

**Stow Conservation Commission
Minutes
June 4, 2019**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on June 4, 2019 at 7:30 in the evening.

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

Absent: Andy Snow

comprising a quorum of the Commission

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

Minutes: *Cortni Frecha made a motion to approve the minutes of May 21, 2019 as amended. Sandra Grund seconded the motion and it was passed unanimously.*

Coordinator's Report

- **Dog walking violation:** Sferra informed the Commission that she received a report of a resident walking three dogs off leash at the Community Gardens. Sferra noted that the same person has been warned multiple times by staff. The Commission agreed to have staff send a warning letter.
- **Athens Lane Property:** Sferra confirmed that the Quirk property was sold to Habitech and noted the wetland resource areas and access issues.
- **Town Center Park Update:** Town Center Park construction is going well with some tree planting being done this week.
- **Jillian's Lane:** Staff drove by the site and work did not appear to have been started on the basin.
- **Kunelius:** Demolition of the existing structures is in progress.
- **FY19 Budget:** Sferra asked Commission members to email if there are things they feel the Commission needs to purchase.
- **New Projects:** There are two new projects for the next meeting including a driveway expansion project on Walcott Street and shoreline work at 166 North Shore Drive. Sferra will email the Commission members or volunteers to take the new projects.
- **July 2nd Meeting:** Sferra confirmed that there are at least four Commission members available for a July 2nd meeting.
- **Golf Course Planning:** Sferra has been working with the Planning Department to plan a golf course public planning charrette in July. Date TBD.

Ingeborg Hegemann Clark arrived at 7:45 PM.

Execute Kunelius Conservation Restriction – The Commission signed the Kunelius Conservation Restriction. *Cortni Frecha made a motion to execute the Conservation Restriction. Sandra Grund seconded the motion and it was passed unanimously with Serena Furman recused.*

Carver Hill Trail Modification Agreement – The Commission reviewed the Carver Hill Trail Modification Agreement. *Sandra Grund made a motion to approve the Carver Hill Trail Modification Agreement. Cortni Frecha seconded the motion and it was passed unanimously.*

Kathy Sferra recused herself from the meeting at 8:00 PM.

Request for Determination of Applicability – 83 West Acton Road – Property owners David and Donna Hamcke and Matt Marro, Marro Environmental Consulting, were present. Goring noted that staff observed septic work in progress on the property and stopped work. The property owners confirmed they had approval from Nashoba Boards of Health. Staff asked that straw wattle be installed and allowed work to continue but required an after the fact permit to be filed. Marro noted that Nashoba Boards of Health did approve a revised variance plan. Marro reviewed the wetland flagging and described the property and noted that there is a significant amount of multiflora rose. Marro confirmed that the wetland is 90 feet from the leach field and 80 feet from the associated grading. Serena Furman described photos from her site visit and confirmed the location of the wetland. Marro noted that the erosion controls are still in place and stated that he is not aware if the Riverfront Area (RFA) extends onto the property. Marro added that the outer riparian zone is exempt from the RFA. Furman noted at the time of site visit the grass had not grown in and recommended the erosion controls be left in until sufficiently stable. David Hamcke stated that the grass has already grown in significantly. *Cortni Frecha made a motion to close the hearing. Sandra Grund seconded the motion and it was passed unanimously.*

The Commission discussed the decision and requested that the Determination include a condition that the erosion controls remain in place until the work area is stable. *Ingeborg Hegemann Clark moved to issue a Negative Determination #3. Cortni Frecha seconded and the motion was approved unanimously.*

Kathy Sferra returned to the meeting at 8:15 PM.

Notice of Intent – 330 Great Road – Property owner Alina Carter and contractor Connor Lebnieski were present. Carter noted that they would like to replace the existing deck which is flush with a sliding glass door and allowing water into the house. Carter noted that they would also like to expand the deck to make it more functional. Lebnieski stated that the proposed deck will be ten feet by 20 and will run parallel with the wetland line and will not be built any closer to the wetland than the existing deck. The deck will be constructed using helical piers which will require no excavation or concrete. The existing deck will be removed and the debris disposed of off the property. The Commission confirmed that no trees will need to be removed to construct the deck. Cortni Frecha visited the site and reviewed photos. Frecha noted that the deck is raised and two of the piers will be located within the 35' no disturb buffer. The wetland is located approximately fifteen feet down a steep bank. The Commission discussed the waiver request for work in the 35' no disturb buffer. Lebnieski stated that there is bittersweet growing on the property which could be removed and trash that was dumped in the wetland over the guard rail on Ministers Way that they would be willing to remove. Frecha also noted that there is a very large pile of yard waste that was dumped in the 35' no disturb buffer which she recommends to be removed.

Carter noted that the proposed patio and fire pit are not located within the 35' no disturb buffer. Frecha confirmed that all the proposed work is located in lawn. Lebnieski reviewed how the helical piers will be installed and confirmed the work would be done with a small excavator and described the path that will be used to access the deck work. The Commission discussed erosion controls and confirmed with Lebnieski that there will be no earth disturbance to install the piers. The Commission also discussed the large yard waste piles and noted that it should be removed before the house changes owners so future owners do not think that debris can be dumped into the wetland. Lebnieski confirmed that he could remove the pile within a day and confirmed there are other areas to pile yard waste outside the buffer. The Commission requested that the pile also not be added to and that the trash be removed as public benefit for allowing a portion of the deck in the 35' no disturb buffer. *Cortni Frecha made a motion to close the hearing. Sandra Grund seconded the motion and it was passed unanimously.*

Cortni Frecha recused herself at 8:35 PM.

Notice of Intent – 269 Boxboro Road – Jeff Kimmelman was present and provided the Commission an update site plan and noted that he and his wife have purchased 269 Boxboro Road. The proposed work includes dog fencing, tree removal, grading, an addition, stone steps, a foot bridge across Heath Hen Meadow Brook, and vegetation

management to maintain views of the brook. Kimmelman noted that much of the proposed work is modifications for their dogs and clarified that they are not a commercial kennel. Kimmelman identified the building envelope from the Stow Conservation Trust Conservation Restriction on the plan and noted that all of the proposed work is inside the envelope. Kimmelman also identified the 100' buffer and 200' buffer on the plan. The proposed addition for a dog room will be the same size as the existing three car garage with a fifteen by 24 foot footprint and five by 24 covered porch. Stone steps are proposed from the dog room to the lower yard. An approximate 50,000 square foot area will be fenced. A portion of the area is currently wooded and trees will be removed and the area will be graded, loamed and seeded. Kimmelman stated that some select trees will remain and the exact location of the fence has not been selected. Kimmelman also noted that up to five feet of grading and a retaining wall may be needed in the area near the dog room to soften the grade. Kimmelman added that a foot bridge across the brook is also proposed but he does not have a specific design in mind. Kimmelman would also like to continue to manage vegetation to maintain the views of the brook including mowing once or twice a year and limbing.

Sandra Grund visited the site and confirmed the area to be fenced is mostly wooded and would be cleared and expressed concerns about how steep the property is and the potential for erosion. Grund clarified that the vegetation management to maintain the view of the brook has been done by the previous owner and Kimmelman would like to continue to manage the area to keep the vegetation low. Grund also noted that during the site visit they discussed that additional details on the proposed work would be needed including dimensions of the fencing, what machinery would be used, fencing type and if it would allow for the passage of wildlife. Kimmelman confirmed that a four inch gap at the bottom of the fence would not be able to keep his dogs contained and small mammals that were allowed in the fenced in area may be caught by the dogs. The Commission noted that the only impact to the 35' buffer is the proposed footbridge and vegetation management and requested more information on what type of bridge and the extent of the vegetation management. Kimmelman confirmed that the proposed fencing could be moved out of the 100' inner riparian zone. The Commission discussed the wetland delineation completed in 2015 for the garage project. Grund reiterated that the impact of the work and equipment should be minimized to ensure there is no erosion and sedimentation. Sferra confirmed that the proposed work is well within the 10% allowed disturbance in the RFA.

Kimmelman confirmed that the footbridge will be used to access the rest of the property and will be low impact in design. The Commission reiterated that erosion controls should be added to the plan. Sferra added that if the retaining wall will be five or more feet high it will require a building permit. The Commission discussed the proposed RFA alteration and noted the exemptions for vista pruning and suggested that Kimmelman review the exemptions. Cortni Frecha, 203 Boxboro Road, noted that Kimmelman could use the design of the boardwalk in Red Acre Woodland which allows water and animal movement. Sferra noted that DEP had not issued a file number and the hearing could not be closed. The Commission added that Kimmelman should bring more specifics on the proposed work including the vegetation management in the 35' no disturb buffer, foot bridge, fencing materials, erosion controls, retaining wall and equipment and construction plans. *Serena Furman moved to continue the hearing to 6/18/19 at or after 7:30 PM. Ingeborg Hegemann Clark seconded and the motion was approved unanimously.*

Cortni Frecha returned at 9:15 PM.

Request for Amendment to Order of Conditions – J. Melone & Sons – White Pond Road – John and Peter Melone and Darren Grady, Grady Consulting, were present. Grady reviewed the delineation for the wetland that was not included in the original plans and the proposed changes which include the relocation of two stormwater basins. Grady noted that the majority of the proposed work is outside the 200' buffer to Elizabeth Brook and 100' buffer to wetlands. The previously installed stormwater system will be abandoned and a new wash plant system will be installed. A temporary discharge pipe will run from the wash plant to a settling basin across the brook at the existing bridge. The pipe will be dismantled every winter. Grady confirmed that with the new design there is less likely discharge to the brook and the stormwater volumes have been maintained from the original plans. Jeff Saunders visited the site and noted that the Planning Board has asked Sue Carter to review the stormwater calculations. Saunders added that the new system will have significantly less impact on the resource areas. Sferra confirmed that a small portion of the water recycling structure and effluent tank are located within the 200' RFA in

an area which is previously disturbed. *Cortni Frecha made a motion to close the hearing contingent on stormwater calculation review by Sue Carter. Sandra Grund seconded the motion and it was passed unanimously.*

Order of Conditions – 330 Great Road – The Commission reviewed a draft Order and requested that the property owner be required to remove the yard waste pile and trash within three years. The Commission also requested that the requirements for erosion controls be waived due to the limited amount of earth disturbance for the deck work. *Ingeborg Hegemann Clark moved to approve the Order of Conditions as amended, Sandra Grund seconded and the motion was approved unanimously.*

Order of Conditions – J. Melone & Sons – The Commission reviewed a draft Amended Order and requested that the Order clarify that the piping will be removed in the winter. *Ingeborg Hegemann Clark moved to approve the Order of Conditions as amended, Cortni Frecha seconded and the motion was approved unanimously.*

Enforcement Follow Up

- **Regency:** Sferra informed the Commission that Toll Brothers has request a formal sign off now the restoration has been completed. *Ingeborg Hegemann Clark moved to confirm that the requirements in the Enforcement Order for Regency have been met, Sandra Grund seconded and the motion was approved unanimously.*
- **561 Great Road:** Ingeborg Hegemann Clark confirmed that she will visit the property to review the wetlands.

Reorganize/Appoint Community Preservation Committee Representative – *Ingeborg Hegemann Clark made a motion to nominate Jeff Saunders as Chair, Cortni Frecha seconded the motion and it was passed unanimously. Ingeborg Hegemann Clark made a motion to nominate Serena Furman as Vice Chair, Cortni Frecha seconded the motion and it was passed unanimously.*

The CPC representative will be vote was postponed to the next meeting.

Adjournment – *Cortni Frecha made a motion to adjourn the meeting at 9:52 PM. Sandra Grund seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during June 4, 2019 Conservation Commission Meeting:

Draft Minutes
Kunelius Conservation Restriction
Carver Hill Trail Modification Agreement
83 West Acton Road – Site Visit Photos and supporting materials
330 Great Road – Site Visit Photos and supporting materials
269 Boxboro Road – Site Visit Photos and supporting materials
J. Melone & Sons – Revised site plans and supporting materials