

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

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

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

Absent: Cortni Frecha

 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 July 2, 2019 as amended. Sandra Grund seconded the motion and it was passed unanimously.*

Accept Associate Member Resignation from Nick Tepper – *Sandra Grund made a motion to accept the resignation of Associate Member Nick Tepper. Serena Furman seconded the motion and it was passed unanimously.*

Minor Modification Request – 10 Dawes Road – DEP #299-645 – Sferra reviewed the request for a minor modification to the plans for 10 Dawes Road. The applicant would like to install a four foot high and 20 foot long retaining wall with a six foot taper to match the grade on the property. Sferra reviewed site plans and photos. *Serena Furman made a motion to approve the minor red line change to the plan for 10 Dawes Road. Sandra Grund seconded the motion and it was passed unanimously.*

Appointment – Dan James – The Commission interviewed Dan James for an Associate member position. James noted that he lives on Lake Boon and has renovated multiple homes on the Lake and is familiar with the Conservation Commission process. James offered to consult on construction projects and noted that he is a licensed construction supervisor and general superintendent at Erland Construction. The Commission agreed that James' expertise would be helpful especially for larger construction projects and noted his experience with erosion and sedimentation control. *Sandra Grund made a motion to appoint Dan James as an Associate member. Andy Snow seconded the motion and it was passed unanimously.*

Notice of Intent – Paul Stordy – 136 Boxboro Road – Greg Roy, Ducharme & Dillis, was present and reviewed the proposed plan for a replacement two bedroom septic system. Roy reviewed the percolation test results and noted that the system will be mounded due to a high groundwater table. Roy also reviewed the 100' buffer on the property associated with wetlands located on the property and across Boxboro Road and noted that the replacement system will be 81 feet at its closest point to wetlands and the associated grading will be 60 feet from wetlands. Roy stated that Nashoba Associated Boards of Health requested that the original design be changed to meet the 100' setback to drinking water wells which moved the system closer to wetlands. The Board of Health will require a waiver from the local bylaw 100' wetlands set back. Roy noted that the proposed replacement system is a Presby system which has reduced the foot print and minimized grading with the same amount of design flow. Roy confirmed that no work will occur within the 35' no disturb buffer and provided a revised plan including the 35' no disturb buffer. Roy reviewed the proposed erosion controls and tree removal including a ten and 20 inch oak and additional tree removal to push back the woods line as shown on the plan.

Jeff Saunders visited the site and noted that there is currently breakout from the existing failed septic system. Saunders added that there is a pile of yard waste within the 100' buffer and expressed concerns that once the tree line is pushed back closer to the wetlands yard waste could be dumped within the 35' no disturb buffer. Saunders also noted the potential for tracking into the road. Roy stated that typically the septic work will be completed within a week. Saunders noted that he confirmed the wetland flags and added that the lot is flat. The Commission discussed the proposed straw wattle and silt fence and agreed that nine inch wattle would be sufficient erosion control for the site. Richard Tracy, 19 Taylor Road, noted that the area is wet up to the stone wall in the spring and had concerns about the odor coming from the property and does not think there is enough room on the property for a septic system. Roy reviewed the plan and noted that abutters should not see an increase of run off from the property due to the septic replacement. Don MacFarlane, 113 Boxboro Road, confirmed with Roy that the grading will be ten feet from the road and that a portion of the stone wall will be disturbed to complete the work. Helen Tracy, 19 Taylor Road, noted her concerns about the location of the wetlands and impacts to her property. Roy reviewed the wetland delineation process and noted that spring flooding does not necessarily indicate that an area is wetland. Roy added that the proposed system will not cause more peak flow, meets the 100' set back to surrounding wells, and will be replacing an existing Title 5 noncompliant system. *Serena Furman made a motion to close the hearing. Sandra Grund seconded the motion and it was passed unanimously.*

Continued Notice of Intent – 166 North Shore Drive – Homeowners Barry and Jeanette Price and Greg Roy, Ducharme & Dillis, were present. Roy reviewed changes to the plans including moving the proposed shed out of the 35' no disturb buffer and adding the 35' no disturb buffer on the plan. Roy noted that he has also provided a mitigation table including the existing and proposed disturbance in the 35' no disturb buffer and mitigation plantings including additional blueberry and strawberry plants. One of the proposed patio replacements has been reduced in size to be the same size as the existing patio. Roy reviewed site cross sections and described the proposed grading and retaining wall work. Roy noted the proposed invasive species removal including bittersweet, burning bush, and knotweed. Sferra noted that DEP included comments when they issued a file number for the project including the incomplete Notice of Intent form which was requested to be resubmitted to DEP. Roy reviewed the missing information from the form including the impacts to resource areas. Roy stated that work will not occur within land underwater because the existing shoreline retaining wall will be removed and replaced in the same location or further back from the water. Roy added that alteration will occur within the 100 year flood plain but there will be a net increase of flood storage with the lowering of the patio and installation of a sand beach. Sferra noted that the Commission recently reviewed the flood plain data and determined that the FEMA flood elevation of 189 is likely not able to be met with the height of the dam. Roy noted that the proposed plan includes 590 cubic feet of increased flood storage.

Roy reviewed the definitions of bank and armored bank in the Wetland Protection Act and stated that the existing bank on the property is an armored bank and does not meet the wildlife presumption in the Act. The Commission discussed the existing bank which has a broken concrete shoreline retaining wall and noted that a wildlife habitat analysis would not be needed and the proposed stacked stone wall will be a benefit to macroinvertebrates. The Commission added that a design must be submitted for the shoreline retaining wall. Barry Price noted that the wall will be in the same location and will not extend out further into the lake but will be built higher above the existing grade to prevent run off into the lake. Roy confirmed that two details will be submitted including a design and cross section of the proposed shoreline retaining wall. Roy also confirmed that a hand rail along the path to the lake has been added and the upper retaining wall at the top of the slope has been removed from the plan. Sferra clarified that a revised cross section must be submitted to the Commission and an updated Notice of Intent form be submitted to the Commission and DEP. Sferra also recommended the Commission review the proposed work in the 35' no disturb buffer and if the work is appropriate. Roy stated that the proposed work is in areas that are previously disturbed and will not increase the amount of disturbed area within the 35' no disturb buffer. Roy also noted that the proposed plantings and invasive species removal will enhance the shoreline and provide mitigation for the proposed work. Roy clarified that the only new work in the 35' no disturb buffer is the removal of a portion of existing shoreline retaining wall and grass area to be replaced with a sand beach and a handrail and granite steps to the lake. The Commission reviewed the existing docks on the property and the proposed replacement with removable docks. The Commission asked if the Price's need both of their docks and Barry Price stated that one is used for boating

and the other for swimming and skating. Sferra asked if the proposed beach is constructed could the swimming dock be removed. Barry Price stated that their preference would be to not remove one of the docks. The Commission discussed the conversion of a portion of the 35' no disturb buffer to a sand beach and the potential precedent. The Commission noted that the lot has space for restoration and the benefit of eliminating a portion of vertical bank. The Commission also noted the potential for erosion and wake issues. Roy clarified that he removed the proposed curved wall at the beach area and will review alternatives. Barry Price stated that they would prefer a natural beach opposed to a twelve or six inch wall to allow easier access to the water for their children. The Commission discussed the potential for sand washing away from the beach with wave action and how to prevent erosion. Barry Price stated that they are at a narrow spot on the lake and they do not get much wind. *Andy Snow moved to continue the hearing to 8/6/19 at or after 7:30 PM. Sandra Grund seconded and the motion was approved unanimously.*

Appointment – Steve Poole – 68 Pine Point – DEP #299-652 – Steve Poole, Lakeview Engineering, and Chris Woodruff and Susan Fioravanti of 68 Pine Point were present. Poole reviewed the revised plan and noted the two areas proposed for compensatory flood storage which will be lowered in elevation and will account for the additional volume of concrete and fill from the unpermitted retaining wall work. Poole added that the proposed compensatory flood storage is all within the Weston and Sampson flood plain elevation and will consist of a fill and cut and proposed plantings. The Commission confirmed that the docks and dimensions shown on the revised plan are not to scale and requested the plan be revised to accurately depict the size and location of the existing docks. Poole confirmed that the ramp up the wall to access the dock had already been constructed. Sferra noted that the work was not approved. The Commission discussed how to memorialize the required compensatory flood storage so the area is not filled in the future. Sferra noted that to set requirements for restoration and mitigation the Commission could either issue an Enforcement Order (EO) or amend the Order with additional conditions which would require a public hearing. The Commission discussed issuing an EO and determined that when a Certificate of Compliance is issued a plan should be recorded at the Registry showing the compensatory flood storage area not to be filled. Poole confirmed he could provide a letter size plan to be recorded including dimensions to orient the compensatory flood storage area. Sferra reviewed potential EO conditions including no fill below the 188 contour, removal of concrete chunks in the water, allowing 97 cubic feet of fill in bordering land subject to flooding, plantings, ramp to the dock, the area of flood storage to remain, removal of one additional pine tree, and adding docks to the plan. Sferra will bring a draft EO for the Commission to review at the next meeting.

Enforcement – Jillian's Lane – Homeowners Nancy Allen Scannell and Carole Allen Scannell were present. Sferra noted that the Commission has a copy of a letter from Sue Carter outlining concerns about the construction of the basin and the response from the contractor. Sferra noted that the Commission has also received a restoration plan from Mary Ann DiPinto as required by the EO. The Commission reviewed the restoration plan and noted that the removal of sediment should be done now and during dry conditions to avoid resuspension. The Commission also noted that the hay bales could be temporarily moved to allow the areas of standing water to drain. The Commission recommended that any changes to the detention basin should be reviewed by Carter. A site visit will be scheduled to review the proposed restoration areas and review DiPinto's comments about the groundwater runoff from the neighboring property. Carole Allen Scannell confirmed the Commission has approval to visit the site. Sferra confirmed that the catch basin in Walcott Street is still closed and will be reopened once the detention basin is stable. Sferra added that the Highway Department has also recently worked on the culvert further down Walcott Street.

Nancy Allen Scannell confirmed that the site contractor had the necessary three days to work on the basin and noted that Carter stated in her email that she eye balled the side slopes and did not think they are graded correctly. Nancy Allen Scannell stated that she feels it is not appropriate to request changes without measurements and the site contractor believes the basin has been graded currently based on a survey. Nancy Allen Scannell added that they are waiting for another stretch of dry weather to hydroseed the basin. The Commission noted that hydroseeding the basin using tackifier or jute matting would avoid the hydroseeding washing away during rain events and should start growing within a few days. Nancy Allen Scannell added that water is not coming off their property but is coming from the abutting properties and Penny Lane. The Commission recommended the sediment removal occur as soon as possible during dry conditions and be done carefully. Sferra noted that the EO deadline

for the basin to be stable is August 31st and recommended that the Commission be notified immediately and an updated schedule be submitted if they do not think the deadline will be met. Carole Allen Scannell stated that an as-built plan has been done but they do not have it. The Commission noted that they understand that the weather has been challenging with frequent rain events. Nancy Allen Scannell noted that corrections are being made by the site contractor at his cost and expressed concerns about Carter's inspections and comment letter. Sferra suggested that a site visit could be scheduled with Carter, the Planning Board, Commission, and the site contractor to review the as-built.

Request for Certificate of Compliance – 37 Packard Road – Sferra visited the site and confirmed that the proposed addition was not built and noted that the Order has not been recorded. Sferra added that she observed a gazebo that was not permitted by the Commission, yard waste, and charcoal within the Commission's jurisdiction. Sferra noted that the gazebo was built by previous owners more than two years ago. *Ingeborg Hegemann Clark moved to issue the Certificate of Compliance for 37 Packard Road pending the removal of yard waste and charcoal debris. Serena Furman seconded and the motion was approved unanimously.*

Coordinator's Report

- **41 Trefry Lane:** Sferra updated the Commission on the removal of the structure at 41 Trefry Lane and Flagg Hill and noted that the previous owner removed the structure and two truckloads of manmade materials. The site has been cleaned up.
- **MACC Fall Conference Keynote Speaker:** Sferra will give the keynote address at the Massachusetts Association of Conservation Commissions (MACC) Fall Conference on conservation leadership.

Planning Board Referral – 79 Edgehill Road – Chiarchiaro – Sferra noted that the Planning Board will be reviewing an Erosion Control Special Permit for the proposed work at 79 Edgehill Road. Sferra added that the Commission issued a Negative Determination for tree removal and the opening of a stone wall for an entrance to the property. The proposed work now includes a barn located outside the Commission's jurisdiction. The Commission requested that a tracking pad be maintained and the applicant be reminded the Commission's jurisdiction if erosion and sedimentation occurs.

Enforcement – 561 Great Road – Ingeborg Hegemann Clark visited that site and confirmed the area is stable and vegetation has grown in. Hegemann Clark reviewed photos and described the wetland area and the trench work within fifteen feet to the wetland. Hegemann Clark confirmed that it was not clear what the pipes installed in the trench are draining but do drain to the wetland. Hegemann Clark reminded the property owner he must file for a permit for the work that was done.

Enforcement – Lot 2 North Shore Drive – Prince – Sferra noted that the Order for Lot 2 North Shore Drive has expired and the site is not vegetated. Staff will send a letter to Scott Prince requiring a new permit be filed by a reasonable date or the Commission will issue an EO requiring the site be vegetated.

Order of Conditions – 136 Boxboro Road – The Commission reviewed a draft Order and requested that the findings include that there is currently septic breakout occurring on the site, include a condition that a tracking pad be constructed, and the existing brush and landscaping piles be removed outside the 100' buffer. *Ingeborg Hegemann Clark moved to approve the Order of Conditions as amended. Serena Furman seconded and the motion was approved unanimously.*

Adjournment – *Ingeborg Hegemann Clark made a motion to adjourn the meeting at 10:13 PM. Serena Furman seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during July 30, 2019 Conservation Commission Meeting:

Draft Minutes

10 Dawes – Site Plans, photos, and supporting materials

136 Boxboro Road – Site Visit Photos and supporting materials

166 North Shore Drive – Site Visit Photos and supporting materials

68 Pine Point – Site Visit Photos and supporting materials

37 Packard – Site Visit Photos and supporting materials