

**Stow Conservation Commission  
Minutes  
June 18, 2019**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on June 18, 2019 at 7:30 in the evening.

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

Absent:                     Ingeborg Hegemann Clark

                                 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 June 4, 2019 as written. Sandra Grund seconded the motion and it was passed unanimously.*

**Vote to Accept Harvard Acres Open Space and Access Easement:** Sferra noted that the neighborhood group for Harvard Acres hoped the Commission would be able to accept the donation of land and have the deed and easement recorded before June 30<sup>th</sup> but the Commission has not received anything yet from Town Counsel. Sferra added that the deed and easement across the tennis court property should be straightforward but the documents may not be ready for the next Selectmen's meeting. The Commission agreed that they are willing to accept the land and easement contingent on staff review of the deed and easement. Sferra noted that the residents of Harvard Acres have sent out post cards to neighbors letting them know about the proposed conveyance gift. Sferra also noted that she has responded to several questions from residents about the implications of the gift. *Cortni Frecha made a motion to accept the gift of 12.4 acres of Open Space and an access Easement to the property contingent on staff review of the legal documents. Andy Snow seconded the motion and it was passed unanimously.*

**Approve Invoice – Henderson Striker – Community Gardens Harrowing –** *Sandra Grund made a motion to approve the invoice from Henderson Striker for the Community Garden harrowing. Cortni Frecha seconded the motion and it was passed unanimously.* Sferra noted that the Highway Department will be doing some field edge clearing at the gardens to help mitigate the forest succession and invasive plants growing along the field edges.

**Minor Modification – Pompositticut Community Center Plans –** Sferra showed the approved plan for the Pompo Community Center on Great Road and noted that the food pantry is having access issues at the back of the pantry. Trucks are having difficulty loading and unloading due to the location of a landscape island which the Building Department has requested to remove and pave to improve their access. Sferra noted the location of the wetland and the Commission agreed the work could be done as a minor project approval by staff because the work is in an area of existing pavement.

**Radant Certificate of Compliance Request –** Sferra noted that the office was contacted by a representative of Radant asking about the requirements for a Certificate of Compliance (COC) for the vegetation management permit at the property. The Order requires that an as-built plan and written statement from an engineer be submitted with the request for COC. The Commission discussed the requirements and agreed an as-built plan did not need to be submitted for the vegetation management and a written statement from an engineer or surveyor would be sufficient.

**Appointment – Chip and Leslie Bell** – Sferra informed the Commission that she sent a letter to the Bells about work occurring within the 100' buffer and 200' Riverfront Area and met with them last week to review some of the work that has been done and their future plans. Leslie Bell stated that they do not have a definitive plan but would like to open a nonprofit therapeutic horse program and they currently rescue and rehabilitate horses. Leslie Bell added that one of the rescue horses ate bark off of trees and they had to remove some of the dead trees which became hazards to the horses in the paddock. Chip Bell added that they have also lost trees due to weather. The Bells asked that the Commission to provide guidance on where the wetlands are located on their property and the best place for a barn and indoor arena which they will need to run the nonprofit year round. Chip Bell noted that Sferra and Ingeborg Hegemann Clark had previously visited their property and confirmed that an area shown as wetland on the DEP GIS data layer was not wetland and he did not believe they had to come to the Commission as long as they stayed out of the Recreation-Conservation Zone. The Commission clarified that the Recreation Conservation Zone is a zoning issue and recommended that the Bells hire a consultant to delineate the wetland which would clarify their jurisdiction. The Bells expressed concerns about the cost of delineation and confirmed with the Commission that a wetland delineation would be required to do any other work. Leslie Bell confirmed that they have a manure management plan filed with the Board of Health. The Bells asked if there are areas they can work on the property and the Commission noted that the GIS maps are approximate and can change significantly. Chip Bell reviewed the areas where work has already occurred and are currently being used for the horses. Sferra noted that she has discussed the DEP agricultural exemptions with the Bells. Sferra added that by having a delineation done and filing a Notice of Intent the Commission will be able to determine what work may be considered normal maintenance in agriculture and what improvements may require additional permitting. The Commission reviewed the next steps and confirmed that the Bells do not have an immediate need for expansion. It was agreed that the Bells would file a Notice of Intent. The Commission asked that this be done this summer. Leslie Bell noted that she will be busy with some upcoming personal issues for a time this summer and the Commission asked that they keep in touch with staff and file as soon as possible.

**Request for Determination of Applicability – 60 Walcott Street** – Homeowner Bill Howell was present and stated that he would like to resurface his driveway which runs over a brook and expand the driveway for a turnaround near the garage. Sandra Grund visited the site and noted that the driveway hasn't been repaved in over 50 years. The Commission reviewed photos from the site visit and confirmed that the turnaround will extend into the yard approximately 8 feet in an area of grass currently used for parking. Howell confirmed that the driveway will not be expanded in the area crossing over the stream, no tree removal will be needed, the work will be completed in one day, and all materials will be removed offsite immediately. The Commission discussed the need for erosion controls and Howell noted that hay bales may get in the way during paving. The Commission noted that it is important that nothing erodes into the stream and suggested something be used to show the limit of work. *Cortni Frecha made a motion to close the hearing. Sandra Grund seconded the motion and it was passed unanimously.*

**Notice of Intent – 166 North Shore Drive** – Homeowner Barry Price and Greg Roy, Ducharme & Dillis, were present. Roy reviewed the proposed shoreline improvement work including replacement of the existing shoreline retaining wall, replacement of four docks, upper retaining walls, and replacement of existing patios. Roy noted that two of the docks are owned by the Prices and two are owned by others that have right-of-ways through the property to the lake. Price noted that the shoreline retaining wall design has not been selected but he would like something natural and cost effective. One of the existing patios and docks are proposed to be lowered by a half to two feet for easier access to the water and a retaining wall behind the patio to create a terrace section. Stairs are proposed in the area of the existing path to make the path to the water less steep. Roy identified the 35' no disturb buffer on the plan around the 196 contour. The second existing patio will be reconstructed and expanded by two to three feet opposite the lake side. Material in the area between the two patios is proposed to be removed to lower the grade to create a beach area with steps from either patio. Roy stated that the existing shoreline retaining wall will be removed in that area and replaced with a low wall to prevent sand from washing into the lake. Two areas of mitigation plantings are proposed along with the removal of invasive knotweed, burning bush, and bittersweet. Roy stated that the mitigation planting areas are 600 square feet which is one to one with the area of proposed disturbance. One large shrub will be removed from the shoreline. Roy noted that the slope is currently vegetated with lily of the valley and bittersweet and the mitigation areas will be allowed to naturalize. A second retaining wall at the top of the slope is proposed to allow for material disposal onsite which Price stated would only be constructed if

the Commission did not want the material removed from the site. The Commission confirmed that the area behind the wall would be converted to lawn.

Serena Furman visited the site and noted that there are three paths mowed on the slope down to the lake. Price added that there were four paths and he has stopped mowing one of them. Furman noted that the large concrete pad shown on the plan does not exist which Roy confirmed is an error on the plan. Furman described the slope and noted that if the steepness is a concern for access a hand rail should be added for the proposed stairs. Price stated that he wants his kids to be able to access the water without a drop. Furman noted that there are large tree stumps in the area to be excavated for the beach. Roy confirmed that a shed is currently proposed within the 35' no disturb buffer but could be move outside it and would also require a Zoning Board variance. Sferra noted that DEP had not issued a file number. Sferra also noted that she and Goring visited the site and there is significant work proposed in the 35' no disturb buffer which could be reduced by moving the proposed shed location. Sferra added that she does not see the need for the upper retaining wall and the material removed for the beach area could be removed from the property. The Commission requested that the volume to be removed be provided by Roy.

Sferra noted that the much of the work is replacing existing disturbance but expressed concerns about the size of the proposed beach and the amount of grading. Sferra recommended that Price review the shoreline stabilization guidance while determining the type of shoreline retaining wall to build. Roy confirmed he would include knotweed treatment and removal to the proposed work. Roy confirmed the proposed work will be done using a mini excavator or bobcat and would be done during drawdown. The Commission discussed the proposed sand beach and concerns about erosion. Furman suggested a stepped shoreline retaining wall could be created for stabilization. Price stated that he does not want steps and the beach will act as a natural revetment and a shallow wall could be used but he would prefer just a sand beach. Price added that they would like flat access to the lake that is safe and to reduce run off. Price noted that the existing patios have grass growing over them from water coming down the slope and pooling there. The Commission discussed the precedent of the proposed work and other beaches around Lake Boon. The Commission also discussed the proposed hardscaping in the 35' no disturb buffer and the proposed mitigation. *Andy Snow moved to continue the hearing to 7/16/19 at or after 7:30 PM. Serena Furman seconded and the motion was approved unanimously.*

Cortni Frecha recused herself at 8:58 PM.

**Continued Notice of Intent – 269 Boxboro Road** – Jeff Kimmelman was present and reviewed changes to the proposed plans for the property. Kimmelman noted that he moved the proposed fencing outside the 100' buffer and added erosion controls to the plan. A mini excavator will be used for the retaining wall and foundation work. The Commission confirmed that work will be done by contractors and noted that Kimmelman should ensure that contractors working on the property follow the Order and approved plan and stay within the limit of work. The Commission explained the Certificate of Compliance process and the importance of all subcontractors following the plan and recommended staff do a preconstruction meeting. Kimmelman provided photos of the proposed footbridge design. Kimmelman added that he met with members of the Stow Conservation Trust and confirmed the vista pruning requirements within the Conservation Restriction and will only be removing minimal limbs. Kimmelman confirmed that dog waste will be picked up from the yard and taken away. Sferra confirmed that DEP had issued a file number. Kimmelman confirmed the location and size of the proposed retaining wall and provided a photo of the design he plans to use. Sferra noted that Kimmelman may also be required to fence the existing pool. Sferra also noted that she confirmed with the Building Department that a retaining wall five feet higher or more, including the footings, would require a building permit. Kimmelman confirmed that the footbridge will span sixteen feet and agreed that it could be anchored as suggested by DEP. The Commission discussed the bylaw fee waiver request and agreed to allow a partial fee waiver. *Serena Furman made a motion to close the hearing. Sandra Grund seconded the motion and it was passed unanimously.*

Cortni Frecha returned at 9:25 PM.

## Coordinator's Report

- **170 North Shore Drive:** Goring informed the Commission that the new property owner would like to leave stump grindings on the site to keep the area of disturbance stable because the area does not get enough sun to grow grass. Goring visited the site after heavy rain and confirmed none of the stump grindings had washed down the slope. The Commission agreed the grindings could remain in place.
- **New Projects:** Cortni Frecha agreed to do a site visit for a septic replacement at 10 Railroad Ave and Furman agreed to do a site visit for a pool project at 28 Trefry Lane.
- **Mistletoe:** Mark Harnett confirmed the restoration work is mostly complete and Sferra will schedule a site visit with the Commission by email.
- **Golf Course Forum:** The golf course forum the Conservation Dept will co-lead with the Planning Dept is scheduled for July 15<sup>th</sup> from 7-9 PM at Pompo.
- **16 Pine Point:** Goring informed the Commission that the owner of 16 Pine Point would like to remove three dying trees on the property. Goring provided photos and noted that there is an open Order for the septic replacement. One tree will need to be removed to access the septic tank and two are located between the house and lake in the 35' buffer and less than two feet from the house. *Cortni Frecha made a motion to approve the request to remove 3 trees and plant 4 native shrubs within the 35' buffer as a red line change to the plan. Sandra Grund seconded the motion and it was passed unanimously.*
- **New Members:** Staff are continuing to reach out to potential Commission members.
- **Eversource letter:** Sferra provided the Commission an email from Meg Costello regarding the Eversource transmission line. The Commission discussed the email and Sferra will follow up with Costello.

**Determination of Applicability – 60 Walcott Street –** The Commission discussed the decision and requested that that no widening of driveway shall occur with the exception of the approved turn around area and the limit of paving be spray painted on the ground prior to work starting. *Cortni Frecha moved to issue a Negative Determination #3. Sandra Grund seconded and the motion was approved unanimously.*

Cortni Frecha left the meeting at 10:03 PM.

**Order of Conditions – 269 Boxboro Road –** The Commission reviewed a draft Order and requested that the Order clarify that no vista pruning is permitted within the 35' no disturb buffer and preconstruction site visits occur with the contractor for the grading, addition, and retaining wall. The Commission also requested that the Order include that the footbridge must be anchored and no tree removal is permitted between the house and brook without additional Conservation Commission approval. *Serena Furman moved to approve the Order of Conditions as amended, Sandra Grund seconded and the motion was approved unanimously.*

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

Respectfully submitted,

Jacque Goring  
Conservation Assistant

## Materials Used during June 18, 2019 Conservation Commission Meeting:

Draft Minutes  
Harvard Acres Open Space parcel and easement Maps  
Henderson Striker Invoice  
Pompositticut Community Center Plans  
2 Marlboro Road photos and GIS maps  
60 Walcott Street – Site Visit Photos and supporting materials  
166 North Shore Drive – Site Visit Photos and supporting materials  
269 Boxboro Road – Site Visit Photos and supporting materials