream cleanup and Greg Roy will be submitting revised plans. Sue Carter has reviewed the revised plans and expressed concerns about how the proposed line of boulders would get into the basin and how they would be maintained. Sferra recommended that Roy and Carter discuss the revised plan directly and hopes to have a plan to review for the next meeting. Sferra expressed concerns about the site contractor continuing to work without an approved plan. The Commission confirmed that it is not known if engineering oversight occurred during key points in construction of the basin as required by the Order. Sferra will include discussion on the next agenda. The Commission requested that the number of deadlines that have been missed be quantified and proof of the required engineering oversight be provided. The Commission also noted that fines may be instituted.

Letter to Board of Health re: Permit Review – The Commission review the draft letter to the Board of Health regarding permit review with Nashoba Valley Boards of Health. *Cortni Frecha made a motion to send the letter as amended. Serena Furman seconded the motion and it was passed unanimously.*

Town Meeting Preparation – Cortni Frecha agreed to represent the Commission at Town Meeting and speak in support of the OARS water chestnut removal funds article.

Coordinator's Report

- **Tax Work off Volunteer:** Staff met with tax work off volunteer Joey Katz who will begin working on both office and field work projects.
- **2 Marlboro Road:** Staff has received complaints about work occurring in the buffer at 2 Marlboro Road, The Commission agreed to have Sferra contact the owners in writing.
- **FY 2020 Budget Error:** Sferra noted that a step increase for Jacquie Goring was missed in the FY 2020 budget and was not included in the warrant for Town Meeting. *Cortni Frecha made a motion to take the discrepancy in the budget for FY2020 out of the Wetland Fund. Serena Furman seconded the motion and it was passed unanimously.*
- **Sudbury Road Vernal Pool:** Serena Furman visited the potential vernal pool on Sudbury Road to investigate a complaint about olive oil being dumped to prevent mosquitoes. Furman observed an oily slick on the water surface and has contacted the Natural Heritage Program for more information on impacts from olive oil.

Decision – 8 Shore Avenue – The Commission reviewed a draft decision and requested that the Order include a condition requiring that two native trees be planted in the 35' no disturb buffer. *Serena Furman moved to approve the Order of Conditions as amended, Cortni Frecha seconded and the motion was approved unanimously.*

Adjournment – *Serena Furman made a motion to adjourn the meeting at 9:57 PM. Cortni Frecha seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during April 30, 2019 Conservation Commission Meeting:

551 Sudbury Road – site visit photos and application/supporting materials
8 Shore Avenue – site visit photos and application/supporting materials
68 Pine Point Road – site visit photos and application/supporting materials, email by Steve Poole dated 4/25/19
Wetland Restoration plan for 141-149 Whitman submitted by Mark Harnett
Carver Hill proposed trail map
Revised plans 77 White Pond Road
Draft letter to Board of Health re: Permit Review
Draft 3/19/19 and 4/2/19 minutes